



**AGENDA
NEWTON TOWN COUNCIL**

JUNE 10, 2013

7:00 P.M.

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. OPEN PUBLIC MEETINGS ACT STATEMENT**
- IV. APPROVAL OF MINUTES** - NONE
- 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 - PHILLIP ROBERT HAINES
- b. PROCLAMATION - WILLIAM CLARK WOODROW

VII. ORDINANCES

- a. 2ND READING & PUBLIC HEARING

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

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

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

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

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

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

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

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

b. INTRODUCTION

ORDINANCE 2013-21

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF NEWTON BY THE ADOPTION OF THE REVISED TRANSECT ZONE MAP, ATTACHMENT 1 OF CHAPTER 320, ENTITLED "ZONING"

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 #89-2013* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER
- b. RESOLUTION #90-2013* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER
- c. RESOLUTION #91-2013* REFUND OF MONIES FOR TAXES, DUE TO A STATE TAX COURT JUDGMENT
- d. RESOLUTION #92-2013* AUTHORIZE CHANGE ORDER NO. 1 FOR THE PROPOSED STREETScape IMPROVEMENTS TO LOWER SPRING STREET
- e. RESOLUTION #93-2013* AWARD IMPROVEMENT DISTRICT FEASIBILITY PLAN TO NORTH BRANCH ASSOCIATES, LLC
- f. RESOLUTION #94-2013* APPROVE PURCHASE OF MOBILE DATE COMPUTERS FOR PATROL CARS

- g. RESOLUTION #95-2013* APPROVE PURCHASE OF MIND SHARE CONSOLE FOR THE DISPATCH CENTER
- h. RESOLUTION #96-2013* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- i. RESOLUTION #97-2013* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- j. RESOLUTION #98-2013* AWARD CONTRACT TO TONY'S CONCRETE CONSTRUCTION CO., INC. FOR CURB, SIDEWALK, AND APRON REPLACEMENT ON MAPLE AVENUE
- k. RESOLUTION #99-2013* APPROVE PURCHASE OF SMART DMS E9-1-1 PSAP WORKSTATION FOR THE DISPATCH CENTER
- l. RESOLUTION #100-2013* AUTHORIZING THE PLANNING BOARD OF THE TOWN OF NEWTON TO INVESTIGATE WHETHER CERTAIN PROPERTIES ON US ROUTE 206 AND ADAMS STREET SHOULD BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT
- m. APPLICATION* AN APPLICATION FOR SOCIAL AFFAIR PERMIT FROM NEWTON VFW POST 5360, MEN'S AUXILIARY, 85 MILL STREET, NEWTON, NJ TO BE HELD ON SATURDAY, JUNE 15, 2013 FROM 4:00 P.M. TO 7:00 P.M. AT NEWTON VFW PAVILION, 85 MILL STREET, NEWTON, NJ

X. RESOLUTIONS

- a. RESOLUTION #101-2013 AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-48
- b. RESOLUTION #102-2013 AUTHORIZING A LOAN TO NEWTON TOWN CENTRE URBAN RENEWAL, LP WITH RESPECT TO A SENIOR CITIZEN, AFFORDABLE HOUSING PROJECT

XI. INTERMISSION

XII. DISCUSSION

- a. ST. CLARE'S – DRAFT FIRE PATROL LEASE AGREEMENT
- b. FIRE MUSEUM – DRAFT LEASE AGREEMENT AND CONTENT INSURANCE COVERAGES
- c. 2013 WASTEWATER MASTER PLAN & CAPITAL IMPROVEMENTS PLAN - HMM

XIII. OPEN TO THE PUBLIC

XIV. COUNCIL & MANAGER COMMENTS

XV. EXECUTIVE SESSION

- a. RESOLUTION #103-2013 A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

- 1. PERSONNEL

XVI. ADJOURNMENT

Office of the Mayor

Newton, New Jersey

Proclamation

Phillip Robert Haines

Eagle Scout

WHEREAS, Phillip Robert Haines, a member of Boy Scout Troop 85, has earned the status of Eagle Scout; and

WHEREAS, we, the Town Council of the Town of Newton, recognize the many hours Phillip devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

WHEREAS, Phillip Robert Haines has served the Boy Scouts in an exemplary manner and is deserving of the honor bestowed upon him; and

WHEREAS, for Phillip's Eagle Scout Leadership Project he designed and installed the handicapped access ramp for the Newton First Aid Squad, Newton, New Jersey; and

WHEREAS, Phillip Robert Haines serves as an example to youth through his high level of personal achievement, leadership and community service, and we are very proud that Phillip is a member of our community;

NOW THEREFORE, BE IT PROCLAIMED, that we, the Mayor and Town Council of the Town of Newton do hereby recognize and extend our sincere congratulations to Phillip Robert Haines for having achieved the status of Eagle Scout, an honor for both him and for those who have guided him, with best wishes for a bright future.

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

Attest: _____

Date: June 1, 2013

Office of the Mayor

Newton, New Jersey

Proclamation

William Clark Woodrow

Eagle Scout

WHEREAS, William Clark Woodrow, a member of Boy Scout Troop 85, has earned the status of Eagle Scout; and

WHEREAS, we, the Town Council of the Town of Newton, recognize the many hours William devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

WHEREAS, William Clark Woodrow has served the Boy Scouts in an exemplary manner and is deserving of the honor bestowed upon him; and

WHEREAS, for William's Eagle Scout Leadership Project he remodeled the clothing pantry at the First Baptist Church in Newton, New Jersey. This included removing old shelving, building, painting and installing new shelving and hanging bars; and

WHEREAS, William Clark Woodrow serves as an example to youth through his high level of personal achievement, leadership and community service, and we are very proud that William is a member of our community;

NOW THEREFORE, BE IT PROCLAIMED, that we, the Mayor and Town Council of the Town of Newton do hereby recognize and extend our sincere congratulations to William Clark Woodrow for having achieved the status of Eagle Scout, an honor for both him and for those who have guided him, with best wishes for a bright future.

