

June 10, 2013

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 p.m. Present were Mrs. Becker, Mr. Elvidge, Deputy Mayor Ricciardo, Mayor Diglio, Mr. Flynn, Thomas S. Russo, Jr., Town Manager and Ursula Leo, Town Attorney. Also present was Debra Millikin, Deputy Town Manager and Dawn Babcock, CFO.

Mayor Diglio made the following declaration that "in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 31, 2012."

Mayor Diglio led the Pledge of Allegiance to the flag and the Clerk called the roll.

### **OPEN TO THE PUBLIC**

Mayor Diglio read the following statement:

"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."

There was no one from the public to be heard.

### **COUNCIL & MANAGER REPORTS**

#### **a. Proclamation- Phillip Robert Haines**

#### **P R O C L A M A T I O N 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.

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

Attest: \_\_\_\_\_  
Date: June 1, 2013

**b. Proclamation- William Clark Woodrow**

**P R O C L A M A T I O N  
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

Ursula Leo, Esq. outlined the costs associated with the dam and after a brief discussion, Council agreed to move forward with the proposed costs associated with the dam.

Mayor Diglio informed Council that she attended the wonderful Court of Honor ceremony for Phillip Robert Haines and William Clark Woodrow who recently earned their Eagle Scout Awards.

Mayor Diglio also commended all who were involved in the Newton Day events; it was a successful day and ended with fireworks in the evening.

**ORDINANCES**

Mayor Diglio directed the Clerk to read aloud the following Ordinance relative to final adoption.

June 10, 2013

**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.

Mayor Diglio opened the hearing to the public.

There being no one from the public to be heard, upon motion of Deputy Mayor Ricciardo, seconded by Mr. Flynn and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE** was offered by Mrs. Becker, who moved its adoption, seconded by Mr. Elvidge and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio	Yes		

This Ordinance will take effect after publication and adoption according to law.

The Clerk will advertise the above Ordinance according to law.

Mayor Diglio directed the Clerk to read aloud the following Ordinance relative to final adoption.

**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.

<b>Ordinance Number</b>	<b>Description of Improvement and Date of Adoption of Bond Ordinance</b>	<b>Amount to be Reappropriated</b>
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.

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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.

Mayor Diglio opened the hearing to the public.

There being no one from the public to be heard, upon motion of Mrs. Becker, seconded by Deputy Mayor Ricciardo and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE** was offered by Deputy Mayor Ricciardo, who moved its adoption, seconded by Mr. Elvidge and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio	Yes		

This Ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

Mayor Diglio directed the Clerk to read aloud the following Ordinance relative to final adoption.

**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**

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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.

Mayor Diglio opened the hearing to the public.

There being no one from the public to be heard, upon motion of Mrs. Becker, seconded by Deputy Mayor Ricciardo and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE** was offered by Mrs. Becker, who moved its adoption, seconded by Mr. Flynn and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Yes	

This Ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

Mayor Diglio directed the Clerk to read aloud the following Ordinance relative to final adoption.

**ORDINANCE #2013-20**

**ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, AUTHORIZING THE EXECUTION OF A FINANCIAL ASSOCIATES, L.P. WITH RESEPECT TO A SENIOR CITIZEN, AFFORDABLE HOUSING PROJECT**

June 10, 2013

**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.

**EXHIBIT A**

Financial Agreement

Mayor Diglio opened the hearing to the public.

Fred Judge, 24 Hicks Avenue, questioned if the proposed age-restricted facility will remain age-restricted which was addressed by Jen Credidio, Esq., Special Redevelopment Counsel.

Eric Schroeder, 25 Jersey Place, questioned the tax abatement program surrounding this project and Jen Credidio, Esq. outlined the stipulations of the 25 year term lease. Ms. Credidio also outlined the Pilot program for this project.

Mr. Russo outlined additional detailed information surrounding this project.

Thea Unhoch, 17 Condit Street, thanked the Council for the proposal of the community center for the seniors in Newton.

Rick Bitondo, owner of 216-218 Spring Street, questioned the schedule for construction and the potential negative impact on the current business owners on Spring Street which was addressed by Ms. Credidio, Esq.

There being no one else from the public to be heard, upon motion of Deputy Mayor Ricciardo, seconded by Mrs. Becker and unanimously carried, the hearing was closed.

June 10, 2013

The aforementioned **ORDINANCE** was offered by Deputy Mayor Ricciardo, who moved its adoption, seconded by Mr. Elvidge and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Recused
Mayor Diglio		Yes	

This Ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

Mayor Diglio directed the Clerk to read aloud the following Ordinance relative to introduction of same.

**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"**

The following **ORDINANCE** was offered by Deputy Mayor Ricciardo, who moved its introduction, seconded by Mr. Flynn and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Yes	

**BE IT RESOLVED** by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on June 24, 2013.

**OLD BUSINESS**

Mr. Russo advised Council that the Commercial Vehicle Ordinance will be introduced at the next Council meeting on June 24<sup>th</sup>.

**CONSENT AGENDA**

Mayor Diglio read the following statement:

*"All items 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."*

Mayor Diglio requested Resolution #92-2013 and Resolution #93-2013 be removed from the consent agenda.

Mr. Russo reviewed the various resolutions on the Consent Agenda.

**RESOLUTION #89-2013\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER**

June 10, 2013

**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.

**RESOLUTION #90-2013\***

**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.

**RESOLUTION #91-2013\***

**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.

**RESOLUTION #94-2013\***

**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.

**RESOLUTION OF #95-2013\***

**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.

**RESOLUTION #96-2013\***

**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.

**TOWN BILLS**

497.13	Quill Corporation	32013
1,454.75	Pellow, Harold & Asso, Inc.	32014
2,090.01	G & G Diesel Service Inc.	32015
7,500.33	JCP&L	32016
41.10	New Jersey Herald	32017
35.00	Centurylink Communications Inc.	32018
28.99	Rowe & Company Inc.	32019
185.28	Read, Lorraine	32020
225.87	Campbell's Small Engine Inc.	32021
446.25	D & E Service Center	32022
735.00	Lock & Key World	32023
50.00	Newton First Aid Squad	32024
32.00	Straway, Richard A. Jr.	32025
864.33	Willco, Inc.	32026
15.00	Newton Trophy	32027

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32.00	Smith, William F	32028
125.00	T.A. Mountford Company, Inc.	32029
54.30	Galls Incorporated	32030
32.00	Hagaman, William	32031
425.00	Lou's Glass	32032
409.35	Minisink Press, Inc.	32033
348.00	Microsystems- NJ Com, LLC	32034
2,180.30	Office Business Systems	32035
124.92	Sebring Auto Parts, Inc.	32036
385.38	Sherwin- Williams	32037
75.00	Teets, Kenneth A.	32038
2,077.00	Newton Soccer Club	32039
170.83	Boonton Tire Supply Inc.	32040
762.80	Vision Service Plan	32041
41,557.78	Statewide Insurance Fund	32042
546.00	Grinnell Recycle Inc.	32043
54.33	Walmart	32044
812.50	Alternate Power Inc	32045
31.98	Advance Auto Parts	32046
319.48	Bobcat of North Jersey, Inc.	32047
12.96	Carquest	32048
40.00	Mid-Atlantic For Safety	32049
886.22	Staples Business Advantage Inc	32050
262.97	Staples Business Advantage Inc	32051
51.98	Lowe's Inc	32052
253.33	Sussex County Engineering Division	32053
46.61	Nestle Waters, Inc.	32054
32.00	Steve Estler	32055
93.50	Pinnacle Wireless FBO Unitek Global	32056
3,281.80	Rachles/Michele's Oil Company Inc.	32057
1,503.18	Taylor Oil Co., Inc.	32058
32.00	Joseph White	32059
510.00	Sign-A-Rama, Inc.	32060
16.00	William Oswin III	32061
131,298.00	NJMEBF	32062

**CAPITAL**

2,010.00	Chelbus Cleaning Co., Inc.	32063
880.00	Mulch Concepts, LLC.	32064
192.40	Thyssenkrupp Elevator Corp	32065
475.00	D. Lovenberg's Portable Toilet Rent	32066
150.00	DCJ Academy	32067
499.80	Public Engines Inc.	32068
90.00	Somerset County Police Academy	32069
239.00	AED	32070
1,354.50	The Irwin Law Firm Atty Trust Acct.	32071
218,385.41	Payroll Account	131047
92.98	Dominick's Pizza, LLC.	32012
5,772.01	Pellow, Harold & Assoc, Inc.	8121
297.60	New Jersey Herald	8122
1,503.00	McManimon, Scotland & Baumann, LLC	8123
5,342.70	FKA Architects Inc	8124
400.00	The Buzak Law Group, LLC	8125
5,418.00	Anchor Industries Inc	8126
68,855.49	V & K Construction, Inc.	8127