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

Attest: _____

Date: June 1, 2013

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 Wednesday, May 29, 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 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 2013-18

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

ORDINANCE 2013-21

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF NEWTON BY THE ADOPTION OF THE REVISED TRANSECT ZONE MAP, ATTACHMENT 1 OF CHAPTER 320, ENTITLED "ZONING"

WHEREAS, the Mayor and Town Council of the Town of Newton find that the Transect Zone Map of the Town of Newton, Attachment 1 of Chapter 320 entitled "Zoning", as referred to in §320-2 of the Newton Code, is in need of revision due to errors in the originally adopted Transect Zone Map;

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

Section 1. The Code of the Town of Newton is hereby amended by replacing the existing "Transect Zone Map" with the revised "Transect Zone Map" prepared by Harold E. Pellow & Associates, Inc., dated April 17, 2013.

Section 2. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

Section 3. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 4. The Town Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Town Clerk is further directed to refer this Ordinance to the Newton Planning Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this ordinance, after public hearing, the Town Clerk is further directed to publish notice of the passage and to file a copy of this ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Section 5. This Ordinance shall take effect after publication and passage according to law.

NOTICE

TAKE NOTICE that the above entitled Ordinance was introduced at a regular meeting of the Mayor and Town Council of the Town of Newton, County of Sussex, New Jersey, held on June 10, 2013, and will be considered for final passage after public hearing at a regular meeting of the Mayor and Town Council to be held on June 24, 2013, at 7:00 p.m. in the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey. During the preceding week, copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

Lorraine A. Read, R.M.C.
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #89-2013

June 10, 2013

"Authorize Refund of Redemption Monies to Outside Lien Holder"

WHEREAS, at the Municipal Tax Sale held on October 19, 2011 a lien was sold on Block 21.01, Lot 5 (formerly known as Block 1201.10 Lot 5) also known as 8 Windsor Drive, for 2010 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #1363, was sold to Robert Rothman for 0% redemption fee with a premium of \$19,500.00; and

WHEREAS, Wells Fargo Home Mortgage, mortgage holder of said property has effected redemption of Certificate #1363 in the amount of \$39,923.95;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton that this Governing Body acknowledges that Robert Rothman is entitled to the redemption in the amount of \$39,923.95 along with the premium of \$19,500.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$39,923.95 for the redemption of Certificate #1363 as well as a check in the amount of \$19,500.00 for the return of premium payable to Robert Rothman, 411 Grand Avenue, Englewood, NJ 07631.

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, June 10, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #90-2013

June 10, 2013

"Authorize Refund of Redemption Monies to Outside Lien Holder"

WHEREAS, at the Municipal Tax Sale held on October 19, 2011 a lien was sold on Block 8.03, Lot 9 (formerly known as Block 716 Lot 17.01) also known as 103 Spring Street, for 2010 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #1358, was sold to ALMAR for 0% redemption fee with a premium of \$11,100.00; and

WHEREAS, Charles Pane owner of said property has effected redemption of Certificate #1358 in the amount of \$38,311.87;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton that this Governing Body acknowledges that ALMAR is entitled to the redemption in the amount of \$38,311.87 along with the premium of \$11,100.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$38,311.87 for the redemption of Certificate #1358 as well as a check in the amount of \$11,100.00 for the return of premium payable to ALMAR, 125 Rickey Blvd. #623, Bear, DE 19701.

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, June 10, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #91-2013

June 10, 2013

"Refund of Monies for Taxes, Due to a State Tax Court Judgment"

WHEREAS, The Irwin Law Firm representing Jain, Sanja & Sanjeevani owners of Block 14.06 Lot 5 also known as 238 Spring Street filed a State Tax Court Appeal to lower the 2010 assessment on said block and lot; and

WHEREAS, the Tax Office received, on May 7, 2013, a Judgment which has been issued by the State Tax Court ordering a reduction in assessment for the tax year 2010. This order has resulted in a refund of monies in the total amount of \$1,354.50; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Jain, Sanja & Sanjeevani is entitled to a refund in the amount of \$1,354.50; and

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$1,354.50 to The Irwin Law Firm Atty Trust Account F.B.O. Jain Sanja & Sanjeevani, 80 Main Street, Suite 410, West Orange, NJ 07052.

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, June 10, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #92-2013

June 10, 2013

"Authorize Change Order No. 1 for the Proposed Streetscape Improvements to Lower Spring Street"

WHEREAS, on October 10, 2012 the Newton Town Council adopted Resolution #214-2012, awarding a contract V&K Construction, Inc., for the Proposed Streetscape Improvements to Lower Spring Street; and

WHEREAS, the Town Engineer, Harold E. Pellow recommends in his memo dated May 22, 2013, approving Change Order No. 1, for the Proposed Streetscape Improvements to Lower Spring Street which will increase the total contract amount by \$1,947.00 for a new contract total of \$294,884.00;

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

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer's recommendation and accepts Change Order No. 1 for the Proposed Streetscape Improvements to Lower Spring Street; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to V&K Construction, Inc., and 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 Monday, June 10, 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 #: 92-2013

APPROVING: V & K CONSTRUCTION, INC.

FOR THE PURPOSE OF: C.O. #1 - STREET SCAPE LOWER SPRING

IN THE AMOUNT OF:

ORIGINAL CONTRACT AMOUNT	\$292,937.00
CHANGE ORDER #1	<u>\$1,947.00</u>
FINAL REVISED CONTRACT	\$294,884.00

APPROPRIATED BY:

GENERAL CAPITAL - ORD.#2012-22

#30912222 LOWER SPRING STREET IMPROVEMENTS \$1,947.00

DATED THIS 10TH DAY OF JUNE, 2013

BY *Dawn L. Babcock*

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #93-2013

June 10, 2013

"Award Improvement District Feasibility Plan to North Branch Associates, LLC"

WHEREAS, the Town of Newton advertised a Request for Proposals for the services of an Improvement District Feasibility Plan and closed the RFPs on May 22, 2013, at 11:00 a.m. and received several responses; and

WHEREAS, North Branch Associates, LLC., has submitted a proposal outlining the services to be provided in the amount of \$24,300.00; and

WHEREAS, after review of all submitted proposals by the RFP Review Committee, the RFP Review Committee recommends to the Governing Body that North Branch Associates, LLC. is the best candidate for completing the Improvement District Feasibility Plan; and

WHEREAS, the anticipated term of this contract is until November 30, 2013;

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

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby concurs with the recommendation of the RFP Review Committee and authorizes the Mayor and Clerk to execute an agreement with North Branch Associates, LLC., North Branch, NJ for services to complete an Improvement District Feasibility Plan in the amount of \$24,300.00; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to North Branch Associates, LLC.; and

BE IT FURTHER RESOLVED that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal Clerk's office.

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, June 10, 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 #: 93-2013

APPROVING: NORTH BRANCH ASSOC., LLC.

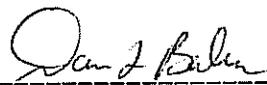
FOR THE PURPOSE OF: IMPROVEMENT DISTRICT FEASIBILITY PLAN

IN THE AMOUNT OF: \$24,300.00

APPROPRIATED BY: GENERAL CAPITAL -

ORD.#2013-11 #30913125 \$24,300.00

DATED THIS 10TH DAY OF JUNE 2013

BY 
DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #94-2013

June 10, 2013

"Approve Purchase of Mobile Data Computers for Patrol Cars"

WHEREAS, Gold Type Business Machines, Inc. (GTBM) has supplied a quote under NJ State Contract #M-0483/75583 to the Newton Police Department for the purchase of Mobile Data Computers for the Patrol Cars in the amount of \$22,918.48; and

WHEREAS, the Purchasing Agent and the Chief of Police has recommended the purchase of the Mobile Data Computes for Patrol Cars in the amount of \$22,918.48; and

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mobile Data Computers be purchased through Gold Type Business Machines, Inc., East Rutherford, NJ through State Contract #M-0483/75583 in the amount of \$22,918.48.

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, June 10, 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 #: 94-2013

APPROVING: GOLD TYPE BUSINESS MACHINES, INC.

FOR THE PURPOSE OF: MOBILE DATA COMPUTERS FOR POLICE CARS

IN THE AMOUNT OF: \$22,918.48

APPROPRIATED BY: GENERAL CAPITAL -

ORD.#2013-11 #30913121 \$22,918.48

DATED THIS 10TH DAY OF JUNE 2013

BY

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #95-2013

June 10, 2013

"Approve Purchase of Mind Share Console for the Dispatch Center"

WHEREAS, Pinnacle Wireless has supplied a quote under NJ State Contract #83918 to the Newton Police Department for the purchase of Mind Share Console for the Dispatch Center in the amount of \$115,242.00; and

WHEREAS, the Purchasing Agent and the Chief of Police has recommended the purchase of the Mind Share Console for the Dispatch Center in the amount of \$115,242.00; and

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mind Share Console for the Dispatch Center be purchased through Pinnacle Wireless, Fairlawn, NJ through State Contract #83918 in the amount of \$115,242.00.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 10, 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 #: 95-2013

APPROVING: PINNACLE WIRELESS

FOR THE PURPOSE OF: MIND SHARE DISPATCH CONSOLE

IN THE AMOUNT OF: \$115,242.00

APPROPRIATED BY: GENERAL CAPITAL -

ORD.#2013-11 #30913122 \$115,242.00

DATED THIS 10TH DAY OF JUNE 2013

BY

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #96-2013

June 10, 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, June 10, 2013.

Lorraine A. Read, RMC
Municipal Clerk

List of Bills - (10001) CASH - CURRENT - LAKELAND #434 CURRENT FUND

Check#	Vendor	Description	Payment	Check Total
32013	39 - QUILL CORPORATION	PO 41741 TONER ASSESSOR CUST #C152130	79.99	
		PO 41774 OFFICE SUPP'S 2ND FLR	228.63	
		PO 41807 INK CART'S	188.51	497.13
32014	64 - FELLOW, HAROLD & ASSO, INC.	PO 41809 APRIL ENGINEERING	658.50	
		PO 41862 APRIL ENGINEERING COUNCIL	421.25	
		PO 41864 PLANNING BD APR	375.00	1,454.75
32015	110 - G & G DIESEL SERVICE INC	PO 41853 TRK #2 REPAIRS	2,090.01	2,090.01
32016	113 - JCP&L	PO 41821 MAY ELECTRIC	7,500.33	7,500.33
32017	116 - NEW JERSEY HERALD, INC.	PO 41588 APR ADVERTISING	41.10	41.10
32018	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 40869 MAY POOL PAY PHONE	35.00	35.00
32019	167 - ROWE & COMPANY INC.	PO 41827 PART	28.99	28.99
32020	179 - READ, LORRAINE	PO 41822 REIMB MILEAGE & TOLLS AC SPRING CON	185.28	185.28
32021	192 - CAMPBELL'S SMALL ENGINE INC.	PO 41804 AIR FILTER AUTOCUT	63.04	
		PO 41846 MOWER MAINTENANCE	162.83	225.87
32022	194 - D & E SERVICE CENTER	PO 41797 TOW BUS FAMILY FORD TO FISCHER TRAN	446.25	446.25
32023	206 - LOCK & KEY WORLD	PO 41814 FIRE #1 ELECTRIC STRIKE & INSTALL	735.00	735.00
32024	240 - NEWTON FIRST AID SQUAD	PO 41792 USE OF BLDG 6/4 ELECTION	50.00	50.00
32025	279 - STRAWAY, RICHARD A. JR.	PO 41105 MEAL ALLOWANCE	32.00	32.00
32026	282 - WILLCO, INC.	PO 41815 TH A/C UNIT REPAIR CUST #1508	300.00	300.00
32027	336 - NEWTON TROPHY	PO 41852 ENGRAVED PLATE	15.00	15.00
32028	338 - SMITH, WILLIAM F	PO 40866 MEAL ALLOWANCE	32.00	32.00
32029	371 - T.A. MOUNTFORD COMPANY, INC.	PO 41819 COPIER CONTRACT DPW (5,000) COPIES	125.00	125.00
32030	373 - GALLS INCORPORATED	PO 41817 RAIN COAT CROSSING GUARD ACCT #479	54.30	54.30
32031	387 - HAGAMAN, WILLIAM	PO 41108 MEAL ALLOWANCE	32.00	32.00
32032	391 - LOU'S GLASS	PO 41777 CENCOM WINDOW TINT	425.00	425.00
32033	409 - MINISINK PRESS INC	PO 41781 LETTERHEAD/ENVELOPES	409.35	409.35
32034	496 - MICROSYSTEMS-NJ COM, LLC.	PO 41428 TAX BINDERS & INDEX TABS (4)	348.00	348.00
32035	499 - OFFICE BUSINESS SYSTEMS INC	PO 41738 MAINTENANCE CONTRACT CUST # PBO247	2,180.30	2,180.30
32036	611 - SEBRING AUTO PARTS, INC.	PO 41805 OIL SKID STEER ACCT #46	124.92	124.92
32037	643 - SHERWIN-WILLIAMS	PO 41784 POLICE DEPARTMENT CONFERENCE ROOM	129.03	
		PO 41802 PAINT POLICE STATION	256.35	385.38
32038	679 - TEETS, KENNETH A.	PO 40925 1ST QTR AT&T DATA IPAD REIMB	75.00	75.00
32039	1090 - NEWTON SOCCER CLUB	PO 41847 2012 CONTRIBUTION	2,077.00	2,077.00
32040	1132 - BOONTON TIRE SUPPLY INC.	PO 40862 POLICE VEHICLE MAINT MARCH	170.83	170.83
32041	1158 - VISION SERVICE PLAN	PO 40944 VISION ACCT #12 133820 0001	762.80	762.80
32042	1212 - STATEWIDE INSURANCE FUND	PO 41861 3RD OF 4 INS ALL LINES W/C & UMBREL	41,557.78	41,557.78
32043	1278 - GRINNELL RECYCLE, INC.	PO 41789 BRUSH DISPOSAL	546.00	546.00
32044	1500 - WALMART	PO 41787 GIFTS FOR MISS NEWTON	54.33	54.33
32045	1625 - ALTERNATE POWER INC.	PO 41380 2ND QTR MAINT GENERATORS & SERV CAL	812.50	812.50
32046	1846 - ADVANCE AUTO PARTS	PO 41854 TAIL LIGHTS	31.98	31.98
32047	1851 - BOBCAT OF NORTH JERSEY, INC.	PO 41803 OIL & FUEL FILTERS SKID STEER CU	319.48	319.48
32048	1900 - CARQUEST, INC.	PO 41795 CLAMPS FLAGS SPRING ST	12.96	12.96
32049	2037 - MID-ATLANTIC FOR SAFETY &	PO 41765 Stop Signs	40.00	40.00
32050	2257 - STAPLES BUSINESS ADVANTAGE, INC.	PO 41049 POLICE/CENCOM/DETECT OFFICE SUPPLY	251.20	
		PO 41530 2ND FLR OFFICE SUPPLIES	11.95	
		PO 41780 2 LASERJET PRINT CARTRIDGES BLK	155.98	
		PO 41753 COLOR LASER PRINTER CFO & SUPPLIES	299.57	
		PO 41772 Office Supplies for the Second Floo	68.53	
		PO 41768 POLICE GROUND SHIPPING	12.01	
		PO 41793 INK CART'S DPW	86.98	886.22
32051	2257 - STAPLES BUSINESS ADVANTAGE, INC.	PO 41801 INK FOR PRINTER	262.97	262.97
32052	2300 - LOWE'S, INC.	PO 41796 CLAMPS FLAG POLES SPRING ST/PLIERS	51.98	51.98
32053	2310 - SUSSEX COUNTY ENGINEERING DIVISION	PO 41812 TRAFFIC LIGHT MAINT SPRING/UNION &	253.33	253.33
32054	2387 - NESTLE WATERS, INC.	PO 41813 MAY WATER DELV	46.61	46.61
32055	2400 - STEVE ESTLER	PO 41100 MEAL ALLOWANCE	32.00	32.00
32056	2450 - PINNACLE WIRELESS FBO UNITEK GLOBAL	PO 41684 SPEAKER MIC CUST #3094	93.50	93.50
32057	2478 - RACHLES/MICHELE'S OIL COMPANY, INC.	PO 41850 GAS ACCT #40382	3,281.80	3,281.80
32058	2479 - TAYLOR OIL CO., INC.	PO 41799 DIESEL ACCT #62714	1,503.18	1,503.18
32059	2576 - JOSEPH WHITE	PO 41107 MEAL ALLOWANCE	32.00	32.00
32060	2665 - SIGN-A-RAMA, INC.	PO 41702 BANNER NEWTON DAY	510.00	510.00
32061	2718 - WILLIAM OSWIN III	PO 41102 MEAL ALLOWANCE	16.00	16.00
32062	2835 - NJMEBF	PO 41775 JUNE MEDICAL & DENTAL	131,298.00	131,298.00

**List of Bills - (110001) CASH
FEDERAL/STATE GRANTS**

Check#	Vendor	Description	Payment	Check Total
1140	39 - QUILL CORPORATION	PO 41774 OFFICE SUPP'S 2ND FLR	39.99	39.99
1141	286 - CURRENT ACCOUNT	PO 41779 5/4 S&W CLEAN COMMUNITY	219.81	219.81
1142	2206 - CENTER FOR PREVENTION & COUNSELING,	PO 41785 ACTION ALLIANCE EVENT	150.00	150.00
1143	3164 - KERRY DECKERT	PO 41856 2ND QTR COORDINATION SERV'S	250.00	250.00
1144	3248 - SWANK MOTION PICTURES, INC.	PO 41757 ANDOVER TWP RECREATION -MUN ALLIANC	296.00	296.00
TOTAL				955.80

Total to be paid from Fund 11 FEDERAL/STATE GRANTS

955.80

955.80

**List of Bills - (300001) CASH - CAPITAL - LAKELAND #450
CAPITAL**

Check#	Vendor	Description	Payment	Check Total
8121	64 - PELLOW, HAROLD & ASSO, INC.	PO 41809 APRIL ENGINEERING	5,272.01	
		PO 41862 APRIL ENGINEERING COUNCIL	500.00	5,772.01
8122	116 - NEW JERSEY HERALD, INC.	PO 41588 APR ADVERTISING	297.60	297.60
8123	263 - MCMANIMON, SCOTLAND & BAUMANN, LLC	PO 41848 MAR REDEV & BOND ORD	1,503.00	1,503.00
8124	2744 - FKA ARCHITECTS INC.	PO 41252 ARCHITECTURAL FIRE MUSEUM	5,342.70	5,342.70
8125	2963 - THE BUZAK LAW GROUP, LLC.	PO 41771 MAR/APR LEGAL SERVICES	400.00	400.00
8126	3221 - ANCHOR INDUSTRIES INC	PO 41424 FUNBRELLAs/POOL CUST #84255	5,418.00	5,418.00
8127	3286 - V & K CONSTRUCTION, INC.	PO 40347 STREETSCAPE IMPROVEMENTS LOWER SPRI	68,855.49	68,855.49

TOTAL

87,588.80

Total to be paid from Fund 30 CAPITAL

87,588.80

87,588.80

List of Bills - (600001) CASH - W/S OPERATING-LAKELAND #426 WATER/SEWER UTILITY

Check#	Vendor	Description	Payment	Check Total
13625	53 - MONTAGUE TOOL & SUPPLY, INC.	PO 41800 CUT OFF WHEELS	25.36	25.36
13626	64 - PELLOW, HAROLD & ASSO, INC.	PO 41809 APRIL ENGINEERING	12,599.38	12,599.38
13627	113 - JCP&L	PO 41821 MAY ELECTRIC	3,981.25	3,981.25
13628	116 - NEW JERSEY HERALD, INC.	PO 41588 APR ADVERTISING	19.80	19.80
13629	130 - SUSSEX COUNTY P & H, INC.	PO 41816 MAY PLUMBING SUPP'S	147.72	147.72
13630	155 - COYNE CHEMICAL CORP., INC.	PO 41042 CITRIC ACID	1,128.24	1,128.24
13631	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 40938 W/S T-1 LINE 127-1000 APR	125.85	125.85
13632	282 - WILLCO, INC.	PO 41849 STP INSTALL 3 POLE CONTRACTOR CUST	185.00	185.00
13633	409 - MINISINK PRESS INC	PO 41781 LETTERHEAD/ENVELOPES	45.65	45.65
13634	473 - BANK OF NEW YORK	PO 41589 ADMIN FEE 2004 REFUND BOND (2/1/13-	950.00	950.00
13635	1158 - VISION SERVICE PLAN	PO 40944 VISION ACCT #12 133820 0001	186.54	186.54
13636	1212 - STATEWIDE INSURANCE FUND	PO 41861 3RD OF 4 INS ALL LINES W/C & UMBREL	47,037.22	47,037.22
13637	1407 - PASSAIC VALLEY SEWERAGE COMM.	PO 40942 SLUDGE DISPOSAL -WWT (Blanket)	7,920.00	7,920.00
13638	1566 - MAIN POOL & CHEMICAL COMPANY, INC.	PO 41557 HYDROFLUOSILIC ACID	639.90	
		PO 41556 SODIUM HYPOCHLORITE	737.00	1,376.90
13639	1625 - ALTERNATE POWER INC.	PO 39904 MAINT W/S GENERATORS (8/1/12-7/31/1	1,335.00	1,335.00
13640	2257 - STAPLES BUSINESS ADVANTAGE, INC.	PO 41753 COLOR LASER PRINTER CFO & SUPPLIES	224.45	224.45
13641	2835 - NJMEBF	PO 41775 JUNE MEDICAL & DENTAL	24,133.00	24,133.00
13642	2872 - DIRECT ENERGY BUSINESS INC.	PO 41820 APR ELECTRIC	3,617.15	3,617.15
13643	3015 - CAPITOL SUPPLY CONST PRODUCTS, INC.	PO 41740 4" CAST CPLGNG & REDUCER	557.61	
		PO 41788 SERVICE WATER LINE TO POOL	748.13	1,305.74
TOTAL				106,344.25

Total to be paid from Fund 60 WATER/SEWER UTILITY

106,344.25

106,344.25

Checks Previously Disbursed

136022	PAYROLL ACCOUNT	6/06 W/S PAYROLL	33,571.48	6/06/2013
13624	DOMINICK'S PIZZA, LLC.	PO# 41842 FOOD FOR PLANNING MTG	29.23	6/03/2013
13623	SPARTA POSTMASTER	2nd QTR POSTAGE WTR BILLS	914.33	5/24/2013

			34,515.04	

Total paid from Fund 60 WATER/SEWER UTILITY

34,515.04

34,515.04Total for this Bills List: **140,859.29**

**List of Bills - (610001) CASH - W/S CAPITAL - LAKELAND #442
WATER/SEWER CAPITAL**

Check#	Vendor	Description	Payment	Check Total
2284	64 - PELLOW, HAROLD & ASSO, INC.	PO 41809 APRIL ENGINEERING	187.50	187.50
2285	116 - NEW JERSEY HERALD, INC.	PO 41588 APR ADVERTISING	38.40	38.40
	TOTAL			225.90

Total to be paid from Fund 61 WATER/SEWER CAPITAL

225.90

225.90

**List of Bills - (710001) CASH - TRUST - LAKELAND #469
TRUST**

Check#	Vendor	Description	Payment	Check Total
3137	64 - PELLOW, HAROLD & ASSO, INC.	PO 41839 RPM-MAY ESCROW	250.00	
		PO 41840 GULL-APRIL ESCROW	125.00	
		PO 41833 KOHL'S-APRIL ESCROW	155.00	
		PO 41834 E.J. BROOKS-APRIL ESCROW	31.25	
		PO 41836 MICHAEL MARTIN-APRIL ESCROW	31.25	
		PO 41837 NEWTON CEMETERY-APRIL ESCROW	31.25	623.75
3138	286 - CURRENT ACCOUNT	PO 41832 MOVE DEPOSIT LAND SALE BLK 18.02 LO	15,000.00	15,000.00
3139	3290 - BOB VIERSMA & SONS, INC.	PO 41794 REFUND ESCROW BALANCE	243.74	243.74
3140	3368 - CREATIVE SERVICE OF NEW ENGLAND	PO 41681 PROMO ITEMS - POLICE DEPT.	227.95	227.95
TOTAL				16,095.44

Total to be paid from Fund 71 TRUST

16,095.44

16,095.44

Checks Previously Disbursed

137113	PAYROLL ACCOUNT	6/6 Trust Pay Police O/S	1,168.76	6/06/2013
3136	KOHL'S	\$15 GIFT CARDS FOR MISS NEWTON CON	225.00	5/30/2013
			1,393.76	

Total paid from Fund 71 TRUST

1,393.76

1,393.76

Total for this Bills List: 17,489.20

**List of Bills - (720001) CASH - DEV ESCROW - LAKELAND #515
DEVELOPERS ESCROW (Fund 72)**

Check#	Vendor	Description	Payment	Check Total
1133	64 - PELLOW, HAROLD & ASSO, INC.	PO 41845 MARTORANA-APRIL ESCROW	1,129.25	
		PO 41835 THORLABS-APRIL ESCROW	187.50	
		PO 41841 THORLABS-APRIL ESCROW	437.50	
		PO 41838 THORLABS-APRIL ESCROW	31.25	1,785.50
1134	2963 - THE BUZAK LAW GROUP, LLC.	PO 41771 MAR/APR LEGAL SERVICES	50.00	50.00
	TOTAL			1,835.50

Total to be paid from Fund 72 DEVELOPERS ESCROW (Fund 72) 1,835.50

1,835.50



TOWN OF NEWTON

RESOLUTION #97-2013

June 10, 2013

"Authorize Credits Due Water and Sewer Utility Accounts"

WHEREAS, the Water and Sewer Collector has determined that the following Water and Sewer Utility Accounts are due credits for the reasons stated;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the following accounts for amounts billed incorrectly due to the reason(s) stated:

Credit for meter read incorrectly:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
25679	27 Linwood Ave.	\$85.00

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 10, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #98-2013

June 10, 2013

"Award Contract to Tony's Concrete Construction Co., Inc. for Curb, Sidewalk, and Apron Replacement on Maple Avenue"

WHEREAS, the Town of Newton, in accordance with State statute, received two quotes from qualified contractors for curb, sidewalk, and apron replacement for Maple Avenue at 11:00 a.m. on Wednesday, June 5, 2013; and

WHEREAS, Tony's Concrete Construction Co., Inc., provided the most cost effective quote for the curb, sidewalk, and apron replacement for Maple Avenue; and

WHEREAS, it is recommended by the Purchasing Agent, Debra J. Millikin and Municipal Engineer, Harold E. Pellow, that a contract for the curb, sidewalk, and apron replacement for Maple Avenue be awarded to Tony's Concrete Construction, Co., Inc., in the amount of \$32,323.00; 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 curb, sidewalk, and apron replacement for Maple Avenue be awarded to Tony's Concrete Construction, Co., Inc., Newark, New Jersey, in the amount of \$32,323.00.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 10, 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 #: 98-2013

APPROVING: TONY'S CONCRETE CONSTRUCTION, CO.

FOR THE PURPOSE OF: CURB/SIDEWALK/APRON-MAPLE AVE.

IN THE AMOUNT OF: \$32,323.00

APPROPRIATED BY: WATER SEWER CAPITAL -

ORD.#2012-10 #6191210 \$32,323.00

DATED THIS 10TH DAY OF JUNE 2013

BY

DAWN L. BABCOCK

CHIEF FINANCIAL OFFICER



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.
(5/26/84 - 7/27/88)

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.

June 5, 2013

FAX: (973) 383-8961

MEMORANDUM TO: Mrs. Debra Millikin, Newton Deputy Town Manager

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

SUBJECT: RECOMMENDATION OF AWARD
Maple Avenue Curb, Driveway & Sidewalk Repair
HPA No. 13-127

Dear Debi:

I have reviewed the two (2) quotes received on June 5, 2013 at 11:00 AM for the above referenced project and recommend the contract be awarded to Tony's Concrete Construction Co., Inc., 316 E. Kinney Street, Newark, New Jersey 07105, whose low quote was \$32,323.00.

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\13-127 - MAPLE AVENUE CURB, DRIVEWAY & SIDEWALK REPAIR\MILLIKIN2.DOC

Harold E. Pellow and Associates, Inc.
 Consulting Engineers, Planners and Land Surveyors
 17 Plains Road
 Augusta, NJ 07822-2009
 Ph: (973) 948-6463; Fax: (973) 948-2916

SUMMARY OF QUOTES

Item #	Description	Quantity	Unit	ENGINEER'S ESTIMATE			Tony's Concrete Construction Co., Inc.			V & K Construction Co., Inc.		
				Unit Price	Amount	State/Zip	Unit Price	Amount	State/Zip	Unit Price	Amount	State/Zip
1	9" x 18" Concrete Curb, Including Sawcutting Pavement	910	LF	\$20.00	\$18,200.00		\$24.50	\$22,295.00		\$22.00	\$20,020.00	
2	Concrete Sidewalk, 4" Thick	17	SY	\$80.00	\$1,360.00		\$60.00	\$1,020.00		\$69.00	\$1,173.00	
3	Removal of Concrete Curb and Gutter	300	LF	\$10.00	\$3,000.00		\$4.50	\$1,350.00		\$12.00	\$3,600.00	
4	Removal of Concrete Sidewalk and Aprons	34	SY	\$30.00	\$1,020.00		\$28.00	\$952.00		\$39.00	\$1,326.00	
5	Asphalt Apron Repair Hot Mix Asphalt Mix 1-5, Variable Thickness	6	Ton	\$150.00	\$900.00		\$80.00	\$480.00		\$125.00	\$750.00	
6	Lawn Repair Behind Curb; Topsoil, Variable Thickness; Seed; Fertilizer; and Mulch	745	LF	\$3.00	\$2,235.00		\$2.00	\$1,490.00		\$1.25	\$931.25	
7	Reset Brick Pavers in Drive at 11+80 Left	6	SY	\$100.00	\$600.00		\$80.00	\$480.00		\$70.00	\$420.00	
8	Reset Brick Pavers in Drive at 10+32 Right	5	SY	\$100.00	\$500.00		\$80.00	\$400.00		\$80.00	\$400.00	
9	Backfill Area Where Curb and Gutter Were Removed, Variable Thickness (Backfill with Bituminous Stabilized Base)	32	Ton	\$100.00	\$3,200.00		\$78.00	\$2,496.00		\$115.00	\$3,680.00	
10	Concrete Apron Repair, 6" Thick	17	SY	\$100.00	\$1,700.00		\$80.00	\$1,360.00		\$99.00	\$1,683.00	
TOTAL ESTIMATED COST OF CONSTRUCTION					\$32,715.00			\$32,323.00			\$33,983.25	

I hereby certify that this is a true copy of the quotes received on June 5, 2013 at 11:00 AM.

Harold E. Pellow (Engineer)



TOWN OF NEWTON

RESOLUTION #99-2013

June 10, 2013

"Approve Purchase of Smart DMS E9-1-1 PSAP Workstation for the Dispatch Center"

WHEREAS, KML Technology, Inc., has supplied a quote under NJ State Contract #A69923 to the Newton Police Department for the purchase of Smart DMS E9-1-1 PSAP Workstation for the Dispatch Center in the amount of \$75,000.00; and

WHEREAS, the Purchasing Agent and the Chief of Police has recommended the purchase of the Smart DMS E9-1-1 PSAP Workstation for the Dispatch Center in the amount of \$75,000.00; and

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Smart DMS E9-1-1 PSAP Workstation for the Dispatch Center be purchased through KML Technology, West Deptford, New Jersey through State Contract #A69923 in the amount of \$75,000.00.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 10, 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 #: 99-2013

APPROVING: KML TECHNOLOGY

FOR THE PURPOSE OF: DISPATCH WORKSTATIONS

IN THE AMOUNT OF: \$75,000.00

APPROPRIATED BY: GENERAL CAPITAL -

ORD.#2013-11 #30913122 \$75,000.00

DATED THIS 10TH DAY OF JUNE 2013

BY

DAWN L. BABCOCK

CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #100-2013

June 10, 2013

"RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AUTHORIZING THE PLANNING BOARD OF THE TOWN OF NEWTON TO INVESTIGATE WHETHER CERTAIN PROPERTIES ON US ROUTE 206 AND ADAMS STREET SHOULD BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT"

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment in accordance with the Act, including Section 5 thereof; and

WHEREAS, the Town wishes to utilize the Planning Board's knowledge and expertise in exploring whether the following parcels with frontage on either US Route 206 or Adams Street, as depicted on the map attached hereto as Exhibit A and identified on the official tax map of the Town as Block 8.08, Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31 (collectively, the "Study Area") meet the criteria established by the Act; and

WHEREAS, the Town therefore seeks to authorize and direct the Planning Board to conduct a preliminary investigation of the Study Area and to make recommendations to the Town, all in accordance with the Act;

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

I. GENERAL

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

II. INVESTIGATION OF STUDY AREA AUTHORIZED

The Planning Board is hereby authorized and directed to conduct an investigation pursuant to N.J.S.A.40A:12A-6 to determine whether all or a portion of the Study Area satisfies the criteria set forth in the Act, including N.J.S.A.40A:12A-5, to be designated as an area in need of redevelopment.

III. MAP TO BE PREPARED

As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the proposed redevelopment areas and the location of the various parcels contained therein.

IV. PUBLIC HEARING REQUIRED

The Planning Board shall conduct a public hearing, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a redevelopment area.

At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a redevelopment area. All objections to a determination that all or a portion of the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

V. PLANNING BOARD TO MAKE RECOMMENDATIONS

After conducting its investigation, preparing a map of the proposed redevelopment area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Town as to whether the Town should designate all or part of the Study Area as an area in need of redevelopment.

VI. SEVERABILITY

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

VII. AVAILABILITY OF THE RESOLUTION

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

VIII. EFFECTIVE DATE

This Resolution shall take effect immediately.

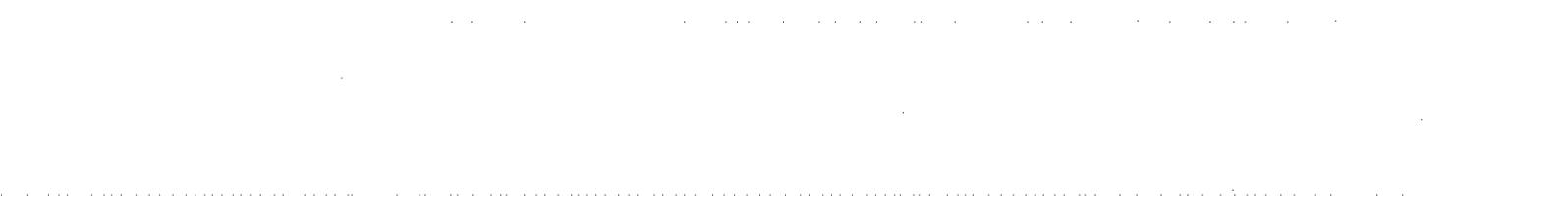
CERTIFICATION

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, June 10, 2013.

Lorraine A. Read, RMC
Municipal Clerk

Exhibit A

Tax Map of Study Area





Main Street

Church Street

NJ-94

Lot 6

Lot 7

Lot 8

Lot 9

Lot 11

US-206

Block 8:03

Lot 10

Lot 31

Lot 30

Lot 29

Adams Street

Washington Street

Spring Street

Proposed Study Area



TOWN OF NEWTON

RESOLUTION #101-2013

June 10, 2013

**"RESOLUTION OF THE TOWN OF NEWTON, IN
THE COUNTY OF SUSSEX, NEW JERSEY
AUTHORIZING AN EMERGENCY
APPROPRIATION PURSUANT TO N.J.S.A.
40A:4-48"**

WHEREAS, Newton Town Centre Urban Renewal Associates, LP (the "Entity") has proposed to develop an age-restricted, low and moderate income rental housing project consisting of approximately 65 units, approximately 1,600 square feet of commercial space, and a community room of approximately 2,200 square feet to be utilized by the residents of the development and available for use by the Town, together with approximately 82 parking spaces, upon property located at the intersection of Spring Street and Union Place and identified upon the official tax map 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 it would not be feasible to undertake the Project without financial assistance from the Town, and has requested that the Town fund a loan to the Project in the amount of \$45,000 (the "Loan"); and

WHEREAS, the Entity has further represented that approval of the Loan is a critical component of its application for Low Income Housing Tax Credits to finance the Project, which application must be submitted to the New Jersey Housing and Mortgage Finance Agency no later than June 21, 2013; and

WHEREAS, the Mayor and Town Council have determined that the development of the Project and the financing of the Project through the use of Low Income Housing Tax Credits is a desirable improvement for the community and in the best interests of the Town and its residents; and

WHEREAS, the calendar year 2013 budget did not include an appropriation to fund the Loan; and

WHEREAS, the total amount of emergency appropriations created, including the appropriation to be created by this resolution, is \$88,000, and 3% of the total current operating appropriations in the budget for calendar year 2013 is \$277,644.89; and

WHEREAS, the foregoing emergency appropriation, together with prior emergency appropriations, does not exceed 3% of the total operating appropriations in the budget for calendar year 2013;

NOW THEREFORE BE IT RESOLVED by the Mayor and Town Council of the Town of Newton (by not less than two-thirds of the full membership of the Governing Body affirmatively concurring) as follows:

Section 1. The recitals hereto are hereby incorporated herein as if set forth at length.

Section 2. Pursuant to N.J.S.A. 40A:4-48, an emergency appropriation is hereby made in the amount of \$45,000 to fund the Loan. The \$45,000 appropriated herein is sufficient to fund the emergency described herein.

Section 3. Said emergency appropriation shall be provided for in full in the calendar year 2014 budget.

Section 4. An emergency note not in excess of \$45,000 is hereby authorized to be issued pursuant to N.J.S.A. 40A:4-51.

Section 5. The emergency note authorized herein, if issued, shall be executed by the Mayor and the Chief Financial Officer of the Town and attested by the Town Clerk.

Section 6. The Chief Financial Officer is hereby delegated the authority to sell and award the note, if any, and such notes, if issued, may be renewed from time to time by the Chief Financial Officer provided that any such renewals shall be payable on or before December 31, 2014.

Section 7. The Town Clerk is hereby authorized and directed to transmit two certified copies of this resolution with the Director of the Division of Local Government Services.

Section 8. This resolution shall take effect immediately.

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, June 10, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #102-2013

June 10, 2013

"RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AUTHORIZING A LOAN TO NEWTON TOWN CENTRE URBAN RENEWAL, LP WITH RESPECT TO A SENIOR CITIZEN, AFFORDABLE HOUSING PROJECT"

WHEREAS, Newton Town Centre Urban Renewal Associates, LP (the "Entity") has proposed to develop an age-restricted, low and moderate income rental housing project consisting of approximately 65 units, approximately 1,600 square feet of commercial space, and a community room of approximately 2,200 square feet to be utilized by the residents of the development and available for use by the Town, together with approximately 82 parking spaces, upon property located at the intersection of Spring Street and Union Place and identified upon the official tax map 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 it would not be feasible to undertake the Project without financial assistance from the Town, and has requested that the Town fund a loan to the Project in the principal amount of \$45,000 (the "Loan"); and

WHEREAS, the Entity has further represented that approval of the Loan is a critical component of its application for Low Income Housing Tax Credits to finance the Project, which application must be submitted to the New Jersey Housing and Mortgage Finance Agency no later than June 21, 2013; and

WHEREAS, the Mayor and Town Council have determined that the development of the Project and the financing of the Project through the use of Low Income Housing Tax Credits is a desirable improvement for the community and in the best interests of the Town and its residents; and

WHEREAS, the Fair Housing Act, N.J.S.A. 52:27D-301 *et seq.* (the "Act") provides in relevant part at Section 311 thereof that "in adopting its housing element, the municipality may provide for its fair share of low and moderate income housing by means of any technique or combination of techniques which provide a realistic opportunity for the provision of the fair share", and further provides that these techniques may include "the utilization of municipally generated funds toward the construction of low and moderate income housing"; and

WHEREAS, the Town wishes to authorize the Loan, and to set forth the parameters of same;

NOW THEREFORE BE IT RESOLVED by the Mayor and Town Council of the Town of Newton as follows:

I. **GENERAL**

The aforementioned recitals and the Exhibit hereto are incorporated herein as though fully set forth at length.

II. **NEGOTIATION AND EXECUTION OF LOAN AGREEMENT**

(a) The Town hereby authorizes the Loan to the Entity for the Project in the principal amount of \$45,000.

(b) The Town hereby authorizes the Mayor and the Town Manager, together with counsel, to negotiate, and hereby further authorizes the Mayor to then execute, a loan agreement with respect to the Loan on terms not less favorable to the Town than those set forth at Exhibit A attached hereto, with such other terms as may be necessary or desirable to the Town to effectuate the Project, in consultation with counsel. The Town Clerk is hereby authorized to impress the seal of the Town upon such loan agreement, and to attest to same.

(c) The Mayor and Town Manager are each hereby authorized to execute, and the Town Clerk is hereby authorized to impress upon and to attest to the impression of the seal upon, such further documents, certificates and agreements as may be necessary or desirable to the Town in consultation with counsel to effectuate the Project and the Loan contemplated hereby, including but not limited to a note, mortgage and/or any other document to secure the obligation of the Entity to make payments due to the Town under the Loan.

III. **SEVERABILITY**

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

IV. **AVAILABILITY OF THE RESOLUTION**

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

V. **EFFECTIVE DATE**

This Resolution shall take effect upon final passage.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 10, 2013.

Lorraine A. Read, RMC
Municipal Clerk

Exhibit A

Minimum Terms and Conditions of Loan

Principal Amount: \$45,000

Interest Rate: 2.5%, compounded annually

Maturity: Sixteen years

Repayment Schedule: Balloon payment of principal and interest at maturity

Security for Repayment: Mortgage on the Project, which may be subordinate to other mortgages on the Project in order to effectuate the Project



TOWN OF NEWTON

RESOLUTION #103-2013

June 10, 2013

"A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12"

WHEREAS, the Town Council of the Town of Newton is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specific purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Town Council of the Town of Newton to discuss in a session not open to the public certain matters relating to the item authorized by N.J.S.A. 10:4-12b and designated below:

(1) Personnel

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on June 10, 2013, that an Executive Session closed to the public shall be held on June 10, 2013, at _____ PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Town Council that the public interest will no longer be served by such confidentiality.

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 public meeting of said Governing Body conducted on Monday, June 10, 2013.

Lorraine A. Read, RMC
Municipal Clerk