**Total TOWN BILLS \$514,439.10**

**WATER AND SEWER ACCOUNT**

25.36	Montague Tool & Supply, Inc	13625
12,599.38	Pellow, Harold & Assoc, Inc	13626
3,981.25	JCP&L	13627

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19.80	New Jersey Herald, Inc.	13628
147.72	Sussex County P & H, Inc.	13629
1,128.24	Coyne Chemical Corp, Inc.	13630
125.85	Centurylink Communications Inc	13631
185.00	Willco, Inc	13632
45.65	Minisink Press Inc	13633
950.00	Bank of New York	13634
186.54	Vision Service Plan	13635
47,037.22	Statewide Insurance Fund	13636
7,920.00	Passaic Valley Sewerage Comm	13637
1,376.90	Main pool & Chemical Company, Inc.	13638
1,335.00	Alternate Power Inc	13639
224.45	Staples Business Advantage, Inc	13640
24,133.00	NJMEBF	13641
3,617.15	Direct Energy Business Inc.	13642
1,305.74	Capitol Supply Const Products, Inc.	13643
33,571.48	Payroll Account	136022
29.23	Dominick's Pizza, LLC	13624
914.33	Sparta Postmaster	13623
187.50	Pellow, Harold & Assoc, Inc	2284
38.40	New Jersey Herald	2285

**CAPITAL**

187.50	Pellow, Harold & Assoc, Inc	2284
38.40	New Jersey Herald	2285

**Total WATER & SEWER BILLS \$34,740.94**

**TRUST**

623.75	Pellow, Harold & Assoc, Inc	3137
15,000.00	Current Account	3138
243.74	Bob Viersma & Sons, Inc.	3139
227.95	Creative Service of New England	3140
1,168.76	Payroll Account	137113
225.00	Kohl's	3136

**Total TRUST ACCOUNT BILLS \$17,489.20**

**DEVELOPERS ESCROW ACCOUNT**

1,785.50	Pellow, Harold & Assoc, Inc	1133
50.00	The Buzak Law Group, LLC	1134

**Total DEV. ESCROW BILLS \$1,835.50**

**FEDERAL/ STATE GRANTS**

39.99	Quill Corporation	1140
219.81	Current Account	1141
150.00	Center for Prevention & Counseling	1142
250.00	Kerry Deckert	1143
296.00	Swank Motion Pictures, Inc.	1144

**Total FEDERAL/ STATE GRANTS \$955.80**

**RESOLUTION #97-2013\***

**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;

June 10, 2013

**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

**RESOLUTION #98-2013\***

**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.

**RESOLUTION #99-2013\***

**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.

**RESOLUTION #100-2013\***

**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 ROUTE 206 AND ADAMS STREET SHOULD BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT**

June 10, 2013

**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.

**Exhibit A**

**Tax Map of Study Area**

The Clerk presented an application for a Special Permit for a Social Affair from the Newton VFW Post 5360, Men’s Auxiliary, 85 Mill Street, Newton 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. It was noted that the application was in order, signed by the Chief of Police, and accompanied by the prescribed fee.

**CONSENT AGENDA ADOPTION**

A motion was made by Deputy Mayor Ricciardo to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Mr. Elvidge and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio	Yes		

Mayor Diglio questioned the reason for the change order on Resolution #92-2013, which was addressed by Mrs. Millikin.

**RESOLUTION #92-2013**

**AUTHORIZE CHANGE ORDER NO. 1 FOR THE PROPOSED STREETScape IMPROVEMENT 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.

A motion of Mr. Elvidge, to approved **RESOLUTION #92-2013**, seconded by

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Deputy Mayor Ricciardo and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Yes	

Councilman Flynn questioned the initial steps for the improvements surrounding Resolution #93-2013 which was addressed by Mr. Russo.

**RESOLUTION #93-2013**

**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.

A motion of Mr. Elvidge, to approved **RESOLUTION #93-2013**, seconded by Deputy Mayor Ricciardo and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Yes	

**RESOLUTIONS**

At this time, Councilman Flynn recused himself from Resolution #101-2013 and Resolution #102-2013.

Jen Credidio, Esq. provided an overview on Resolution #101-2013 as well as Resolution #102-2013.

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**RESOLUTION #101-2013**

**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.

A motion of Deputy Mayor Ricciardo, to approved **RESOLUTION #101-2013**, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Recused
Mayor Diglio		Yes	

**RESOLUTION#102-2013**

**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.

**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

A motion of Mr. Elvidge, to approved **RESOLUTION #102-2013**, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
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Deputy Mayor Ricciardo	Yes	Mr. Flynn	Recused
Mayor Diglio		Yes	

**INTERMISSION-** None

**DISCUSSION**

a. **St.Clare's-Draft Fire Patrol Lease Agreement**

Ursula Leo, Esq. and Mr. Russo provided Council with the details surrounding the proposed draft Fire Patrol Lease agreement. Mr. Russo advised that the Fire Patrol building is currently vacant and would house a paramedic truck to be driven by St. Clare's staff. After a brief discussion, Council unanimously agreed for Mr. Russo and Mrs. Leo to further pursue the proposal as submitted by St. Clare's.

b. **Fire Museum - Draft Lease Agreement and Content Insurance Coverage's**

Ursula Leo, Esq. and Mr. Russo outlined the draft lease agreement for the Newton Fire Museum located on Spring Street. Dan Finkle, Fire Museum curator, addressed the Council and outlined the contents in the Fire Museum and the necessity of having insurance coverage on same. Mr. Finkle noted that the contents require an appraisal and advised that he is working with various appraisers for quotes. Keith Mitchell, Newton's Insurance Agent, outlined the insurance policies necessary for proper coverage of the contents at the Museum. After a brief discussion, Council agreed with the lease agreement, which would formalize the use of the Fire Museum by the Newton Fire Museum group. Mr. Finkle and Mr. Russo will keep Council up to date on the insurance appraisals for the museum contents.

c. **2013 Wastewater Master Plan & Capital Improvements Plan - HMM**

John Scheri and Anthony Gagliostro Project Managers, of Hatch Mott MacDonald (HMM) made a PowerPoint presentation outlining the Wastewater Master Plan as well as the proposed Capital Improvements Plan (CIP). The Town retained Hatch Mott MacDonald to prepare a comprehensive Wastewater Master Plan as well as a prioritized 10-year Capital Improvements Plan. HMM outlining the project goals and objectives, noted that the facilities are aging and set forth a plan to address the critical areas of the Town's wastewater facilities that will require renewal or improvement to meet the future needs of the Town. HMM outlined a strategy for a systematic review of the wastewater treatment and collection system, development of a master list of project and prioritizing these projects to come up with the wastewater system CIP.

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After a question and answer period, Council thanked HMM for their thorough review of the Town facilities and their recommendations.

**OPEN TO THE PUBLIC**

Mayor Diglio opened the hearing to the public.

Aaron Armstrong, 112 Spring Street, Newton, inquired whether the Town has an emergency plan for the Water and Sewer plant and which was addressed by HMM Staff.

There was no one else from the public to be heard.

**COUNCIL & MANAGER COMMENTS**

Mr. Russo advised those in attendance that the Planning Board meeting will be held on Thursday, June 13, 2013 at 7:00 p.m. and all are invited to attend for the presentation of the Senior Citizen Affordable Housing Project.

Councilman Flynn requested the details related to the proposed Commercial Vehicle Ordinance which was addressed by Mrs. Leo.

**EXECUTIVE SESSION**

Mr. Russo read Resolution #103-2013 and Council entered into Executive Session at 8:30 p.m.

Upon motion of Deputy Mayor Ricciardo, seconded by Mrs. Becker and carried, Council left Executive Session at 10:10 p.m.

There being no further business to be conducted, upon motion of Deputy Mayor Ricciardo, seconded by Mr. Flynn and unanimously carried, the meeting was adjourned at 10:11 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk