



**AGENDA
NEWTON TOWN COUNCIL**

OCTOBER 28, 2013

7:00 P.M.

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

- SEPTEMBER 23, 2013 SPECIAL MEETING
- SEPTEMBER 23, 2013 REGULAR MEETING
- SEPTEMBER 23, 2013 EXECUTIVE SESSION

V. OPEN TO THE PUBLIC

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

VI. COUNCIL & MANAGER REPORTS

- a. GARDNER AVENUE WELL UPDATE – DAVID SIMMONS

VII. ORDINANCES

- a. 2ND READING & PUBLIC HEARING

ORDINANCE 2013-25

AN ORDINANCE TO AMEND CHAPTER 100-15, OF THE CODE OF THE TOWN OF NEWTON, REGARDING PARKING LOTS

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

- b. INTRODUCTION

ORDINANCE 2013-26

AN ORDINANCE FOR ADOPTION OF A REVISED TOWN OF NEWTON PERSONNEL POLICIES AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK

ORDINANCE 2013-27

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

VIII. OLD BUSINESS

- a. TDR
- b. FIRE MUSEUM

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 #173-2013* ACKNOWLEDGEMENT OF TENURE FOR LINDA A. ROTH AS CERTIFIED TAX COLLECTOR FOR THE TOWN OF NEWTON
- b. RESOLUTION #174-2013* AUTHORIZE CHANGE ORDER NO. 1 FOR THE TRUCK #2 REFURBISHMENT 2000 TANDEM FREIGHTLINER TRUCK
- c. RESOLUTION #175-2013* AUTHORIZE A MODIFICATION TO AN AGREEMENT WITH FKA ARCHITECTS FOR THE STRUCTURAL RENOVATIONS FOR THE NEWTON FIRE MUSEUM
- d. RESOLUTION #176-2013* APPOINTMENT OF RONALD BIEDERMAN TO THE ADVISORY SHADE TREE COMMISSION
- e. RESOLUTION #177-2013* APPROVE FIREWORKS DISPLAY AT NEWTON MEDICAL CENTER, ATLANTIC HEALTH SYSTEM
- f. RESOLUTION #178-2013* ACCEPTANCE OF THE PROPOSED PURCHASE OF PIPES AND FITTINGS FOR THE HOWARD STREET WATERMAIN PROJECT
- g. RESOLUTION #179-2013* APPROVAL OF CHANGE ORDER NO. 1 AND FINAL ACCEPTANCE OF THE PROPOSED IMPROVEMENTS ON VARIOUS STREETS
- h. RESOLUTION #180-2013* TO ESTABLISH PRELIMINARY ENGINEERING COSTS FOR THE POOL FILTRATION SYSTEM IMPROVEMENTS
- i. RESOLUTION #181-2013* RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY
- j. RESOLUTION #182-2013* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- k. RESOLUTION #183-2013* AUTHORIZE THE TAX COLLECTOR TO REMIT TAXES ON EXEMPT PROPERTIES, BLOCK 8.03, LOT 3, QUALIFICATION C102
- l. RESOLUTION #184-2013* AUTHORIZE THE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 21.07, LOT 7
- m. RESOLUTION #185-2013* AUTHORIZE THE TAX COLLECTOR TO REMIT UNCOLLECTIBLE TAXES FOR BLOCK 4.02, LOT 20
- n. RESOLUTION #186-2013* AUTHORIZE THE TAX COLLECTOR TO REMIT TAXES ON EXEMPT PROPERTIES FOR BLOCK 8.03, LOT 3, QUALIFICATION C104
- o. RESOLUTION #187-2013* GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT EXTENSION, JANUARY 1, 2014 – JUNE 30, 2014

- p. RESOLUTION #188-2013* WATER RESTRICTIONS FOR TOWN OF NEWTON
- q. RESOLUTION #189-2013* AUTHORIZATION TO PROVIDE FOR THE PURCHASE OF ROAD SALT AND SNOW GRIT FOR THE DEPARTMENT OF PUBLIC WORKS FOR THE TOWN OF NEWTON
- r. RESOLUTION #190-2013* DESIGNATING BLOCK 8.08, LOTS 6, 7, 8, 9, 10, 11, 29, 30 & 31 AS AN AREA IN NEED OF REDEVELOPMENT
- s. APPLICATION* OFF-PREMISE RAFFLE (50-50) FROM HSA CAMP AUXILIUM LEARNING CENTER TO BE HELD ON SATURDAY, DECEMBER 7, 2013 AT NOON AT NEWTON HIGH SCHOOL, 44 RYERSON AVENUE, NEWTON, NJ

X. INTERMISSION

XI. DISCUSSION

- a. ART ALLEY DRAFT ORDINANCE

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. EXECUTIVE SESSION

- a. RESOLUTION #191-2013

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. CONTRACT NEGOTIATIONS

XV. ADJOURNMENT

TOWN OF NEWTON

ORDINANCE 2013-25

AN ORDINANCE TO AMEND CHAPTER 100-15, OF THE CODE OF THE TOWN OF NEWTON, REGARDING PARKING LOTS

WHEREAS, the current Town Ordinance that governs public parking lots, Section 100-15, is in need of amendment;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, that Section 100-15 of the Town of Newton Code, is amended as follows:

Section 1. Section 100-15.B of the Town of Newton Code shall be amended to read as follows:

B. Parking lot meter fees (§307-35):

(1) Lot No. 1 Adams Street Plaza

(a) Each one hour: \$0.25.

(b) Ten-hour maximum.

(2) Lot No. 6 Main Street Plaza

(a) Each one hour: \$0.25.

(b) Ten-hour maximum.

(3) Lot No. 3 Western Plaza, Lot No. 4 Central Plaza, Lot No. 5 Eastern Plaza

(a) Each one and one –half hour: \$0.25.

(b) Ten-hour maximum.

Section 2. Section 100-15.C of the Town of Newton Code shall be amended to read as follows:

C. Parking passes may be purchased at the Municipal Building for the above metered lots at the following rates:

(1) Lot No. 1 Adams Street Plaza, Lot No. 3 Western Plaza, Lot No. 4 Central Plaza, and Lot No. 5 Eastern Plaza:

.....

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

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

Section 5. Effective Date. This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a special meeting of the Town Council of the Town of Newton held on Monday, September 23, 2013. The Ordinance was adopted following final reading and public hearing thereon, at a regular meeting of the Newton Town Council conducted at 7:00pm in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey on Monday, October 28, 2013 and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

**TOWN OF NEWTON
ORDINANCE NO. 2013-26**

**AN ORDINANCE FOR ADOPTION OF A REVISED
TOWN OF NEWTON PERSONNEL POLICIES
AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK**

WHEREAS, pursuant to the Code of the Town of Newton §25-1 the Town Council of the Town of Newton is responsible for the generation of an employee personnel guide for employees of the Town of Newton in accord with the purposes declared in Subsection 25-2; and

WHEREAS, the Newton Town Manager, in consultation with his Department Heads and professional consultants, has completed a comprehensive review of the Town of Newton employee personnel guide, resulting in a new guide entitled "Town of Newton Personnel Policies and Procedures Manual and Employee Handbook," Revision Date October 2013, and has submitted said Guide to the Town Council for review and approval, a copy of which document is available for public review in the Office of the Municipal Clerk; and

WHEREAS, the Town Council desires to approve and adopt the aforesaid new employee personnel guide as in conformance with the purposes set forth in Code Subsection 25-2.

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

1. The document entitled "Town of Newton Personnel Policies and Procedures Manual and Employee Handbook," Revision Date October 2013, is approved as the personnel guide for employees of the Town of Newton, and copies thereof are to be distributed to all present Town employees per Newton Code Section 25-1 and to all new employees henceforth.

2. This Ordinance shall take effect upon its passage and publication, as provided for by law.

NOTICE

TAKE NOTICE that the above-entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton on October 28, 2013, and said Ordinance will be considered for final passage at a regular meeting of the Town Council of the Town of Newton to be held in the Council Chambers, 39 Trinity Street, Newton, New Jersey, on November 25, 2013.

Lorraine A. Read, RMC
Municipal Clerk

**TOWN OF NEWTON
ORDINANCE 2013-27**

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

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

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

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

H. Service charges for checks returned to the Town, per N.J.S.A. 40:5-18(c): \$20.00.

If any individual or business has a check or other written instrument to the Town returned two (2) times, all future payments to the Town must be tendered in cash or by certified or cashier's check, per N.J. S.A. 40:5-18(d).

Section 2. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

Section 3. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 4. Effective Date. This Ordinance will take effect after publication and passage according to law.

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, October 28, 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, November 25, 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

RESOLUTION #173-2013

October 28, 2013

"Acknowledgement of Tenure for Linda A. Roth as Certified Tax Collector for the Town of Newton"

WHEREAS, NJSA 40A:9-141 et. seq. sets forth the establishment of the Tax Collector position, qualifications, appointment, and reappointment; and

WHEREAS, in accordance with State statute, Linda A. Roth, was appointed as Certified Tax Collector for the Town of Newton effective January 1, 2006; and

WHEREAS, Linda A. Roth was reappointed to the position of Certified Tax Collector by the Newton Governing Body by the adoption of Resolution #277-2009, on December 28, 2009; and

WHEREAS, Linda A. Roth meets the requirements for tenure in the position of Certified Tax Collector as set forth in NJSA 40A:9-145.8(a);

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton acknowledges that Linda A. Roth has achieved tenure in accordance with State statute as Certified Tax Collector for the Town of Newton.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, October 28, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #174-2013

October 28, 2013

"Authorize Change Order No. 1 for the Truck #2 Refurbishment 2000 Tandem Freightliner Truck"

WHEREAS, on August 12, 2013 the Newton Town Council adopted Resolution #140-2013, awarding a contract to Structural Metal Fabrications, Inc., for the Truck #2 Refurbishment 2000 Tandem Freightliner Truck; and

WHEREAS, the Department of Public Works Supervisor recommends, in his memo dated October 11, 2013, to replace the hoist system with a new hoist based off of the fact that the existing hoist is rusted and parts are obsolete; and

WHEREAS, approving Change Order No. 1, for the Truck #2 Refurbishment 2000 Tandem Freightliner Truck will increase the total contract amount by \$2,646.00 for a new contract total of \$57,899.00; 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 it hereby concurs with the Department of Public Works Supervisor recommendation and accepts Change Order No. 1 for the Truck #2 Refurbishment 2000 Tandem Freightliner Truck; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Structural Metal Fabrications, Inc.

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, October 28, 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 #: 174 -2013

APPROVING: STRUCTURAL METAL FABRICATIONS, INC.

FOR THE PURPOSE OF: C.O.#1 NEW HOIST FOR REFURBISH TRUCK #2
TANDEM

IN THE AMOUNT OF: \$2,646.00

Original contract	\$55,253.00
CO#1 Hoist	<u>\$ 2,646.00</u>
New contract total	\$57,899.00

APPROPRIATED BY: GENERAL CAPITAL -

ORD.#2013-11 #30913112 \$2,646.00

DATED THIS 28TH DAY OF OCTOBER 2013

BY 

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



Interoffice Memorandum

TO: Debra Millikin, Q.PA.
FROM: Kenneth Jaekel, Road Supervisor
DATE: October 11, 2013
SUBJECT: Truck #2 Refurbishment

Structural Metal Fabricators, Inc., the company that received the bid for the Truck Refurbishment for Truck #2 has advised that the hoist system on the truck is rusted and parts are obsolete. It is recommended that a new hoist system be installed on the refurbished truck. The cost will be an additional \$2,464.00. Currently, left in the budget is \$9,170.00. As Road Supervisor I recommend this additional cost be approved for the Truck #2 Refurbishment.

AMENDMENT #1 TO CONTRACT

This Amendment #1 is entered into as of October ____, 2013 between the Town of Newton (“Buyer”) and Structural Metal Fabricators, Inc (“Contractor”)

WHEREAS, the Buyer and Contractor entered into a contract dated August 12, 2013, referred to as “Truck #2 Refurbishment 2000 Tandem Freightliner Truck” (“Contract”).

WHEREAS, Contractor commenced performance of its work under the Contract and determined that the existing hoist system is rusted and obsolete and as such has recommended to the Buyer that the hoist system be replaced at a cost of \$2,646.00. Buyer agrees with Contractor’s recommendation and as such has authorized contract Change Order No. 1.

It is hereby agreed by the Parties as follows:

1. **CONTRACT AMENDMENT.** The Contract is hereby amended to include in the scope of work being performed by the Contractor Change Order #1, which includes the replacement of the existing hoist system with a new hoist system at a total cost of \$2,646.00. The new contract total price is \$57,899.00, to be paid as provided for in the Contract.

2. **ADDENDUM CONTROLS.** The provisions of this Amendment #1 shall supersede any inconsistent or conflicting provisions in the Contract.

3. **REMAINING CONTRACT TERMS.** Except as modified by this Amendment #1, all remaining terms and conditions contained in the Contract shall remain in effect.

NOW THEREFORE, the parties hereby enter into this Amendment #1 as of the date set forth above.

Date:

Town of Newton, Buyer

By: _____

Structural Metal Fabricators, Inc,

Contractor

By: _____



We Build Solutions

*CUSTOM METAL FABRICATION
FIELD MAINTENANCE AND INSTALLATION
TRUCK BODIES AND EQUIPMENT
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PAINTING, REPAIRS AND SERVICE*

1266 LITTLE GAP ROAD
PALMERTON, PA 18071
WWW.SMFTRUCK.COM SMFTRK@PTD.NET
PHONE: 610-824-7000
SALES - ESTIMATING - OFFICE FAX: 610-824-7100

Town of Newton
39 Trinity Street
Newton, NJ 07860
Phone 908-383-4160
Fax 973-383-9054
Attn. Rick Straway

October 7, 2013

Quote #13-0425

RE: Hoist

Furnish and Install the following:

Replacement Galion Hoist U8880BDA for dump truck being refurbished. New hoist is needed due to seized pins and body prop.

Total FOB SMF \$2,464.00 total

THIS QUOTE DOES NOT INCLUDE THE REPAIR/REPLACEMENT OF ANY OTHER COMPONENTS FOUND TO BE RUSTED AND NEEDING REPAIR. IF REPAIRS ARE NECESSARY THIS WOULD BE DONE AT AN ADDITIONAL COST.

If you wish to proceed with this work please issue purchase order and or sign & date below and fax back to 610-824-7100.

Authorization _____ Date _____

Price is valid for 30 days. Thereafter it is subject to change without notice.

Price does not include any applicable F.E.T. or sales tax.

Terms: Net 30 days.

Sincerely,
Dave Mead



TOWN OF NEWTON

RESOLUTION #175-2013

October 28, 2013

“Authorize a Modification to an Agreement with FKA Architects for the Structural Renovations for the Newton Fire Museum”

WHEREAS, the Town of Newton required the services of a qualified architect for the renovations to the Newton Fire Museum at 150 Spring Street, Newton, New Jersey; and

WHEREAS, FKA Architects (FKA), of Oakland, New Jersey was awarded the contract through a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 for architectural services for the Newton Fire Museum by the adoption of Resolution #40-2013 on February 25, 2013 for a contract amount not to exceed \$19,700; and

WHEREAS, after several discussions with the Town Council, Town Manager, the Town Engineer and FKA, additional work by FKA is required to addresses concerns raised during the construction portion of the project; and

WHEREAS, FKA contract will increase to an amount not to exceed \$25,000; and

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

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes a modification to the contract with FKA for the Newton Fire Museum Structural Renovations as outlined above, and that a notice of this agreement be published in the newspaper of record for the Town in accordance with the Local Public Contracts Law.

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, October 28, 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 #: 175-2013

APPROVING: FEITLOWTIZ & KOSTEN ARCHITECTS (FKA)

FOR THE PURPOSE OF: ADD'L. ARCHITECT FOR FIRE MUSEUM

IN THE AMOUNT OF: INCREASE OF \$5,300.00

Original contract	#309121306	\$19,700.00
Increase	#30913114	<u>\$ 5,300.00</u>
Total contract		\$25,000.00

APPROPRIATED BY: GENERAL CAPITAL -

ORD.#2012-13 #30913114 \$5,300.00

DATED THIS 28TH DAY OF OCTOBER 2013

BY

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #176-2013

October 28, 2013

"Appointment of Ronald Biederman to the Advisory Shade Tree Commission"

WHEREAS, there is currently a vacancy on the Town of Newton Advisory Shade Tree Commission; and

WHEREAS, Ronald Biederman has expressed interest in serving on the Commission;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Ronald Biederman is hereby appointed to an unexpired five-year term as a member of the Advisory Shade Tree Commission, effective immediately with said term continuing to May 31, 2018.

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, October 28, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #177-2013

October 28, 2013

"Approve Fireworks Display at Newton Medical Center, Atlantic Health System"

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

WHEREAS, Zambelli Fireworks of New Castle, PA has submitted a proposal for a fireworks display with a copy of the permit application, certificate of insurance, site diagram and other pertinent information, in conjunction with a fireworks display that will take place at Newton Medical Center, 175 High Street, Newton, New Jersey on Saturday, November 16, 2013 as part of the annual "Festival of Lights"; and

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Newton Medical Center is hereby granted permission for a fireworks display during the "Festival of Lights" event to take place on November 16, 2013 and that said fireworks display will be provided by Zambelli Fireworks of New Castle, PA; and

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, October 28, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #178-2013

October 28, 2013

"Acceptance of the Proposed Purchase of Pipes and Fittings for the Howard Street Watermain Project"

WHEREAS, the Town Council of the Town of Newton awarded a contract for the Proposed Purchase of Pipes and Fittings for the Howard Street Watermain Project to HD Supply Waterworks, Ltd., in the amount of \$24,015.00 by Resolution #107-2013, which was adopted on June 24, 2013; and

WHEREAS, David Simmons, Jr., of Harold E. Pellow & Associates, Inc., the Project Engineer, has recommended in his letter dated October 18, 2013 that the project be accepted as complete by the Town Council so the final paperwork can be started;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby accepts the Proposed Purchase of Watermain Pipes and Fittings for the Howard Street Watermain Project as complete based on the recommendation of the Project Engineer, so that the final paperwork can be started.

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, October 28, 2013.

Lorraine A. Read, RMC
Municipal Clerk



HAROLD E. PELLOW & ASSOCIATES, INC.

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Established 1969

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PA - P.E. & L.S.

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

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.

THOMAS G. KNUTELSKY
NJ - P.E.

October 18, 2013

FAX: (973) 383-8961

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

FROM: David B. Simmons, Jr., P.E., L.S., C.M.E.

SUBJECT: REQUEST FOR ACCEPTANCE
Proposed Purchase of the Watermain Pipe & Fittings for the Howard Street Watermain
HPA No. 13-115

Dear Mr. Russo:

The above referenced project has been completed by the supplier, HD Supply Waterworks, Ltd., and I recommend the project be accepted by the Town Council.

Once this project has been accepted by the Council, please notify this office so that the final paperwork can be started and a one (1) year Maintenance Bond secured by the supplier.

Very truly yours,

David B. Simmons, Jr., P.E., L.S., C.M.E. for
HAROLD E. PELLOW & ASSOCIATES, INC
Town of Newton Engineers

DBS:mnc
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\13-115 - HOWARD STREET WATERMAIN MATERIALS\RUSO5.DOC

cc: Debra Millikin, Newton Deputy Town Manager (*Via Email*)



TOWN OF NEWTON

RESOLUTION #179-2013

October 28, 2013

"Approval of Change Order No. 1 and Final Acceptance of the Proposed Improvements on Various Streets"

WHEREAS, on July 22, 2013, the Newton Governing Body adopted Resolution #132-2013, to award the contract to M. Sky construction Corp., for the Proposed Improvements on Various Streets project; and

WHEREAS, in his memo dated October 16, 2013, the Town Engineer, Harold E. Pellow, states that said project has been completed and recommends the project be accepted as final and complete; and

WHEREAS, in processing the final paperwork for the project, the Town Engineer recommends in his memo dated October 16, 2013 approving Change Order No. 1, which will decrease the total contract amount by \$15,567.00 to a new contract total of \$74,724.00;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer's recommendations and authorizes the Mayor to execute said Change Order No. 1 for said project decreasing the total contract amount to \$74,724.00 and thereby accepts the Improvements on Various Streets project as final and complete; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to M. Sky Construction Corp 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, October 28, 2013.

Lorraine A. Read, RMC
Municipal Clerk

HAROLD E. PELLOW and ASSOCIATES, INC.

Consulting Engineers, Planners Land Surveyors

17 Plains Road

Augusta, NJ 07822-2009

PO 42139

CHANGE ORDER NO. 1

10/8/2013

V 3401

Project	PROPOSED SIDEWALK IMPROVEMENTS ON VARIOUS STREETS <i>(Spring Street, Lower Spring Street, and Main Street)</i>
Owner	TOWN OF NEWTON, MUNICIPAL BUILDING, 39 TRINITY STREET, NEWTON, NJ 07860
County	SUSSEX COUNTY
Contractor	M. SKY CONSTRUCTION CORP., 830 ROUTE 15 SOUTH, LAKE HOPATCONG, NJ 07849

In accordance with the project Supplementary Specification, the following are changes in the contract.

Location and Reason for Change (Attach additional sheets if required) -

Location: Spring Street, Lower Spring Street, and Main Street

Reason: See reasons below.

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>QUANTITY (+/-)</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
EXTRA				
5	CONCRETE SIDEWALK, 6" THICK, REINFORCED <i>This is an as-built quantity.</i>	56	SQ. YD. \$ 63.00	\$ 3,528.00
6	SAWCUTTING <i>This is an as-built quantity.</i>	179	LIN. FT. \$ 10.00	\$ 1,790.00
Total EXTRA:				<u>\$ 5,318.00</u>
SUPPLEMENTAL				
11S	CONCRETE CURB <i>This is an as-built quantity.</i>	24	LIN. FT. \$ 25.00	\$ 600.00
12S	CONCRETE CURB & GUTTER <i>The theatre entrance was widened to accommodate large buses and trailers.</i>	20	LIN. FT. \$ 35.00	\$ 700.00
Total SUPPLEMENTAL:				<u>\$ 1,300.00</u>
REDUCTION				
2	CONSTRUCTION SIGNS <i>This is an as-built quantity.</i>	96	SQ. FT. \$ 12.00	\$ 1,152.00
3	TRAFFIC FLAGGERS <i>This is an as-built quantity.</i>	121	MN. HR. \$ 75.00	\$ 9,075.00
4	CONCRETE SIDEWALK, 4" THICK, REINFORCED <i>This is an as-built quantity.</i>	121	SQ. YD. \$ 54.00	\$ 6,534.00
7	JOINT REPAIRS <i>This is an as-built quantity.</i>	312	LIN. FT. \$ 12.00	\$ 3,744.00
9	DETECTABLE WARNING SURFACES <i>This is an as-built quantity.</i>	3	UNIT \$ 300.00	\$ 900.00
10	REMOVAL OF CONCRETE SIDEWALK <i>This is an as-built quantity.</i>	65	SQ. YD. \$ 12.00	\$ 780.00
Total REDUCTION:				<u>\$ 22,185.00</u>

FILE COPY

AMOUNT OF ORIGINAL CONTRACT:	<u>\$90,291.00</u>
ADJUSTED AMOUNT BASED ON CHANGE ORDER NO. 1:	<u>\$74,724.00</u>
% CHANGE IN CONTRACT: [(+) Increase or (-) Decrease]	<u>- 17.24%</u>

EXTRA:	<u>\$ 5,318.00</u>
SUPPLEMENTAL:	<u>\$ 1,300.00</u>
REDUCTION:	<u>\$ 22,185.00</u>
TOTAL CHANGE:	<u>\$ (15,567.00)</u>

S. Pellow
(Engineer)

10/16/13
(Date)

[Signature]
(Presiding Officer)

[Signature]
(Contractor)

10/16/2013
(Date)

**HAROLD E. PELLOW & ASSOCIATES, INC.**

CONSULTING ENGINEERS • PLANNERS - LAND SURVEYORS

Established 1989

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

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

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

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

THOMAS G. KNUTELSKY
NJ - P.E.

October 16, 2013

FAX: (973) 383-8961

MEMORANDUM TO: Mr. Thomas S. Russo, Jr., Newton Town Manager**FROM:** Harold E. Pellow, P.E., L.S., Town Engineer**SUBJECT:** REQUEST FOR ACCEPTANCE
Proposed Sidewalk Improvements on Various Streets
(*Spring Street, Lower Spring Street & Main Street*)
HPA No. 13-124

Dear Tom:

The above referenced project has been completed by the contractor, M. Sky Construction Corporation, and I recommend the project be accepted by the Town Council.

Once this project has been accepted by the Council, please notify this office so that the final paperwork can be started and a one (1) year Maintenance Bond secured by the contractor.

Very truly yours,

A handwritten signature in black ink, appearing to read "H. Pellow", written over a white background.

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

HEP:mac
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\13-124 - SPRING, LOWER SPRING AND MAIN STREET SIDEWALK IMPROVEMENTS\RUSOSS.DOC

Town of Newton

39 Trinity Street
 Newton, NJ 07860-1823
 Phone: (973) 383-3521 ext. 233

FUND	ACCOUNT	ACCOUNT NO.	AMOUNT	CHECK NO.

VENDOR #	P.O. #	YEAR	DATE PAID

Pay To: *M. Sky Construction Corp.*
 830 Route 15 South
 Lake Hopatcong, New Jersey 07849

VOUCHER
 N. J. Tax Exempt No. 22-6002148

DATE	INVOICE #	QUAN.	DESCRIPTION	UNIT COST	TOTAL
			<p>FOR WORK COMPLETED ON PROPOSED SIDEWALK IMPROVEMENTS ON VARIOUS STREETS (<i>Spring Street, Lower Spring Street & Main Street</i>) THROUGH 9/19/2013 AS SHOWN ON ESTIMATE CERTIFICATE NO. 1 (ATTACHED)</p> <p>ORIGINAL CONTRACT AMOUNT \$90,291.00 ADJUSTED CONTRACT AMOUNT BASED ON CHANGE ORDER NO. 1 \$74,724.00 WORK COMPLETED THROUGH 9/19/2013 \$74,724.00 LESS 2% RETAINAGE (\$ 1,494.48) LESS PREVIOUS PAYMENTS \$ 0.00</p> <p>TOTAL AMOUNT DUE THIS VOUCHER</p>		\$73,229.52

Officer's Certification

I, having knowledge of the facts, certify that the materials and supplies have been received or the services rendered; said certification being based on signed delivery slips or other reasonable procedures.

Date 10/16/13

FILE COPY
David E. Allen

 Approved: *[Signature]*
 Town Manager Date 10/16/13

Finance Pre-Audit

Date: _____ Initials: _____

Claimant's Certification and Declaration

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been received or services rendered as stated herein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount herein stated is justly due and owing and that the amount charged is a reasonable one.

Signature Here *[Signature]*
 Official Position Vice President
 Date 10/16/2013

HAROLD E. PELLOW and ASSOCIATES, INC.

Consulting Engineers, Planners and Land Surveyors

17 Plains Road, Augusta, NJ 07822-2009

(973) 948-6463; (973) 948-2916 (fax)

Estimate Certificate No. 1

Date: For Work Completed Through September 19, 2013

Project: Proposed Sidewalk Improvements on Various Streets (Spring Street, Lower Spring Street, and Main Street)

Owner: Town of Newton, Municipal Building, 39 Trinity Street, Newton, NJ 07860

Contractor: M. Sky Construction Corporation, 830 Route 15 South, Lake Hopatcong, NJ 07849

Item No.	Description	Unit Measure	Original Contract Quantity	Extra or Supplement Quantity	Reduction Quantity	Adjusted Quantity	Quantity to Date	Unit Price Totals	Total Amount to Date of Final
1	Mobilization	L.S.	100%			100%	100%	\$ 2,000.00	\$ 2,000.00
2	Construction Signs	Sq. Ft.	128		96	32	32	\$ 12.00	\$ 384.00
3	Traffic Flaggers	Mn. Hr.	300		121	179	179	\$ 75.00	\$ 13,425.00
4	Concrete Sidewalk, 4" Thick, Reinforced	Sq. Yd.	585		121	464	464	\$ 54.00	\$ 25,056.00
5	Concrete Sidewalk 6" Thick, Reinforced	Sq. Yd.	39	56		95	95	\$ 63.00	\$ 5,985.00
6	Sawcutting	Lin. Ft.	10	179		189	189	\$ 10.00	\$ 1,890.00
7	Joint Repairs	Lin. Ft.	1,251		312	939	939	\$ 12.00	\$ 11,268.00
8	Reset Concrete Pavers	Sq. Ft.	102			102	102	\$ 54.00	\$ 5,508.00
9	Detectable Warning Surfaces	Unit	7		3	4	4	\$ 300.00	\$ 1,200.00
10	Removal of Concrete Sidewalk	Sq. Yd.	624		65	559	559	\$ 12.00	\$ 6,708.00
11S	Concrete Curb	Lin. Ft.	0	24		24	24	\$ 25.00	\$ 600.00
12S	Concrete Curb & Gutter	Lin. Ft.	0	20		20	20	\$ 35.00	\$ 700.00
TOTAL:									\$ 74,724.00

Original Contract \$ 90,291.00
 Total Extra & Supplemental \$ 6,618.00
 Total Reduction \$ 22,185.00
Total Adjusted Contract \$ 74,724.00
 (Based on Change Order No. 1)

Recommended for Approval _____
 Approved by *Harold E. Pellow*
 INSPECTOR
 MUNICIPAL ENGINEER

Total Cost of Construction \$ 74,724.00
 Less Retainage of 2% \$ 1,494.48
 Less Previous Payments \$ -

PAYMENT NOW DUE: \$ 73,229.52



TOWN OF NEWTON

RESOLUTION #180-2013

October 28, 2013

“To Establish Preliminary Engineering Costs for the Pool Filtration System Improvements”

WHEREAS, the Town Council of the Town of Newton hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking. The purpose of these preliminary costs are for engineering costs for the Construction Document Phase \$5,800 and Bidding Phase \$2,000, totaling \$7,800, to renovate and upgrade the filter room at the town of Newton Municipal Pool; and that the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A;

NOW, THEREFORE, BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that the amount appropriated for preliminary costs shall not exceed \$7,800.00 and the Chief Financial Officer is authorized to set up a reserve for preliminary expenses out of the Capital Improvement Fund of the General Capital Fund. The effective date of this resolution is the date of 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, October 28, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #181-2013

October 28, 2013

"Resolution Authorizing Disposal of Surplus Property"

WHEREAS, the Town of Newton is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Town Council is desirous of selling said surplus property in an "as is" condition without express or implied warranties;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, as follows:

- 1) The sale of surplus property shall be conducted through GovDeals pursuant to NJ State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available in the Clerk's Office of the Town of Newton.
- 2) The sale will be conducted online and the address of the auction site is govdeals.com.
- 3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- 4) A list of the surplus property to be sold is as follows:
 1. 1997 Ford 250 Pickup
Vin#: 1FTHF26H1VECO7193
Odometer Reading: 97,000 MILES
Condition: Poor
- 5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- 6) The Town of Newton reserves the right to accept or reject any bids submitted.

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, October 28, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #182-2013

October 28, 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, October 28, 2013.

Lorraine A. Read, RMC
Municipal Clerk

List of Bills - (100001) CASH - CURRENT - LAKELAND #434 CURRENT FUND

Check#	Vendor	Description	Payment	Check Total
32601	39 - QUILL CORPORATION	PO 42442 COURT OFFICE SUPPLIES	316.92	316.92
32602	50 - E.A. MORSE & COMPANY, INC.	PO 42611 Garbage Bags	1,526.86	1,526.86
32603	62 - M G L PRINTING SOLUTIONS, LLC.	PO 42497 Tax Bill Printing	607.80	
		PO 42561 MARR/BIRTH/DEATH ENVEL INDEX	170.00	777.80
32604	102 - SUSSEX CAR WASH INC	PO 41059 SEPT POLICE CAR WASH	143.00	143.00
32605	103 - CLASSIC AUTO UPHOLSTERY	PO 42355 SEAT REPAIR	227.00	227.00
32606	106 - NUI CORPORATION	PO 42664 SEPT NAT GAS	1,171.61	1,171.61
32607	110 - G & G DIESEL SERVICE INC	PO 42684 FREIGHTLINER TRUCK MAINT & INSPECT	1,017.29	
		PO 42644 2 BULBS FIRE	14.86	1,032.15
32608	116 - NEW JERSEY HERALD, INC.	PO 42631 SEPT ADVERTISING	125.10	125.10
32609	121 - PUMPING SERVICES, INC.	PO 40591 Sussex Annex Basin Stormwater pumps	6,373.00	6,373.00
32610	126 - SCMUA	PO 42516 SEPT WASTE DISPOSAL	180.48	
		PO 42545 SEPT WASTE DISPOSAL	308.97	
		PO 42594 SEPT WASTE DISPOSAL	143.04	632.49
32611	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 40937 OCT POLICE MOBILE DATA TERMINALS	124.74	124.74
32612	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 41970 PHONE REPAIR CEN-COM CUST #2B124900	250.00	250.00
32613	192 - CAMPBELL'S SMALL ENGINE INC.	PO 42488 TRIMMER HEAD	27.99	
		PO 42597 CHAIN SAW REPAIR	59.47	87.46
32614	200 - GARDEN STATE LABORATORIES INC	PO 42655 ANALYTICAL SVC SUMMER SEASON 2013	540.00	540.00
32615	219 - TRI-STATE RENTALS, INC.	PO 42543 FLOOR STRIPPER DPW OFFICE	47.95	47.95
32616	230 - HAYEK'S MARKET INC.	PO 42633 FOOD FOR MEETING 10/4 ACCT #123	12.47	12.47
32617	250 - FIRST UNITED METHODIST CHURCH	PO 42582 USE OF BLDG SPECIAL ELECTION 10/13	200.00	200.00
32618	263 - MCMANIMON, SCOTLAND & BAUMANN, LLC	PO 42526 THOR LABS REDEV AUG	451.00	451.00
32619	282 - WILLCO, INC.	PO 42559 CIRCULATOR PUMP REPAIR	150.00	
		PO 42606 REPLACE PUMP ON BOILER ACCT #1508	600.81	750.81
32620	332 - J & D SALES AND SERVICE, LLC.	PO 42563 TRK WASH RECYCLER MAINT	189.00	189.00
32621	334 - SUSSEX COUNTY LEAGUE OF	PO 42532 12/2 DINNER OEM & 1/9 DINNER COUNCIL	40.00	40.00
32622	336 - NEWTON TROPHY	PO 42461 POLICE VEST STITCHING	100.00	100.00
32623	371 - T.A. MOUNTFORD COMPANY, INC.	PO 42125 COURT COPIER CONTRACT	250.00	
		PO 42549 TONER P/Z	89.00	
		PO 42572 TONERS PB PRINTER	178.00	
		PO 42676 PB PRINTER LABOR	75.00	592.00
32624	373 - GALLS INCORPORATED	PO 42457 COURT ATTENDANT UNIFORMS ACCT #479	169.50	
		PO 42550 CROSSING GUARD RAIN COATS ACCT #47	320.85	490.35
32625	409 - MINISINK PRESS INC	PO 42512 ENVELOPES POLICE	85.00	85.00
32626	643 - SHERWIN-WILLIAMS	PO 42490 FLOOR PAINT ACCT #5122-3815-5	165.18	165.18
32627	656 - ZEE MEDICAL, INC.	PO 42586 MEDICAL SUPPLIES	186.35	186.35
32628	768 - DEMPSEY UNIFORM & SUPPLY INC	PO 42604 MAT/UNIFORM/PAPER SUPP'S SEPT	1,020.50	1,020.50
32629	939 - ROYAL COMMUNICATIONS, INC.	PO 42595 REPROGRAM OEM UNIT	50.00	50.00
32630	966 - L-3 COMM. MOBILE-VISION	PO 42460 MAINTENANCE AGREEMENT	4,934.00	4,934.00
32631	1132 - BOONTON TIRE SUPPLY INC.	PO 42102 POLICE VEH REPAIRS	597.83	597.83
32632	1207 - NUMMA	PO 42609 OCT NJMMA MEETING	30.00	30.00
32633	1215 - SUSSEX & WARREN TAX COL.ASSO	PO 42574 10/16 TCTA QTR MTG ROTH/BABCOCK	50.00	50.00
32634	1333 - CERBO'S HAMPTON NURSERY INC.	PO 42650 RED MAPLE	150.00	150.00
32635	1462 - INSTITUTE PROFESSIONAL DEVELOP	PO 42307 10/25 SEMINAR RAFTERY & BABCOCK	198.00	198.00
32636	1469 - UNIVERSAL SUPPLY GROUP INC.	PO 42588 AIR FILTERS CUST #3193	289.80	289.80
32637	1474 - BELL MARKETING L.P.	PO 42685 2 LAPTOPS CODE ENFORCE/DPW	1,374.12	1,374.12
32638	1528 - MR. JOHN, INC.	PO 40953 PORT A JOHN RECYCLE CNTR SEPT C	75.95	75.95
32639	1632 - COOPER ELECTRIC SUPPLY CO.	PO 42547 TH LIGHT BULBS ACCT #25779	96.60	96.60
32640	1741 - MORRIS COUNTY POLICE ACADEMY	PO 42536 DETECTIVE COURSES	80.00	80.00
32641	1819 - VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	PO 42514 HILLSIDE ASSOC LGL AUG	120.00	
		PO 42579 PB ATTORNEY NON ESCROW AUG & REDEV	855.00	
		PO 42681 NEWTON HILLSIDE ASSOC'S SEPT	135.00	
		PO 42691 PB NON ESCROW SEPT	930.00	2,040.00
32642	1846 - ADVANCE AUTO PARTS	PO 42556 FIRE TRUCK CLEAN SUPP'S	171.68	
		PO 42596 FIRE DEPT PARTS & CLEANING SUPP'S	87.56	
		PO 42645 FIRE DEPT CLEANING SUUP'S	56.16	315.40
32643	1866 - HOME DEPOT, INC.	PO 42378 SUBMERSIBLE PUMP	108.30	
		PO 42674 OFFICE EXPANSION	88.95	197.25
32644	1872 - RR DONNELLEY	PO 42534 VITAL RECORD PAPER (BLUE	250.00	250.00
32645	1880 - FIRE & SAFETY SERVICES, LTD., INC.	PO 42629 ENGINES 803 & 804 SVC WORK	7,783.37	
		PO 42669 FIRE TRUCKS REPAIRED	12,045.99	19,829.36

List of Bills - (100001) CASH - CURRENT - LAKELAND #434 CURRENT FUND

Check#	Vendor	Description	Payment	Check Total
32646	2037 - MID-ATLANTIC FOR SAFETY &	PO 42476 GUARD VESTS	48.00	48.00
32647	2206 - CENTER FOR PREVENTION & COUNSELING,	PO 42500 S DIGLIO 11/1 SEMINAR DRUG EPIDEMIC	55.00	55.00
32648	2257 - STAPLES BUSINESS ADVANTAGE, INC.	PO 42107 POLICE/CENCOM OFFICE SUPPLIES	242.47	
		PO 42449 2ND FLR OFFICE SUPP'S	50.79	
		PO 42566 TAX ASSR OFFICE SUPPLIES	52.58	
		PO 42581 SUPPLIES FOR NANETTE	85.82	
		PO 42642 DPW OFFICE SUPPLIES	83.58	
		PO 42643 LABELS	25.71	540.95
32649	2257 - STAPLES BUSINESS ADVANTAGE, INC.	PO 42646 TONER CFO PRINTER	492.43	
		PO 42649 STREET MAP COPIES	16.05	508.48
32650	2300 - LOWE'S , INC.	PO 42529 RECREATION SUPP'S	108.18	
		PO 42659 OFFICE EXPANSION	31.47	139.65
32651	2312 - SPECTRUM COMMUNICATIONS, INC.	PO 42601 RADIO REPAIR	218.25	218.25
32652	2358 - APPRAISAL SERVICES, INC.	PO 42177 REASSESSMENT FOR TAX YEAR 2014	15,300.00	15,300.00
32653	2361 - CSS TEST INC.	PO 40890 (3) PRE-EMPLOYMENT DRUG SCREEN	144.00	144.00
32654	2387 - NESTLE WATERS, INC.	PO 42521 SEPT WATER	52.79	52.79
32655	2450 - PINNACLE WIRELESS FBO UNITEK GLOBAL	PO 42496 WIRE KIT	97.20	97.20
32656	2504 - PowerDMS, Inc.	PO 42454 ANNUAL POLICY SUBSCRIPTION/LICENSE	2,558.16	2,558.16
32657	2525 - FIREFIGHTER ONE, LLC.	PO 42491 TRAINING	500.00	500.00
32658	2532 - LADDEY, CLARK & RYAN, LLP	PO 40838 TAX APPEAL LITIGATION FOR 2012 APPE	1,206.97	1,206.97
32659	2532 - LADDEY, CLARK & RYAN, LLP	PO 40920 2013 PROSECUTOR Jonathan McMeen	2,250.00	2,250.00
32660	2532 - LADDEY, CLARK & RYAN, LLP	PO 42696 SEPT LEGAL	3,072.00	3,072.00
32661	2561 - SUSSEX COUNTY CHAMBER OF COMMERCE	PO 42605 MEMBERSHIP (10/1/13-9/30/14) acct	289.00	289.00
32662	2569 - KIEFFER ELECTRIC, INC.	PO 42530 BABY POOL PUMP REPAIR	330.00	330.00
32663	2741 - JERSEY CENTRAL POWER & LIGHT, INC.	PO 40964 4 POLES FROM P/A	168.00	168.00
32664	2765 - CODE 96	PO 42291 COMPUTER REPAIR	160.00	160.00
32665	2781 - TRIMBOLI & PRUSINOWSKI, LLC.	PO 41055 SEPT LEGAL SERV'S	180.00	180.00
32666	2788 - PENTELEDATA	PO 40909 SEPT INTERNET USAGE	564.75	564.75
32667	2843 - CHELBUS CLEANING CO., INC.	PO 40859 OCT CLEANING TOWN BLDG'S	2,010.00	2,010.00
32668	2860 - RUTGERS, CENTER FOR GOVERNMENT SERV	PO 42538 T Villaverde fall mpa cr course #CE	2,500.00	2,500.00
32669	2938 - WOODRUFF ENERGY US, INC.	PO 42665 SEPT NAT GAS	714.74	714.74
32670	3105 - THYSSENKRUPP ELEVATOR CORP.	PO 41058 OCT ELEVATOR MAINT TH CU	192.40	192.40
32671	3115 - THE NJ SHADE TREE FEDERATION	PO 42424 NJ SHADE TREE CONFERENCE	300.00	300.00
32672	3184 - HARLEYSVILLE LIFE INSURANCE COMPANY	PO 41369 FIRE ACC/LIFE INSURANCE 3/1/13-2/28	261.91	261.91
32673	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 42620 HISTORIC AUG MTGS	423.75	423.75
32674	3352 - LANGUAGE WORKS, INC.	PO 41829 UZEBEK INTERPRETER SUCT #NEWTOWO	348.00	348.00
32675	3377 - NORTH BRANCH ASSOCIATES, LLC	PO 41868 BUSINESS RECRUITMENT EVENT	637.50	637.50
32676	3379 - CEUNION	PO 42506 TRAINING - OPRA	267.00	267.00
32677	3405 - ANDRE'S RESTAURANT	PO 42179 OCTOBER 7th MARKETING EVENT	228.00	228.00
32678	3417 - PANGARO TRAINING & MANAGEMENT	PO 42311 PATROL TACTICS COURSE	286.00	286.00
32679	3429 - TOYOTA MOTOR CREDIT CORP.	PO 42132 2013 TOYOTA CAMRY 60 pmt @\$472.08 =	472.08	472.08
32680	3432 - TAPE-TEL ELECTRONICS INC.	PO 42502 HEADSETS	1,307.21	1,307.21
32681	3433 - CAROL MC NALLY	PO 42583 REIMB MILEAGE UCR SEMINAR	33.33	33.33

TOTAL

86,582.17

Total to be paid from Fund 10 CURRENT FUND

86,582.17

86,582.17

Checks Previously Disbursed

32600	Community Resouce Partners, LLC	PO# 42493	MARKETING CONSULTING	2,500.00	10/17/2013
32599	DOMINICK'S PIZZA, LLC.	PO# 42531	9/23 LUNCH MEETING	75.25	10/16/2013
32598	FEDERAL EXPRESS	Multiple: PO# 42381	PO# 42571	44.20	10/16/2013
32597	STAPLES BUSINESS ADVANTAGE, INC.	Multiple: PO# 42591	PO# 42590	153.68	10/16/2013
32596	STAPLES BUSINESS ADVANTAGE, INC.	Multiple: PO# 42107	PO# 42449 PO# 42505 PO#	1,108.98	10/16/2013
32595	STAPLES CREDIT PLAN, INC.	Multiple: PO# 42452	PO# 42479 PO# 42570	137.04	10/16/2013

**List of Bills - (100001) CASH - CURRENT - LAKELAND #434
CURRENT FUND**

Check#	Vendor	Description	Payment	Check Total
32594	TAYLOR OIL CO., INC.	Multiple: PO# 42522 PO# 42560	6,950.64	10/16/2013
32593	RACHLES/MICHELE'S OIL COMPANY, INC.	PO# 42517 GAS ACCT #40382	7,772.72	10/16/2013
32592	KRAVE CAFE	PO# 42513 MKTG LUNCH MTG	53.00	10/11/2013
32591	HOME DEPOT, INC.	Multiple: PO# 42542 PO# 42564 PO# 42610 PO#	529.91	10/11/2013
32590	HOME DEPOT, INC.	Multiple: PO# 42262 PO# 42446 PO# 42489 PO#	581.50	10/11/2013
32589	DIRECT ENERGY BUSINESS INC.	PO# 42623 SEPT ELECTRIC	4,252.93	10/11/2013
32588	DIRECT ENERGY BUSINESS INC.	PO# 42618 SEPT ELECTRIC	2,086.88	10/11/2013
32587	VERIZON WIRELESS, INC.	PO# 40936 SEPT 1X AIRCARDS	189.87	10/11/2013
32586	VERIZON WIRELESS, INC.	PO# 42625 SEPT CELL PHONE USAGE	1,728.84	10/11/2013
32585	CENTURYLINK COMMUNICATIONS, INC.	PO# 40873 SEPT LONG DISTANCE ACCT #320421349	184.15	10/11/2013
32584	CENTURYLINK COMMUNICATIONS, INC.	PO# 40869 SEPT POOL PAY PHONE	35.00	10/11/2013
32583	CENTURYLINK COMMUNICATIONS, INC.	PO# 40937 OCT POLICE MOBILE DATA TERMINALS	125.85	10/11/2013
32582	TERESA ANN OSWIN	PO# 42654 RIMB MILEAGE CLERKS REVIEW CLASS	81.36	10/11/2013
32581	CENTURYLINK COMMUNICATIONS, INC.	PO# 42511 SEPT LOCAL PHONE SVC	2,965.38	10/11/2013
32580	NJ STATE DIVISION, IAI	PO# 42501 10/28 - 10/29/13 CONFERENCE	200.00	10/11/2013
32579	JCP&L	PO# 42477 AUG ELECTRIC	7,958.45	10/11/2013
32578	VISION SERVICE PLAN	PO# 40944 VISION ACCT #12 133820 0001	786.88	10/11/2013
32577	NJMEBF	PO# 42587 MEDICAL BENEFITS OCT	132,236.26	10/11/2013
32576	LAFAYETTE YARD	PO# 42593 ROOM CLERKS TEST T OSWIN	152.32	10/11/2013
32575	PELLOW, HAROLD & ASSO, INC.	PO# 42621 AUG ENGINEERING	1,064.25	10/11/2013
131071	WATER & SEWER OPERATING ACCT	ERIK TOMPKINS W/C (9/13-9/22/13)	974.60	10/10/2013
131070	PAYROLL ACCOUNT	10/10 CURRENT PAY	195,478.28	10/10/2013
131069	Elavon (merchant svc)	OCT COURT Merchant fee	78.03	10/01/2013
32574	ANDRE'S RESTAURANT	PO# 42179 OCTOBER 7th MARKETING EVENT	1,250.00	10/02/2013
131068	PAYROLL ACCOUNT	9/26 CURRENT PAY	198,816.19	9/26/2013
32573	TOYOTA MOTOR CREDIT CORP.	PO# 42132 2013 TOYOTA CAMRY 60 pmt @\$472.08	472.08	9/24/2013
136031	CHASE BANK	2006 GO Bonds p&i \$4.041 DTC @ 4.0	60,030.00	9/30/2013

			631,054.52	

Total paid from Fund 10 CURRENT FUND

631,054.52

631,054.52

Total for this Bills List: 717,636.69

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

Check#	Vendor	Description	Payment	Check Total
1168	1500 - WALMART	PO 42540 FAMILY DAY- BROOKSIDE TERRACE	298.17	298.17
1169	2301 - SCREEN CREATION PLUS	PO 42640 FRESHMAN VOLLEYBALL- NHS	400.00	400.00
1170	3134 - SHOP RITE, INC.	PO 42503 MEETING REFRESHMENTS	7.23	7.23
1171	3134 - SHOP RITE, INC.	PO 42539 FAMILY DAY	34.30	34.30
1172	3273 - LISA BECHTAL	PO 42670 FRESHMAN ORIENTATION	700.00	700.00
	TOTAL			1,439.70

Total to be paid from Fund 11 FEDERAL/STATE GRANTS

1,439.70

1,439.70

**List of Bills - (210001) CASH - DOG RESERVE - LAKELAND #493
DOG RESERVE**

Check#	Vendor	Description	Payment	Check Total
8534	2301 - SCREEN CREATION PLUS	PO 42667 SHIRTS & HATS DOG CENSuS	48.00	48.00
8535	2350 - TOWNSHIP OF WANTAGE	PO 40876 2013 ANIMAL CONTRACT	ann 7,900.00	7,900.00
	TOTAL			----- 7,948.00

Total to be paid from Fund 21 DOG RESERVE

7,948.00

7,948.00

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

Check#	Vendor	Description	Payment	Check Total
13845	106 - NUI CORPORATION	PO 42664 SEPT NAT GAS	596.94	596.94
13846	121 - PUMPING SERVICES, INC.	PO 42686 GRIT COLLECTOR INSPECTION REPAIR	754.00	754.00
13847	126 - SCMUA	PO 42545 SEPT WASTE DISPOSAL	233.45	233.45
13848	130 - SUSSEX COUNTY P & H, INC.	PO 42576 MINI CUTTER	15.75	15.75
13849	155 - COYNE CHEMICAL CORP., INC.	PO 41301 SODIUM BISULFITE	680.00	
		PO 42472 CES PACL 2500	8,362.37	9,042.37
13850	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 40907 OCT WOODSIDE AVE PS 9733834159 ACCT	35.08	35.08
13851	200 - GARDEN STATE LABORATORIES INC	PO 42499 WASTEWATER ANALYSIS	875.00	
		PO 42680 DRINKING AND WASTEWATER ANALYSIS	3,635.00	4,510.00
13852	230 - HAYEK'S MARKET INC.	PO 42671 10/11 MARKETING MEETING	15.32	15.32
13853	232 - HAMBURG PLUMBING SUPPLY CO INC	PO 42544 VALVE BOX RISERS ACCT #14037	198.24	198.24
13854	316 - SPARTA TOWNSHIP TAX COLLECTOR	PO 42518 4TH QTR PROP TAX MORRIS LAKE	15,119.12	15,119.12
13855	330 - AMERICAN WATER WORKS ASSOC	PO 42388 AMERICAN WATER WORKS RENEWAL	81.00	81.00
13856	768 - DEMPSEY UNIFORM & SUPPLY INC	PO 42604 MAT/UNIFORM/PAPER SUPP'S SEPT	400.80	400.80
13857	853 - R&D TRUCKING INC	PO 41566 SLUDGE REMOVAL (SEWER PLANT) 2013	7,203.00	7,203.00
13858	1011 - LASSO, ERVIN	PO 40852 MEAL ALLOWANCE	16.00	
		PO 42580 REIMB FOR CDL LICENSE	42.00	58.00
13859	1207 - NJMMA	PO 42609 OCT NJMMA MEETING	30.00	30.00
13860	1407 - PASSAIC VALLEY SEWERAGE COMM.	PO 42608 SLUDGE DISPOSAL (8/16-9/15/13)	13,120.00	13,120.00
13861	1489 - SMALLEY, JOHN	PO 40917 MNTHLY SERV'S MORRIS LAKE	1,250.00	1,250.00
13862	1566 - MAIN POOL & CHEMICAL COMPANY, INC.	PO 41553 SODA ASH (SODIUM CARBONATE)	3,652.00	
		PO 41556 SODIUM HYPOCHLORITE	789.26	4,441.26
13863	1866 - HOME DEPOT, INC.	PO 42688 PAINT ETHANOL BATTERIES FOR MORRIS	305.70	305.70
13864	2212 - PROCESS TECH SALES AND SERVICE	PO 42507 THIRD QUARTER SERVICE CALL WATER TR	1,246.00	
		PO 42546 CHLORINE SENSOR	931.00	2,177.00
13865	2532 - LADDEY, CLARK & RYAN, LLP	PO 42696 SEPT LEGAL	464.00	464.00
13866	2575 - ANDY MATT, INC.	PO 42679 SEPT WATER TANK LANSCAPING	962.00	962.00
13867	2788 - PENTELEDATA	PO 40909 SEPT INTERNET USAGE	119.90	119.90
13868	2882 - ONE CALL CONCEPTS, INC.	PO 40863 ONE CALL MESSAGES sept	159.78	159.78
13869	2938 - WOODRUFF ENERGY US, INC.	PO 42665 SEPT NAT GAS	191.93	191.93
13870	3124 - EXTRA TECH DATA SERVCIES LLC	PO 42427 LAPTOP ADMIN. ASSISTANT	687.06	687.06
13871	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 42456 AUG REDEVELOPMENT /WTR CONSERVATION	480.25	
		PO 42628 WATER CONSERVATION ORD SEPT	113.00	593.25
13872	3377 - NORTH BRANCH ASSOCIATES, LLC	PO 41868 BUSINESS RECRUITMENT EVENT	2,987.50	2,987.50
13873	3405 - ANDRE'S RESTAURANT	PO 42179 OCTOBER 7th MARKETING EVENT	1,478.00	1,478.00
13874	3428 - Community Resouce Partners, LLC	PO 42493 MARKETING CONSULTING	2,500.00	2,500.00
TOTAL				69,730.45

Total to be paid from Fund 60 WATER/SEWER UTILITY

69,730.45

69,730.45

Checks Previously Disbursed

13844	FEDERAL EXPRESS	PO# 42571	SEPT EXPRESS MAIL ACCT #1344-0525-	61.98	10/17/2013
13843	PELLON, HAROLD & ASSO, INC.	PO# 42621	AUG ENGINEERING	3,535.50	10/11/2013
13842	JCI JONES CHEMICALS, INC	Multiple:	PO# 41551 PO# 41552	1,434.00	10/11/2013
13841	VERIZON WIRELESS, INC.	PO# 42625	SEPT CELL PHONE USAGE	153.70	10/11/2013
13840	VISION SERVICE PLAN	PO# 40944	VISION ACCT #12 133820 0001	190.56	10/11/2013
13839	NJMEBF	PO# 42587	MEDICAL BENEFITS OCT	25,183.74	10/11/2013
13838	HATCH MOTT MACDONALD	Multiple:	PO# 41228 PO# 42520	9,358.14	10/11/2013
13837	HOME DEPOT, INC.	PO# 42387	STEEL FISH TAPE	42.99	10/11/2013
13836	KRAVE CAFE	PO# 42513	MKTG LUNCH MTG	53.00	10/11/2013
13835	JCP&L	PO# 42477	AUG ELECTRIC	2,416.94	10/11/2013
13834	DIRECT ENERGY BUSINESS INC.	Multiple:	PO# 42618 PO# 42623	8,659.53	10/11/2013

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

Check#	Vendor	Description	Payment	Check Total
13833	CENTURYLINK COMMUNICATIONS, INC.	PO# 42511 SEPT LOCAL PHONE SVC	1,239.95	10/11/2013
136034	PAYROLL ACCOUNT	10/10 W/S PAYROLL	34,507.05	10/10/2013
136033	PAYROLL ACCOUNT	9/26 W/S PAYROLL	36,894.35	9/26/2013

			123,731.43	
Total paid from Fund 60 WATER/SEWER UTILITY			123,731.43	

			123,731.43	

Total for this Bills List: **193,461.88**

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

Check#	Vendor	Description	Payment	Check Total
2311	64 - PELLOW, HAROLD & ASSO, INC.	PO 42159 FOX HOLLOW WATERMAIN REPLACE \$92,	3,336.00	3,336.00
2312	382 - WELDON ASPHALT COMPANY, INC.	PO 42627 ASPHALT HOWARD ST ACCT #479275	4,722.24	4,722.24
2313	1461 - SPARTA READY MIX, INC.	PO 42548 CONCRETE HOWARD ST PROJ	403.00	403.00
2314	2532 - LADDEY, CLARK & RYAN, LLP	PO 42696 SEPT LEGAL	752.00	752.00
2315	3032 - HARTER EQUIPMENT INC.	PO 42523 EXCAVATOR RENTAL HOWARD ST acct #62	4,100.00	4,100.00
2316	3216 - KOZDEBA & SON LLC.	PO 42434 SAND/QUARRY PROCESS HOWARD ST PROJ	2,497.50	
		PO 42585 QUARRY PROCESS & SAND HOWARD ST	3,237.50	5,735.00
2317	3355 - BRAEN STONE SPARTA	PO 42428 3/4" CRUSHED STONE HOWARD ST	363.40	363.40
	TOTAL			19,411.64

Total to be paid from Fund 61 WATER/SEWER CAPITAL

19,411.64

19,411.64

Checks Previously Disbursed

2310	TILCON NEW JERSEY, INC.	PO# 42138 PAVE HOWARD, MAPLE, CEDAR, KELSEY,	62,252.92 10/16/2013
2309	PELLOW, HAROLD & ASSO, INC.	PO# 42621 AUG ENGINEERING	4,474.00 10/11/2013
2308	HOME DEPOT, INC.	Multiple: PO# 42446 PO# 42508	442.42 10/11/2013
2307	HATCH MOTT MACDONALD	PO# 42417 MECH BAR SCREEN (7/13-9/13)	8,126.01 10/11/2013
			75,295.35

Total paid from Fund 61 WATER/SEWER CAPITAL

75,295.35

75,295.35

Total for this Bills List: **94,706.99**

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

Check#	Vendor	Description	Payment	Check Total
3181	116 - NEW JERSEY HERALD, INC.	PO 42630 FIGHTING FIRE SUSSEX COUNTY	204.28	204.28
3182	263 - MCMANIMON, SCOTLAND & BAUMANN, LLC	PO 42694 RPM AUG	1,820.00	1,820.00
3183	285 - SLOAN, JAMES P, P.C., INC.	PO 40919 2013 PUBLIC DEFENDER	1,333.33	1,333.33
3184	1819 - VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	PO 42482 WEIS #143-AUGUST ESCROW	60.00	
		PO 42483 K.MEMBER-AUGUST ESCROW	15.00	
		PO 42484 NEWTON CEMETERY CO-AUGUST ESCROW	345.00	
		PO 42692 NEWTON CEMETERY SEPT	495.00	915.00
3185	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 42485 NEWTON CEMETERY CO-AUGUST ESCROW	113.00	
		PO 42637 LUTZ-SEPTEMBER ESCROW	169.50	
		PO 42638 NEWTON CEMETERY CO-SEPTEMBER ESCROW	56.50	339.00
TOTAL				4,611.61

Total to be paid from Fund 71 TRUST

4,611.61

 4,611.61

Checks Previously Disbursed

3180	FEDERAL EXPRESS	PO# 42668	JUNE EXPRESS MAIL ACCT #1344-0525-	51.88	10/16/2013
3179	PELLOW, HAROLD & ASSO, INC.	Multiple:	PO# 42621 PO# 42551 PO# 42552 PO#	2,659.00	10/11/2013
137122	PAYROLL ACCOUNT		10/10 TRUST PAY	1,546.89	10/10/2013
137121	PAYROLL ACCOUNT		9/26 TRUST PAY	12,443.78	9/26/2013
				16,701.55	

Total paid from Fund 71 TRUST

16,701.55

 16,701.55
Total for this Bills List: **21,313.16**

**List of Bills - (730001) CASH - SUI - LAKELAND #027
SUI (Fund 73)**

Check#	Vendor	Description	Payment	Check Total
1077	1261 - S/NJ EMPLOYER ACCOUNTS	PO 42626 3RD QTR UNEMPLOYMENT	5,017.90	5,017.90
	TOTAL			----- 5,017.90
Total to be paid from Fund 73 SUI (Fund 73)			<u>5,017.90</u>	
			5,017.90	



TOWN OF NEWTON

RESOLUTION #183-2013

October 28, 2013

"Authorize the Tax Collector to Remit Taxes on Exempt Properties, Block 8.03, Lot 3, Qualification C102"

WHEREAS, the County of Sussex has purchased Block 8.03, Lot 3, Qualification C102 also known as 83 Spring Street; and

WHEREAS, the Tax Assessor has deemed this property tax exempt effective January 1, 2013; and

WHEREAS, the taxes for the tax year 2013 are considered uncollectible due to exempt status and are to be remitted by the Tax Collector in the amount of \$2,649.66;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that the taxes for the tax year 2013 on said property in the amount of \$2,649.66 are to be remitted; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to remit said taxes for the tax year 2013.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, October 28, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #184-2013

**October 28, 2013 "Authorize Refund of Redemption Monies to
Outside Lien Holder for Block 21.07, Lot 7"**

WHEREAS, at the Municipal Tax Sale held on October 19, 2011 a lien was sold on Block 21.07, Lot 7 (formerly known as Block 1205 Lot 12) also known as 16 Gardner Avenue, for 2010 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1364, was sold to US Bank Cust for Pro Capital I LLC for 0% redemption fee with a premium of \$200.00; and

WHEREAS, Ocwen Loan Servicing LLC, the mortgage service for said property has effected redemption of Certificate #1364 in the amount of \$960.38;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust for Pro Capital I LLC is entitled to the redemption in the amount of \$960.38 along with the premium of \$200.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$960.38 for the redemption of Certificate #1364 as well as a check in the amount of \$200.00 for the return of premium payable to US Bank Cust for Pro Capital I LLC., 50 S. 16th Street Suite 1950, Philadelphia, PA 191012.

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, October 28, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #185-2013

October 28, 2013 **“Authorize the Tax Collector to Remit
Uncollectible Taxes for Block 4.02, Lot 20”**

WHEREAS, the Tax Assessor has concluded that the property known as Block 4.02 Lot 20 also known as High Street Rear with an unknown owner that appears on the Tax Map for the Town of Newton does not belong to any of the surrounding properties and appears as a “gore” in the Tax Map; and

WHEREAS, property taxes were assessed on said property for the 3rd and 4th quarters of 2012 in the amount of \$59.76 and the full tax year of 2013 in the amount of \$61.15; and

WHEREAS, the taxes for 2012 and 2013 on said property are considered uncollectible and therefore are to be remitted by the Tax Collector;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that taxes for the tax year 2012 and 2013 on said property in the total amount of \$120.91 are to be remitted; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to remit said taxes for the tax year 2012 and 2013.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, October 28, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #186-2013

October 28, 2013

"Authorize the Tax Collector to Remit Taxes on Exempt Properties for Block 8.03, Lot 3, Qualification C104"

WHEREAS, The County of Sussex has purchased Block 8.03 Lot 3 Qualification C104 also known as 83 Spring Street; and

WHEREAS, the Tax Assessor has deemed this property tax exempt effective January 1, 2013; and

WHEREAS, the taxes for the tax year 2013 are considered uncollectible due to exempt status and are to be remitted by the Tax Collector in the amount of \$10,595.24;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that the taxes for the tax year 2013 on said property in the amount of \$10,595.24 are to be remitted; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to remit said taxes for the tax year 2013.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, October 28, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #187-2013

October 28, 2013

"Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Extension, January 1, 2014 – June 30, 2014"

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, non-profit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Town Council of the Town of Newton, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages: and therefore has an established Municipal Alliance Committee; and

WHEREAS, \$18,772.00 was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse extended the 2013 Grant term until June 30, 2014, in order to transition then grant to a fiscal year rather than calendar year cycle; and

WHEREAS, funding has been made available to the Action Municipal Alliance in the amount of 50% of its approved 2013 grant total for the six month extension period of January 1 2014 to June 30 2014, contingent upon meeting the 25% Cash match and 75% In-Kind Match grant requirement for the extension funding;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton does hereby authorize the submission of the grant extension for the Action Municipal Alliance grant in the amount of:

DEDR	\$28,158.00
Cash Match	\$7,039.50
In-Kind	\$21,118.50

The Newton Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administration compliance and audit requirements.

APPROVED: _____ Mayor

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, October 28, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #188-2013

October 28, 2013 "Water Restrictions for Town of Newton"

WHEREAS, the Town of Newton's reservoir at Morris Lake, Sparta, New Jersey is currently more than 22 inches below the spillway; and

WHEREAS, due to the continued drop in water at Morris Lake, water restrictions will be implemented and take effect on October 30, 2013;

WHEREAS, §228-22. Prohibited water use. of the Code of the Town of Newton prohibits the following:

1. Water customers are prohibited from watering their lawns or gardens; and
2. Washing cars, trucks, boats, or any recreational vehicles; and
3. Washing public or private driveways, walkways, or sidewalks; and
4. Filling swimming pools and ornamental reflecting pools or fountains

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that we hereby impose water restrictions for the Town of Newton and authorize the Town Manager, through the Chief of Police and the Police Department, to enforce the provisions of Chapter 228, Article VI, Water Restrictions; Water Bans, of the Code of the Town of Newton.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, October 28, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #189-2013

October 28, 2013 “Authorization to Provide for the Purchase of
Road Salt and Snow Grit for the Department of
Public Works for the Town of Newton”

WHEREAS, the County of Sussex advertised and received bids for road salt and salt grit; and

WHEREAS, the bids received allowed for vendors to extend their pricing to municipalities within the County of Sussex through a State regulated County Contract Purchasing System; and

WHEREAS, the following vendors were awarded contracts for road salt and snow grit and have extended their pricing to municipalities, thereby affording the Town of Newton the opportunity of direct purchase without competitive bidding:

Rock Salt

International Salt Company
655 Northern Blvd
Clarks, Summit, PA 18411

Snow Grit

284 Aggregates, LLC
10 Route 284
Wantage, NJ 07461

WHEREAS, the County has awarded contracts at the price of \$49.79 per ton of road salt, and \$7.37 per ton for snow grit, with such prices good through May 31, 2014; and

WHEREAS, the Chief Financial Officer has certified funds are available in the 2013 Town of Newton operating budget to award these contracts for the 2013 portion of the contracts up to \$10,000, with the balance subject to adequate funds being appropriated in the 2014 operating budget based on the usage of the prior three (3) years;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton does hereby award a contract for the purchase of road salt from International Salt Company, at the Sussex County price of \$49.79 per ton through May 31, 2014 and the purchase of snow grit from 284 Aggregates, LLC., at the Sussex County price of \$7.37 per ton.

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, October 28, 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 #: 189 -2013

APPROVING: INTERNATIONAL SALT COMPANY

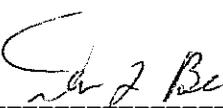
FOR THE PURPOSE OF: PURCHASE OF ROAD SALT AT \$49.79 PER
TON THROUGH A STATE REGULATED COUNTY CONTRACT
PURCHASING SYSTEM

IN THE AMOUNT OF: \$10,000.00

APPROPRIATED BY: CURRENT FUND -
SNOW REMOVAL, OTHER EXPENSES #1081239 \$10,000.00

2014 BALANCE SUBJECT TO SUFFICIENT FUNDS BEING
APPROPRIATED IN THE 2014 CURRENT BUDGET.

DATED THIS 28th DAY OF OCTOBER, 2013

BY 

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



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 #: 189 -2013

APPROVING: 284 AGGREGATES, LLC

FOR THE PURPOSE OF: PURCHASE OF SNOW GRIT AT \$7.37 PER TON
THROUGH A STATE REGULATED COUNTY CONTRACT PURCHASING
SYSTEM

IN THE AMOUNT OF: \$1,000.00

APPROPRIATED BY: CURRENT FUND -
SNOW REMOVAL, OTHER EXPENSES #1081239 \$1,000.00

2014 BALANCE SUBJECT TO SUFFICIENT FUNDS BEING
APPROPRIATED IN THE 2014 CURRENT BUDGET.

DATED THIS 28th DAY OF OCTOBER, 2013

BY

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #190-2013

October 28, 2013

"RESOLUTION OF THE TOWN OF NEWTON IN THE COUNTY OF SUSSEX, NEW JERSEY DESIGNATING BLOCK 8.08, LOTS 6, 7, 8, 9, 10, 11, 29, 30, & 31 AS AN AREA IN NEED OF REDEVELOPMENT"

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land within the municipality constitute an "area in need of redevelopment", as defined in the Redevelopment Law; and

WHEREAS, the Town directed the Planning Board by resolution to examine whether Block 8.08, Lots 6, 7, 8, 9, 10, 11, 29, 30 & 31 (collectively, the "Study Area"), should be determined an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, J. Caldwell and Associates, LLC (the "Planning Consultant") prepared a preliminary investigation report of the above-referenced Study Area in accordance with the Redevelopment Law, entitled "Area in Need of Redevelopment Study for McGuire Chevrolet Site and Surrounding Parcels – Block 8.08, Lots 6, 7, 8, 9, 10, 11, 29, 30, & 31 (the "Study", a copy of which is attached hereto as Exhibit A); and

WHEREAS, the Study concluded that the Study Area qualifies as an area in need of redevelopment pursuant to the Redevelopment Law, for the reasons set forth in the Study; and

WHEREAS, pursuant to the Redevelopment Law, the Planning Board held a duly noticed public hearing concerning the Study on October 23, 2013, giving all persons who were interested in or would be affected by a determination that the Study Area is an area in need of redevelopment the opportunity to be heard; and

WHEREAS, at said public hearing, the Board considered the Study, heard the comments of the Planning Consultant, opened the meeting for public comment, and deliberated on the matter using the criteria set forth in the Redevelopment Law; and

WHEREAS, on October 23, 2013, the Planning Board adopted a resolution (a copy of which is attached hereto as Exhibit B) accepting and adopting the recommendations contained in the Study, and recommending that the Study Area be declared an area in need of redevelopment for the reasons set forth therein; and

WHEREAS, after careful consideration of the Study, the Planning Board resolution, and all of the relevant facts and circumstances concerning this matter;

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

Section 1. Designation of the Redevelopment Area. Based on substantial evidence and the recommendation of the Planning Board, the Town Council hereby designates Block 8.08, Lots 6, 7, 8, 9, 10, 11, 29, 30 & 31 as an area in need of redevelopment.

Section 2. Transmittal of Resolution to Commissioner of Community Affairs. The Town Council hereby directs the Town Clerk to transmit a certified copy of this resolution forthwith to the Commissioner of the Department of Community Affairs for review.

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of Resolution 190-2013 adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, October 28, 2013.

Lorraine A. Read, RMC
Municipal Clerk

Exhibit A

Study

Area in Need of
Redevelopment Study
for McGuire Chevrolet
Site and Surrounding
Parcels – Block 8.08,
Lots 6, 7, 8, 9, 10, 11,
29, 30 & 31

Town of Newton, Sussex County, New Jersey



October 2013

Prepared by:

J. Caldwell & Associates, LLC, 122 Main Street, Suite 204, Newton NJ 07860



Acknowledgements:

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Thomas S. Russo, Jr., Town Manager
Debra J. Millikin, Deputy Town Manager
Jessica C. Caldwell, P.P., A.I.C.P., Town Planner

The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

Jessica C. Caldwell, P.P., A.I.C.P.

New Jersey Professional Planner #5944

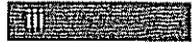


TABLE OF CONTENTS

I. Introduction.....	1
A. Background.....	1
B. Methodology	2
II. Statutory Criteria	2
III. Study Area	4
A. Study Area Description.....	4
B. General Site Photos.....	19
C. Existing Land Use and Master Plan	34
Existing and Surrounding Land Uses	34
Master Plan.....	36
D. Form-Based Code.....	38
E. Study Area Analysis	42
Relationship to Surrounding Neighborhood.....	42
History	42
Environmental.....	45
Transportation Access.....	45
F. Findings.....	46
Qualifying Criteria: 79 Main Street: Lot 6, Block 8.08	46
Qualifying Criterion “a”.....	46
Qualifying Criterion “b”	47
Qualifying Criterion “d”	47
Qualifying Criterion “h”	48
Qualifying Criteria: 75 Main Street: Lot 7, Block 8.08	55
Qualifying Criterion “a”.....	55
Qualifying Criterion “b”	56
Qualifying Criterion “d”	56
Qualifying Criterion “h”	57

TABLE OF CONTENTS CONTINUED

Qualifying Criteria: McGuire Site: 41-47, 59 & 63 Main Street: Lots 8, 9 and 10, Block 8.08	65
Qualifying Criterion "a"	65
Qualifying Criterion "d"	66
Qualifying Criterion "h"	67
Section 3	68
Qualifying Criteria: United States Post Office: 39 Main Street: Block 8.08 Lot 11.....	72
Qualifying Criterion "d"	72
Qualifying Criterion "h"	72
Section 3	73
Qualifying Criteria: Newton Public Parking Lot #1: 1, 3 & 11 Adams Street: Lots 29, 30 and 31, Block 8.08.....	76
Qualifying Criterion "c"	76
Qualifying Criterion "h"	76
Section 3	77
IV. Recommendations	80

I. Introduction

A. Background

The Town Council of the Town of Newton authorized the Planning Board to conduct an area in need of redevelopment study for Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31 of Block 8.08 (study area). The purpose of the study is to determine if all or a portion of the study area should be designated as an Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (Redevelopment Law).

The study area includes nine (9) parcels covering a total of 4.17± acres located between Main Street (U.S. Route 206) and Adams Street in the heart of downtown Newton. Block 8.08, Lots 8, 9 and 10 (41-47, 59 & 63 Main Street) is the McGuire Chevrolet Dealership and associated improvements including a showroom, attached and detached repair facilities and a display lot. Block 8.08, Lot 6 (79 Main Street) is a vacant commercial building. Block 8.08, Lot 7 (75 Main Street) is also a vacant commercial building. Block 8.08, Lot 11 (39 Main Street) is the United States Post Office Building. Block 8.08, Lots 29, 30 & 31 (1, 3, & 11 Adams Street) are owned by the Town of Newton Parking Authority and used as Newton Public Parking Lot #1. The study area has its primary street frontage along Main Street/U.S. Route 206 and secondary frontage along Adams Street. The study area is also connected to Spring Street via a private alleyway, which is part of Block 8.08, Lot 10.



Aerial of Newton's Downtown with Study Area Highlighted

B. Methodology

This study included research and investigation into the history of the use of the study area as well as field investigations of the study area in order to determine if the study area meets the statutory criteria to be deemed an Area in Need of Redevelopment.

Review of Town documents including the Town Master Plan, Form-Based Code (zoning), code enforcement, tax records and police records were conducted. Existing site information including site surveys, environmental investigations and other documentation of the subject properties was also reviewed.

Field investigations were conducted by J. Caldwell & Associates, LLC of the lots in the study area during June 2013 employing visual inspections and photo documentation of the building exteriors and surrounding sites. The field investigations were utilized to assess the physical conditions of the buildings, accessory structures, parking areas, landscaping and vegetation as well as any environmental constraints.

The information gathered from this study was compared with statutory criteria to determine whether any of the statutory criteria of the Redevelopment Law were met for an area to be designated an Area in Need of Redevelopment. This report outlines the data gathered and identifies each Criterion as it is reviewed for determination if the study area meets the Criteria.

II. Statutory Criteria

In order to qualify as an area "in need of redevelopment" one or more of the following requirements must be met. The criteria are listed below and identified by the letter corresponding to the paragraph in that Section. Properties located within the study area may meet more than one of the criteria, but only one of the eight criteria needs to be identified in order to be deemed an area in need of redevelopment. The criteria are as follows:

The "a" Criterion: Deterioration (N.J.S.A. 40A:12A-5.a) – "The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions."

The "b" Criterion: Abandoned Commercial and Industrial Buildings (N.J.S.A. 40A:12A-5.b) – "The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable."

The "c" Criterion: Public and Vacant Land (N.J.S.A. 40A:12A-5.c) – "Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to

adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital."

The "d" Criterion: Obsolete Layout and Design (N.J.S.A. 40A:12A-5.d) – "Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community."

The "e" Criterion: Property Ownership and Title Issues (N.J.S.A. 40A:12A-5.e) – "A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general."

The "f" Criterion: Fire and Natural Disasters (N.J.S.A. 40A:12A-5.f) – "Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated."

The "g" Criterion: Urban Enterprise Zones (N.J.S.A. 40A:12A-5.g) - "In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L. 1983, c.303 (52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c.79 (40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L. 1991, c.431 (40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L. 1991, c.441 (40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L. 1992, c.79 (40A:12A-1 et seq.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone."

The "h" Criterion: Smart Growth Consistency (N.J.S.A. 40A:12A-5.h) – "The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation."

Section 3: Definitions (N.J.S.A. 40A:12A-3) provides the following definition for redevelopment areas - "Redevelopment area" or "area in need of redevelopment" means "an area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c.79 (C.40A:12A-5 and 40A:12A-6) or determined heretofore to be a "blighted area" pursuant to P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both determinations as made pursuant to the authority of Article VIII, Section III, paragraph 1 of the Constitution. A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part."

III. Study Area

A. Study Area Description

The study area is bounded by Main Street/U.S. Route 206, Spring Street and Adams Street. The study area contains nine tax lots: Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31 in Block 8.08 of the Town of Newton. The study area contains two vacant commercial buildings, a car dealership, the U.S. Post Office and Newton Parking Authority Parking Lot #1. The following table shows the parcels in the study area and their existing uses:

Block	Lot	Existing Use	Lot Size
8.08	6	Existing Commercial Building - Vacant	0.300 acres
8.08	7	Existing Commercial Building/Former School - Vacant	0.204 acres
8.08	8	McGuire Chevrolet Display Lot	0.534 acres
8.08	9	McGuire Chevrolet Display Lot	0.466 acres
8.08	10	McGuire Chevrolet Buildings and Parking Lot	1.580 acres
8.08	11	United States Postal Service Office	0.482 acres
8.08	29	Newton Parking Authority Owned Parking Lot #1	0.270 acres
8.08	30	Newton Parking Authority Owned Parking Lot #1	0.176 acres
8.08	31	Newton Parking Authority Owned Parking Lot #1	0.158 acres
Total			4.17 acres



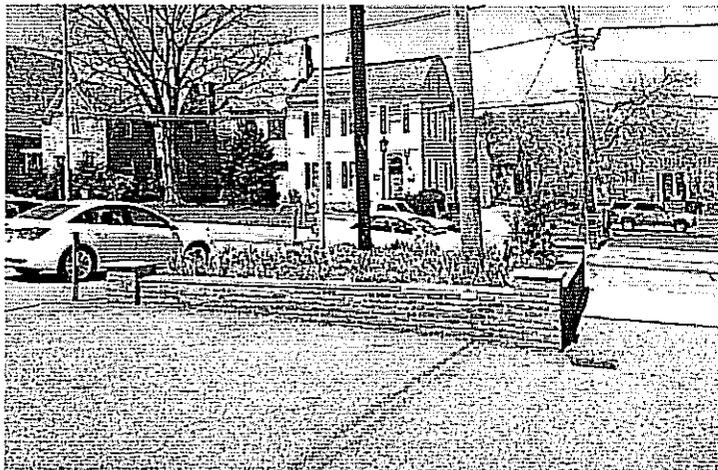
Aerial Photo of Study Area with Tax Map Lots and Blocks

General Description

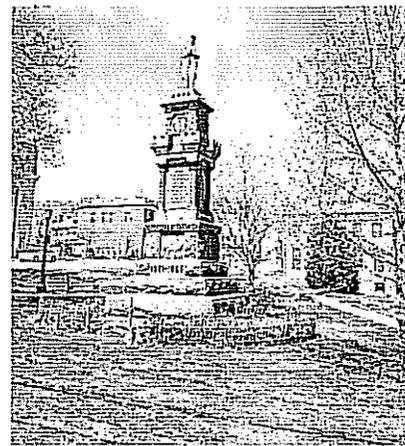
The study area is a total of 4.17± acres in size and located in the center of downtown Newton. The downtown is a historic main street district hosting a mix of commercial and residential uses. The Newton Green, a County Park, is the centerpiece of the downtown and is located just one block to the north of the study area. County offices surround the Newton Green, with the Sussex County Administration Building to the northeast and the historic County Courthouse, new County Courthouse and County Jail to the northwest of the Green. To the southeast of the Newton Green is Spring Street, which is the Town's downtown shopping district. Due to the proximity of the new County Courthouse and County Jail, several legal offices are located around the proximity of the Newton Green. The area surrounding the Newton Green is the confluence of several arterials and is a very high traffic area for the County. Approximately 20,000 cars travel around the Newton Green per day, according to the New Jersey Department of Transportation Roadway Information and Traffic Monitoring System Program (NJDOT Database). Main Street/U.S. Route 206, along the northern frontage of the study area, has a daily traffic count of approximately 14,000 cars (NJDOT Database).

Surrounding Area Description

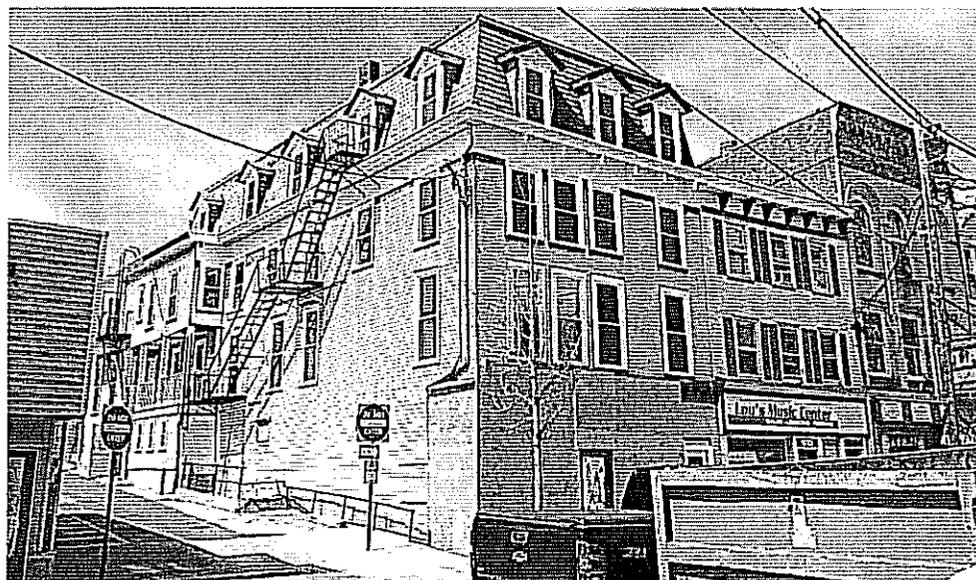
The study area is located to the south of the Newton Green and has frontage along Main Street/ U.S. Route 206, Adams Street and alley access to Spring Street. To the southwest of the study area, along the Main Street frontage, are multiple office properties. Many of the offices in this area are attorney's offices, given the proximity to the County Courthouse. The study area is entirely within the boundaries of the Town's Local Historic District. The lots fronting on Main Street/U.S. Route 206, including Lots 8, 9, 11 and the front building section of Lot 10 in Block 8.08, are also located within the Newton Town Plot Historic District, which is on the State and National Registers of Historic Places. While many significant historic structures surround the study area, the study area is dominated by excessive paved parking areas and dilapidated structures. As described herein, vacancy and dilapidation in the area are beginning to spread to surrounding properties. There is a concern that the vacancy and dilapidation will spread further.



View North from Study Area onto Main Street



Newton Green

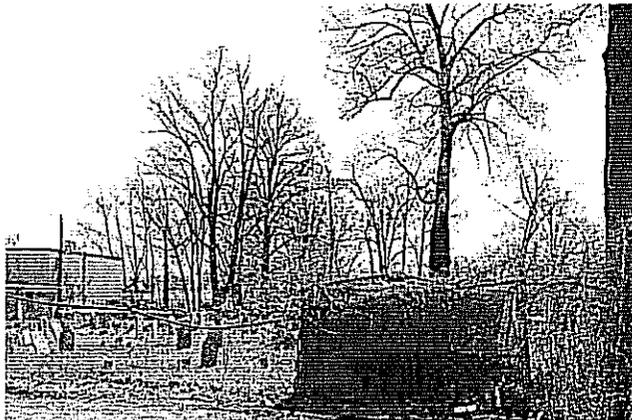


Spring Street Alley Egress from Study Area

Southwest of the study area on Main Street, office and residential uses occupy large two and a half to three and a half story historic buildings. Most of these buildings started as single family residences and include a variety of architectural styles including Colonial, Georgian, Federal and Victorian. One of the most notable historic residences adjacent to the study area is the stone mansion on the corner of Main Street and Halsted Street, built in 1901 by the owner of the Newton Silk Mill, Thomas W. Bentley. The former mansion is now an office building.



At the intersection of Church Street and Main Street across from the study area is the Christ Episcopal Church, built in 1868 in the Gothic Revival style, utilizing native blue limestone.



Newton Cemetery

Southwest towards Halsted Street, behind the residences which front on Main Street, is the Newton Cemetery. The cemetery, spanning just over a third of an acre, was laid out in 1762 and remained open until 1865. The access to the cemetery is from a narrow driveway between Lots 6 and 7 in the study area. Further southwest is Halsted Street, which is lined with single and multifamily residential buildings, two and a half to three and a half stories tall and St. Joseph's Regional School.



Adams Street Frontage

To the southeast along Adams and Washington Street, are a number of single family and multi-family residential buildings, two and a half to three and a half stories in height, built primarily in the Colonial style. Along Washington Street is the Jewish Center of Sussex County, which was constructed in the Greek Revival style.



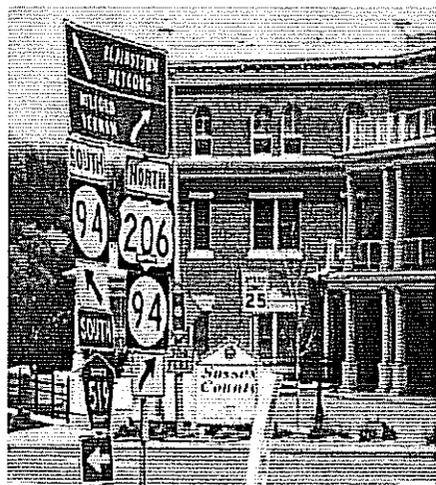
Spring Street

To the northeast of the study area, is Spring Street, which is the heart of the downtown commercial district. The street is lined with mixed-use buildings consisting of retail, restaurant and office uses at street level with offices and/or residential on upper floors. The buildings range from one to five and a half stories in height and were built in a variety of architectural styles from Colonial to modern.

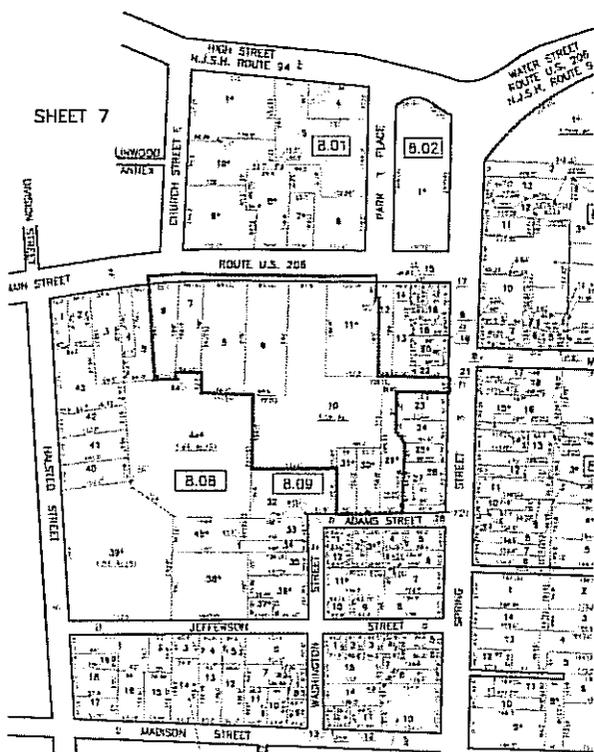
All but two or three of the buildings surrounding the study area were built between the late 19th and the first few decades of the 20th century. Some of the most notable buildings that have been built in the latter half of the 20th century include the Cochran Building, the County Administration Building and the new County Courthouse and County Jail. To the northeast of the study area on Main Street, mixed-use retail commercial buildings front the street and connect with the Spring Street commercial district. Offices are found on the main levels of structures along Main Street/U.S. Route 206; however retail and retail service uses are the predominant first floor use along Spring Street. While new capital has been infused into these newer structures on the outskirts of the downtown, the area surrounding the study area has shown a lack of infusion of private capital to maintain structures. Currently along Spring Street,

there are approximately 21 vacancies out of 82 storefronts. There is a concern that the abandonment of structures within the study area may spread even further onto Spring Street, worsening vacancy rates in the commercial spaces there.

Surrounding Roadways and Classifications



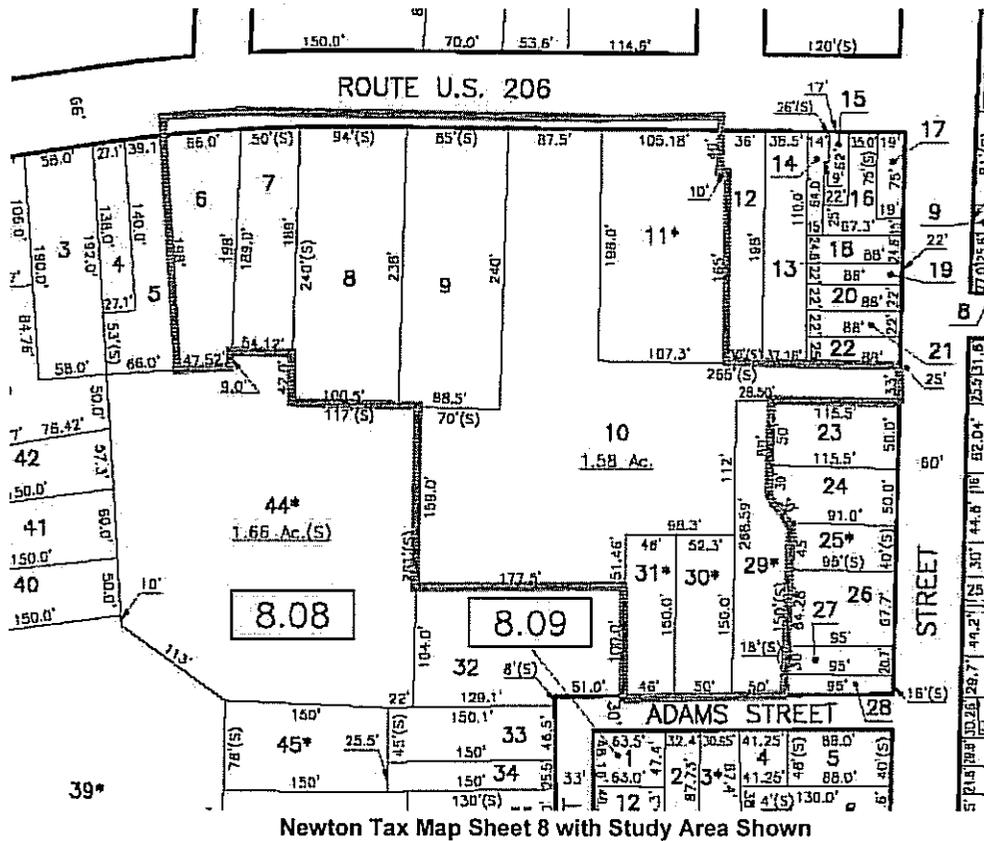
U.S. Route 206 is an Urban Principal Arterial that runs north-south through the Town of Newton. It becomes one way as it circles the Newton Green just north of the study area and returns to two-way traffic when it meets NJSH Route 94, north of the Newton Green. Spring Street is designated as an Urban Minor Arterial that connects U.S. Route 206 at the Newton Green with Sparta Avenue (Sussex County Route 616), which is also an Urban Minor Arterial. Adams Street is a one-way single lane road connecting Spring Street to Washington Street (also one-way). Adams Street connects to Madison Street which is two-way. There is an unnamed one-way alley connecting Block 8.08, Lot 10 to Spring Street. This alley may be used as an egress from Newton Public Parking Lot #1 as the result of a lease agreement between the Town and the property owners of Block 8.08, Lot 10.



U.S. Route 206 is a State Highway and is the busiest roadway within the Town. U.S. Route 206 is also known as Main Street along the frontage of the study area and Water Street as it travels north into Hampton. The total daily traffic count around the Newton Green is approximately 20,000 vehicles (NJDOT database). For U.S. Route 206/Main Street along the frontage of the study area, the average daily traffic count is approximately 14,000 vehicles (NJDOT database). The only area within Newton with a higher traffic count than the area surrounding the Newton Green is U.S. Route 206/NJSH 94 near North Park Drive, where the average daily traffic count is 22,300 vehicles (NJDOT database).

Study Area Description

The study area is a total of 4.17± acres in size and located in the center of downtown Newton. The study area encompasses nine tax lots: Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31 in Block 8.08 of the Newton Tax Maps. Lots 6 and 7 in Block 8.08 are improved with two free standing buildings which were most recently commercial office structures. Lots 8, 9 and 10 in Block 8.08 make up the McGuire Chevrolet Dealership, referred to as the “McGuire site” in this study. Lot 11 in Block 8.08 is the U.S. Post Office for Newton and the surrounding area within the 07860 zip code. Lots 29, 30 and 31 in Block 8.08 comprise Newton Public Parking Lot #1, which is owned and operated by the Town of Newton Parking Authority.



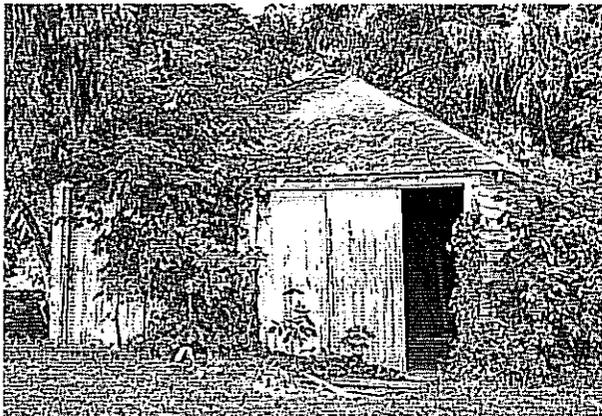
Newton Tax Map Sheet 8 with Study Area Shown



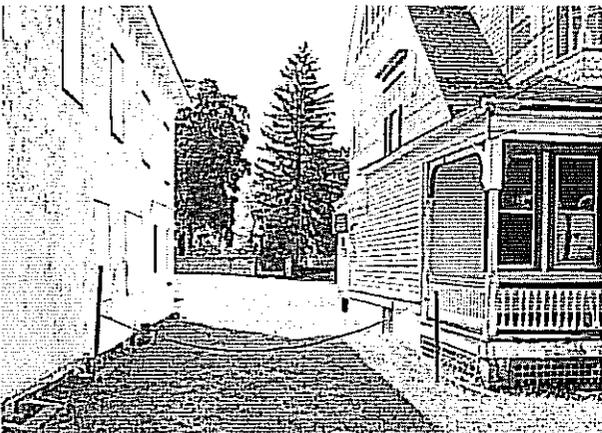
Vacant Commercial Structure: Lot 6, Block 8.08 (79 Main Street)



Lot 6, Block 8.08 contains a vacant dilapidated commercial structure that was converted to an office building from a single family residence in the mid-1980s. The lot size is 0.30 acres. The building is a white clapboard residential style structure built in the Folk Victorian style circa 1900. The building has a covered porch along its entire front with a shed roof, deteriorating spindle railing and a fading gold pediment. There are bay windows along the front of the structure, a front gable and a high pitched pyramid shaped roof with broken and hanging trim. The building is currently vacant and has been vacant for several years.

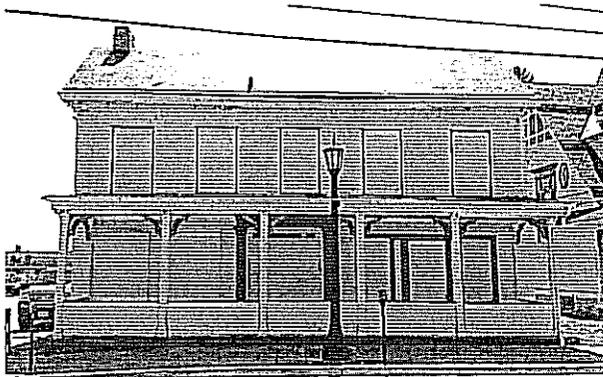


There is an unattached two car garage located at the rear of Lot 6, Block 8.08 near the Newton Cemetery. The garage is in poor condition, has a pyramid shaped roof, two sliding track doors that don't appear to function, and is covered in half-painted clapboard with no interior walls or insulation.



Between Lots 6 and 7 is an access drive, which provides access to the Newton Cemetery. The driveway is deed restricted to remain open for access to the cemetery.

Former Newton Academy – Vacant Commercial Building: Lot 7, Block 8.08 (75 Main Street)



Lot 7, Block 8.08 contains the former Newton Academy Building, which was constructed in the early 1800s and housed the Newton Academy between 1802 and 1831. In 1831, the building was renovated to accommodate a mercantile store and residence. The building sits on a 0.204 acre lot. The building has been vacant and deteriorating for more than two decades.



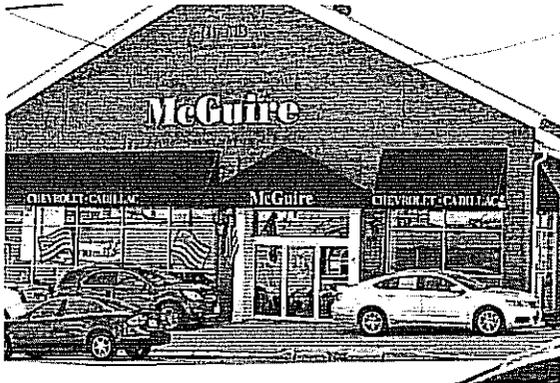
The original front section of the structure was constructed in the Georgian style architecture, two and a half stories tall with a slate roof gabled across its length, a brick chimney at the left ridge and dentils along the soffits. The original building was sided with clapboard and later covered in stucco in 1928. There is a flat-roofed porch across the length of the façade and sheets of plywood where the railing would be enclosing the porch. The wood under the porch is rotting and breaking up. The old stone foundation of the structure is deteriorating. Nearly all windows and doors of the building are currently covered in sheets of plywood.



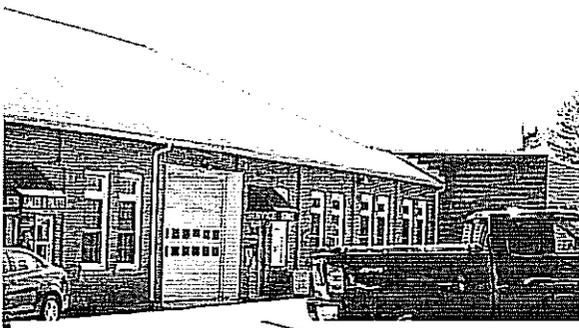
A two story rectangular brick building with a shed style roof, lined by sporadically placed windows, was added to the rear of the Academy building in an unknown year. The mortar in the brick structure is deteriorating. The entirety of the building has peeling paint and water damage from disconnected gutters.

Following use as a mercantile store and residence, the building was subdivided into eight residential units. In the late 1980s the building was converted to a commercial use; however it appears it was never reoccupied following conversion.

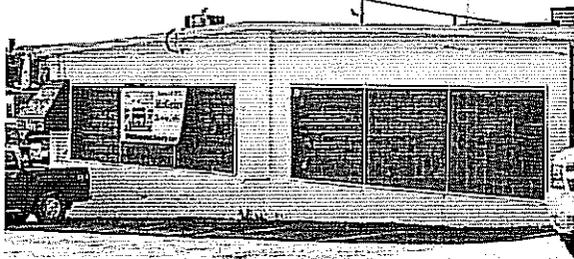
McGuire Site: Lots 8, 9 and 10, Block 8.08 (41-47, 59 & 63 Main Street)



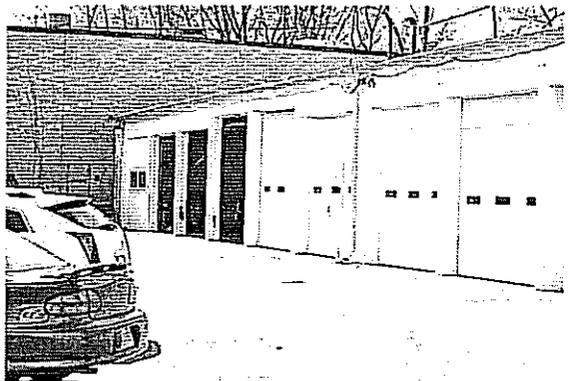
The McGuire site is 2.44 acres in size and consists of three lots: Lots 8, 9, and 10 in Block 8.08. Lots 8 and 9 are used as the display lots for car sales and consist entirely of paved parking areas. The site slopes up gently from south to north.



The early 20th century brick building that houses the McGuire Chevrolet Showroom is located on Lot 10. It is a single story building with a 20 foot high gable roof running from Main Street to the rear of the site. The building's façade consists of brick with a white frieze along the roof edge, large panes of glass and black modern awnings.

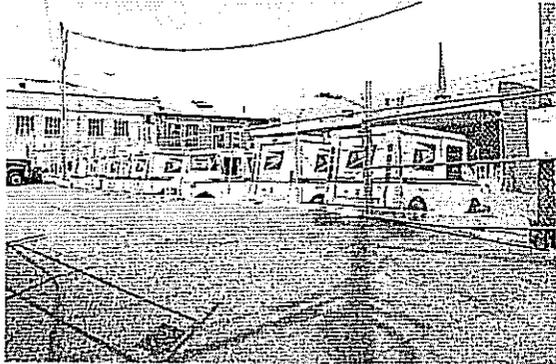


The south side of the building faces the display lots and has several double-hung windows with slightly arched lintels above them. The windows run along the building's entire length, interspersed with a garage door and three entrance doors. A grey cinderblock addition, built in an unknown year, has been added to the rear of the original building and houses the automotive repair shop. Behind the main building to the east is a parking lot for cars waiting to be repaired, employee's vehicles and repaired vehicles.



There is a one story white brick building with 11 bays used for collision repairs and detailing, which is located along the property line that borders the Newton Cemetery. The structure was built between 1946 and 1950, according to Town tax records. There are no landscaped areas on the McGuire site except for a 225 square foot planter of perennials along Main Street by the main entrance. Vehicles may exit the back portion of the McGuire site from a one-way alley that connects to Spring Street. This is the same egress used by Newton Public Parking Lot #1 to exit directly onto Spring Street.

U.S. Post Office Building: Lot 11, Block 8.08 (39 Main Street)

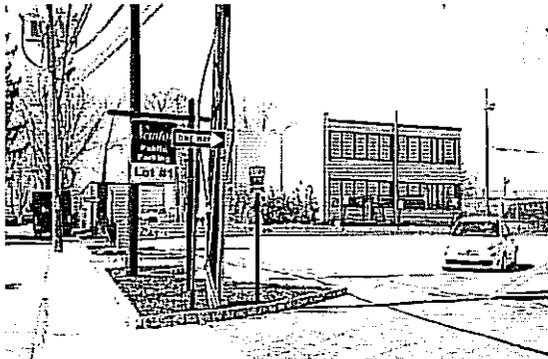


On Street Parking Area for Post Office

The United States Post Office is located to the north of the McGuire Chevrolet building on Lot 11, Block 8.08. The lot size is 0.482 acres. It is a red brick, single story building which was built in 1959. The building is of the Georgian Style with a white frieze along the roof edge, double-hung windows with decorative stone lintels above and an octagonal window element above the main entrance. The front section of the building has a hipped slate roof running its length parallel to U.S. Route 206/Main Street.

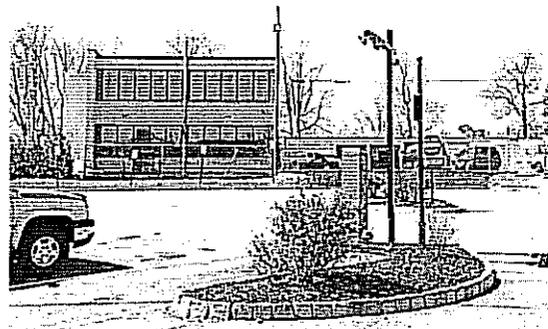
The building covers most of Lot 11 with the exception of an L-shaped area of pavement that covers the north and east side of the lot for access to the rear of the building and for employee parking. There is a loading dock the length of the rear of the building with a flat overhang. There is no customer parking on the site but there is a sign to allow temporary parking for up to three customers to utilize on-street parking on U.S. Route 206/Main Street.

Newton Parking Authority Parking Lot #1: Lots 29, 30 and 31, Block 8.08 (1, 3 & 11 Adams Street)



The Town of Newton Public Parking Lot #1 is located on Lots 29, 30 and 31 and consists of a striped parking lot with planted islands covering 0.60 acres. The site slopes down from south to north toward Spring Street. The 38 angled parking spaces are accessed via a one way circulation pattern.

The Newton Parking Authority owns and operates the lot. The parking rate is \$0.25 per hour between 8:00 a.m. and 6:00 p.m. Monday through Saturday. Other times parking is free. Fees are collected at a self-serve machine located on the lot.



The lot is accessed off of Spring Street by Adams Street which is one-way. To exit the lot, drivers can take the alley exit back to Spring Street through Lot 10 or continue around Adams Street to Washington Street and out to Madison Street. Along Lot 10, there is a three foot high paver wall

and a fence that separates the public parking lot from the McGuire Property. The Town parking lot provides additional access to the Post Office parking lot and loading area, to the McGuire parking area and to rear access and parking areas for buildings along Spring Street and Main Street. Lot 29 runs along the back side of several buildings on Spring Street and parking for those buildings occurs there.

Newton Public Parking Lot #1 is the least accessible of the Town's five public parking areas as it can only be accessed via Adams Street or the alley egress to Spring Street. The Adams Street access is a narrow one way predominantly residential street. All other public parking areas in Newton can be accessed via Trinity Street, Main Street/U.S. Route 206 or Union Place. These are all higher level major or minor arterials with two way traffic flow.

Police Reports, Property Maintenance and Zoning Records

As part of this study, Town of Newton police reports and code enforcement records were reviewed for properties in the study area. Police reports from the last five years were reviewed as well as code enforcement reports dating back to the early 1980s. Four of the sites in the study had police reports associated with them. The McGuire site has had six motor vehicle accidents in the last five years. The Post Office site has had eight motor vehicle accidents in the same timeframe. 75 Main Street has had criminal trespass complaints; while 79 Main Street has had criminal mischief, burglary and unsecured premises complaints. Both 75 and 79 Main Street have also had multiple code enforcement violations issued since the early 1980s. Several exterior repair issues were cited on both 75 and 79 Main Street that included the need for roof repair, porch repair, exterior paint, siding and foundation issues. Multiple repeat violations were issued over the last 30 years related to overgrown grass, garbage and debris on the premises and lack of snow and ice removal in the winter.

The following table shows police reports for the parcels noted over the last five years.

Town of Newton Police Reports for Study Area from 2008 to 2013

Site	Motor Vehicle Accident	Criminal Trespass	Criminal Mischief	Burglary	Unsecured Premises
75 Main Street		2 (2008) ¹ 2 (2012) ²			
79 Main Street			1 (2008) ³	1 (2008) ⁴	1 (2008) ⁵
41-47, 59 & 63 Main Street (McGuire Site)	2 (2008) 1 (2009) 2 (2011) 1 (2012)				
39 Main Street (Post Office Site)	3 (2008) 1 (2010) 2 (2011) 2 (2012)				

Preliminary site plan approval was granted to Lots 6 and 7, Block 8.08 on September 2, 1986 to provide for commercial conversion of both structures and create a shared parking area behind the two buildings. This was following a notice of violation issued in May 1985 for an illegal conversion of 79 Main Street from residential to commercial. Following the Planning Board approval, some site work was done, including grading. There are numerous records of inspection of the property by the Sussex County Soil Conservation District beginning in November 1989 and continuing through to August 1993. It appears some soil was moved to begin the project and was then stabilized later. The parking area paving was never completed. A letter in the file dated July 15, 1987 to the Construction Official from Kelly, Gaus, Holub &

¹ Criminal trespassing complaints stemmed from a basement break-in.
² Criminal trespassing complaints stemmed from breaking and entering of the building.
³ Criminal mischief complaint stemmed from breaking and entering of the premises.
⁴ Burglary complaint was due to an open door and items missing from building.
⁵ Unsecured premises stemmed from someone kicking in the front door of the building.

Reed, the legal firm which occupied 79 Main Street at the time, notified the Town that they would be vacating 79 Main Street and that the owner would be completing required improvements per the approved site plan. These improvements were never completed and the building has remained vacant since 1987, resulting in more than 26 years of vacancy at this building.

A letter from the Building Inspector dated May 2, 2008 notes foundation issues at 79 Main Street that he found were compromising the structure. A follow-up letter from Genesis Engineering, on behalf of the owner, dated July 15, 2008 notes foundation issues that show "evidence of continued movement and settlements." The report recommends rehabilitation of the foundation by a reputable contractor. There is no record in the file of this work being completed.

A letter from the Town's Code Enforcement Officer dated October 14, 1993 notes that 75 Main Street had a change of status from multi-family to commercial and that the building is "vacant and secure". 75 Main Street has remained vacant at least since this date in 1993, resulting in at least 20 years of vacancy at this location.

The Construction Official inspected 75 Main Street at the request of the Historic Preservation Commission in March 2001. His letter dated March 14, 2001, notes that the building was in need of numerous repairs in order to be viable for lease as a commercial space. The issues he noted include the following:

- Rotted front porch column;
- Peeling paint;
- Broken windows;
- Openings in brick mortar on exterior;
- Disconnected leader drains causing water damage to building exterior;
- Deteriorated roof causing water to enter building;
- Water stained rafters;
- Ceiling plaster falling down and missing;
- Stud cuts in interior walls;
- Holes in walls;
- Electrical service in need of upgrading; and
- Plumbing pipes and fixtures in need of upgrading.

Following is a list of the Town's Maintenance and Zoning Violations issued on 75 and 79 Main Street:

79 Main Street (Lot 6, Block 8.08)

1. June 5, 1984: Failure to cut grass
2. May 20, 1985: Conversion of structure from residential to commercial without permits
3. April 22, 1986: Failure to cut grass
4. June 12, 1990: peeling paint, rotting porch wood
5. January 11, 1994: Lack of snow and ice removal
6. January 22, 1994: Lack of snow and ice removal
7. December 12, 1997: Lack of snow and ice removal
8. January 9, 2002: Lack of snow and ice removal
9. March 7, 2008: Needs exterior paint; Address not posted; Porch needs repair; Foundation needs repair; Leader drains need repair; Basement hatchway needs paint
10. April 28, 2009: Failure to cut grass, Debris in yard
11. May 12, 2009: Failure to cut grass; Debris in yard

75 Main Street (Lot 7, Block 8.08)

1. April 22, 1986: Failure to cut grass
2. July 2, 1987: Failure to cut grass
3. March 10, 1989: Lack of snow and ice removal
4. January 11, 1994: Lack of snow and ice removal
5. June 15, 2000: Failure to paint building exterior
6. January 9, 2002: Lack of snow and ice removal.
7. March 7, 2008: Needs exterior paint or treatment; Roof needs repair; Glass needs to be replaced in windows; Address not posted; Rear steps need repair; Debris on front porch
8. April 29, 2009: Failure to cut grass; Debris in yard
9. March 12, 2009: Failure to cut grass; Debris in yard

B. General Site Photos

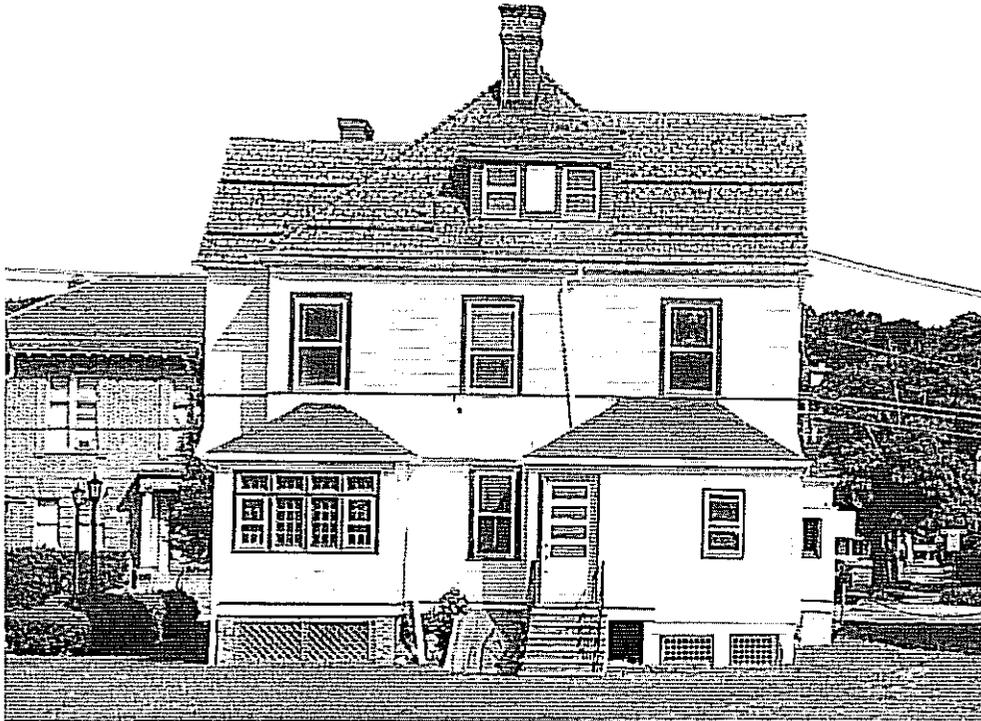
Below are general photos of each lot and block in the study area to augment the general descriptions of each site.

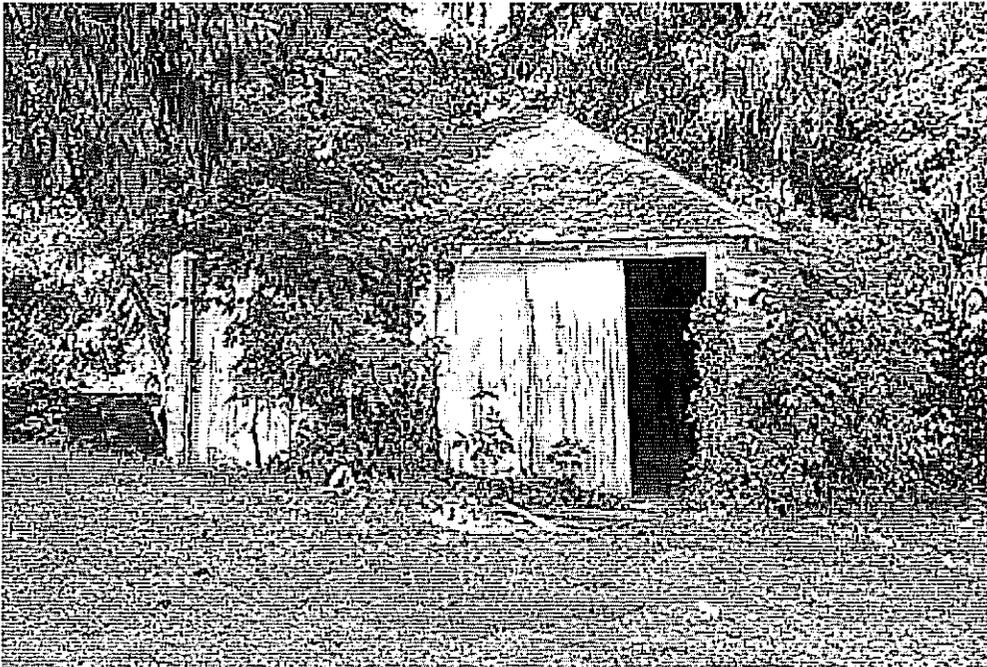
Block 8.08 Lot 6 – Vacant Commercial Structure

Owners: Michael A. Turner

Site Address: 79 Main Street, Newton, NJ 07860



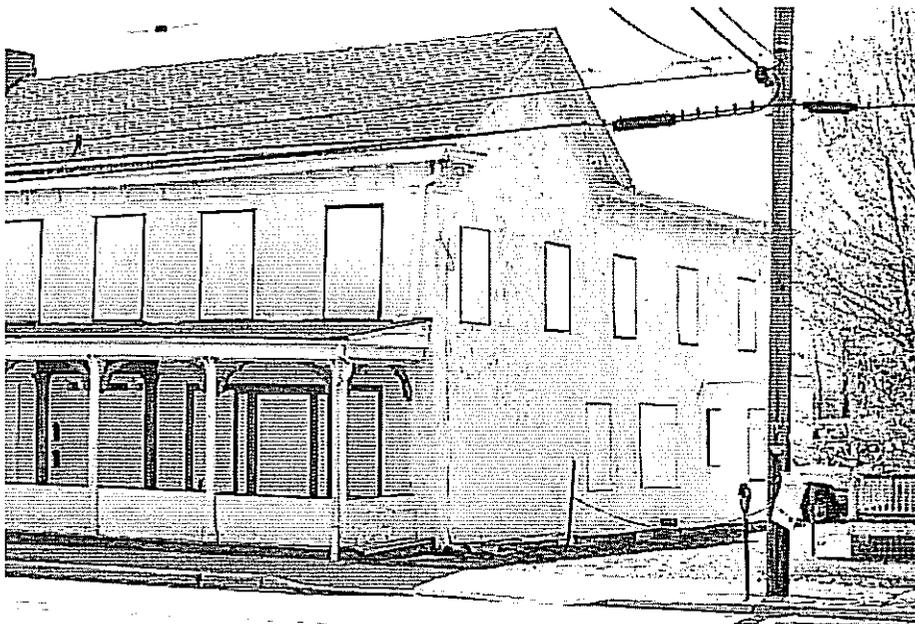
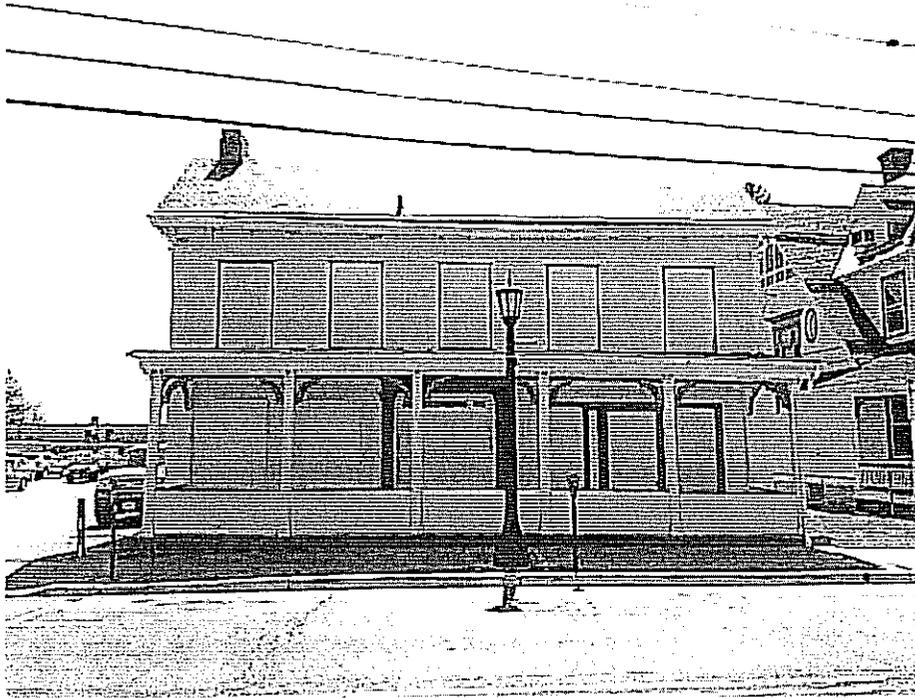


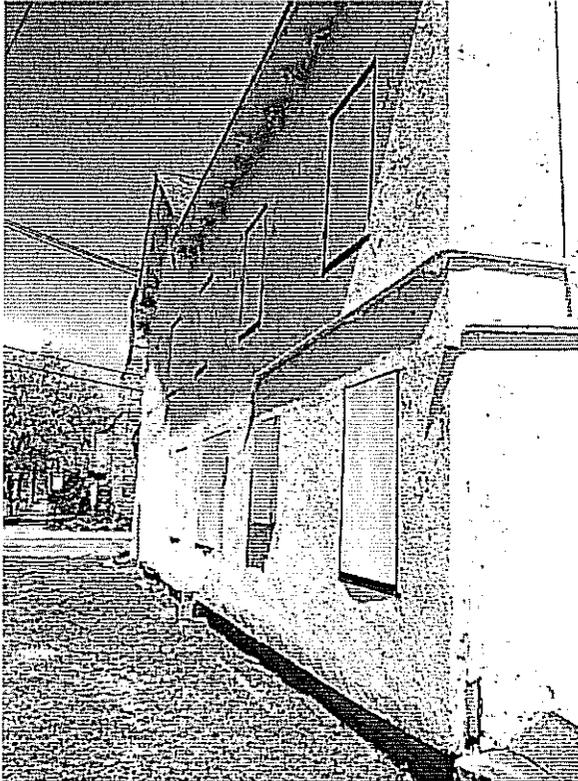
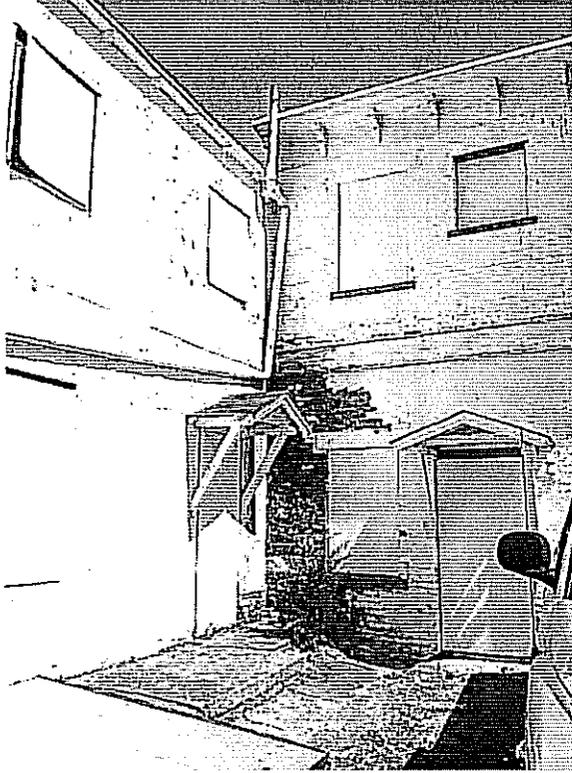


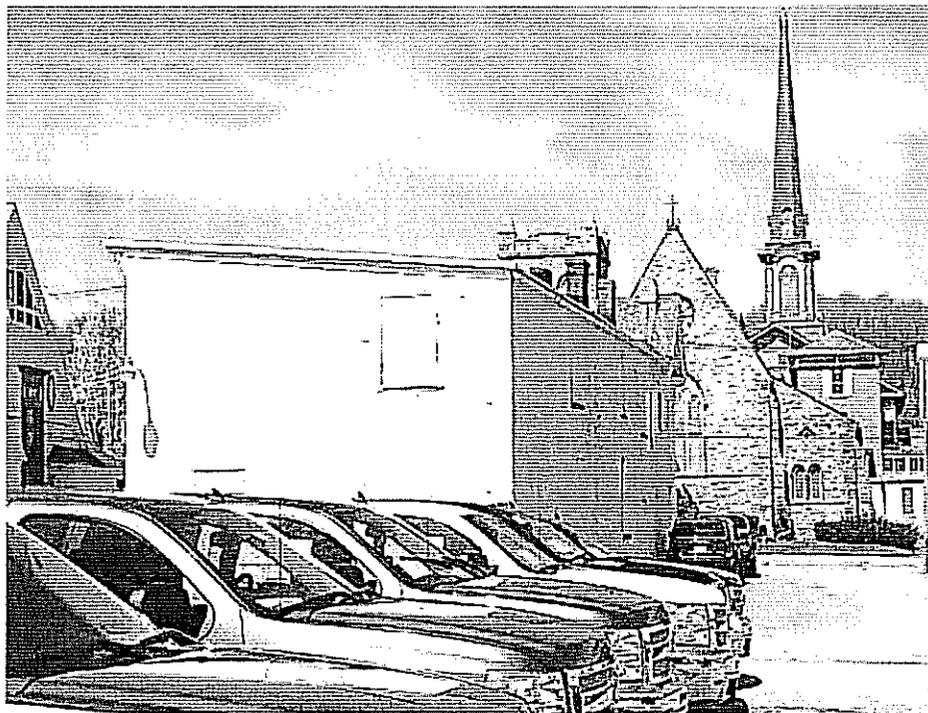
Block 8.08 Lot 7 – Vacant Commercial Structure (Former Newton Academy)

Owners: Nicola P. Gangemi

Site Address: 75 Main Street, Newton, NJ 07860





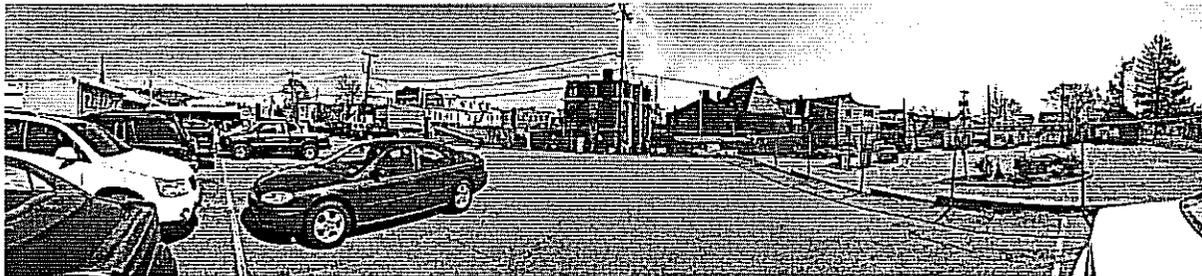


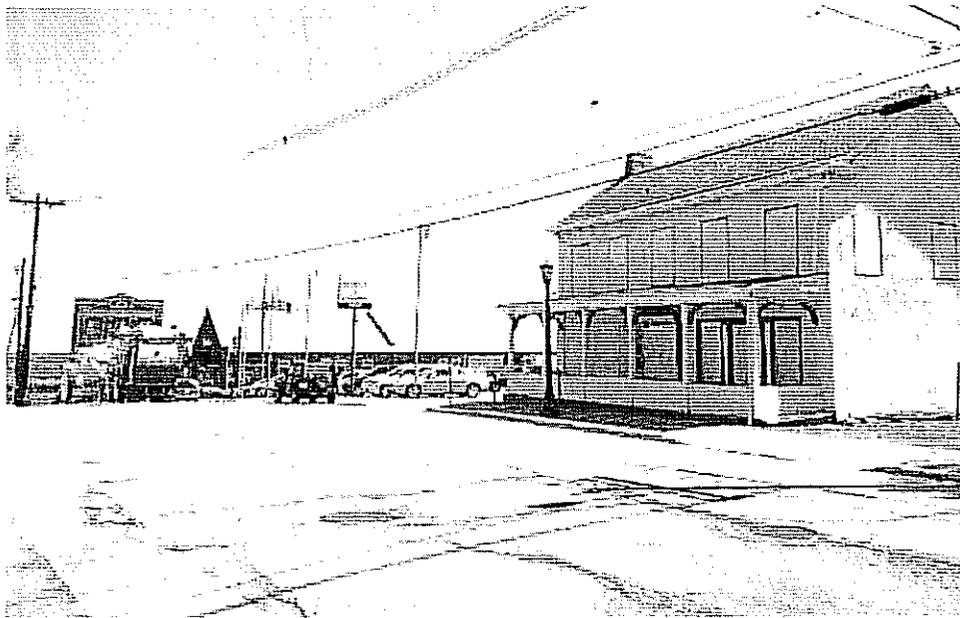
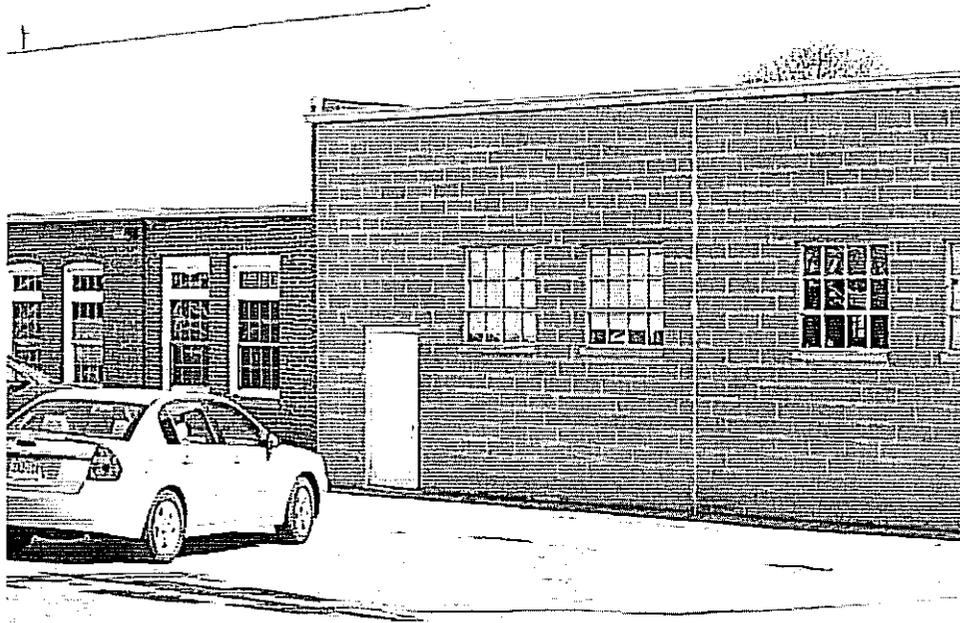
Block 8.08 Lots 8, 9 & 10 – McGuire Chevrolet

Owner: McGuire Newton Realty, LLC

Site Address: 41-47, 59 & 63 Main Street, Newton, NJ 07860



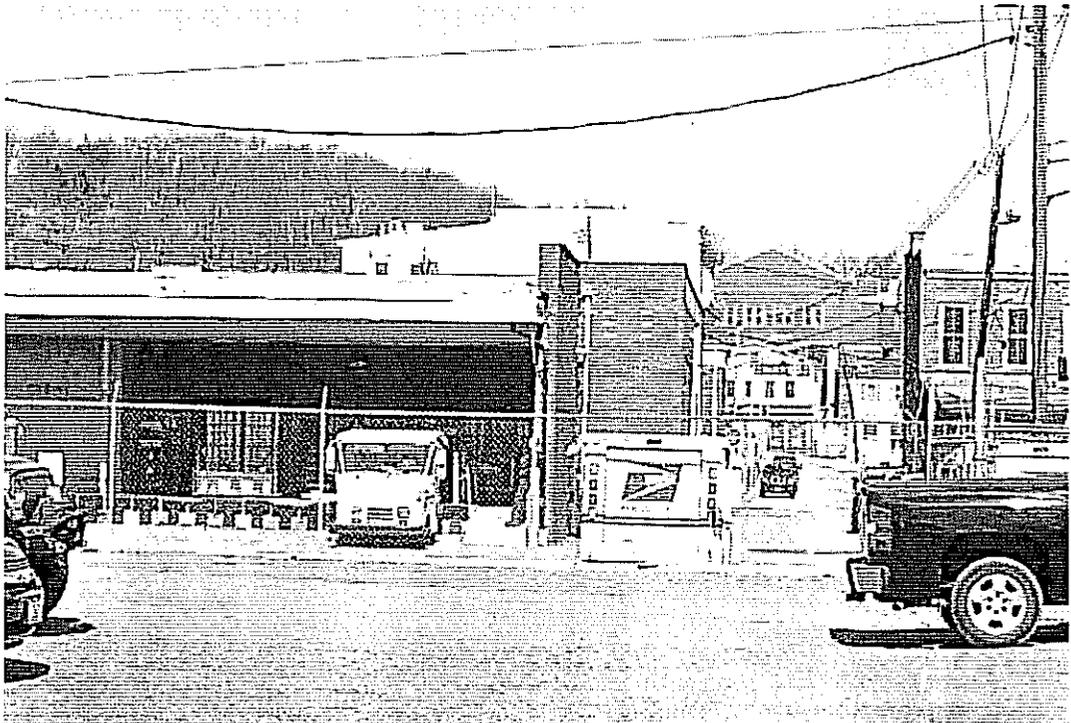






Block 8.08 Lot 11 – United States Post Office
Owner: United States Postal Service
Site Address: 39 Main Street, Newton, NJ 07860

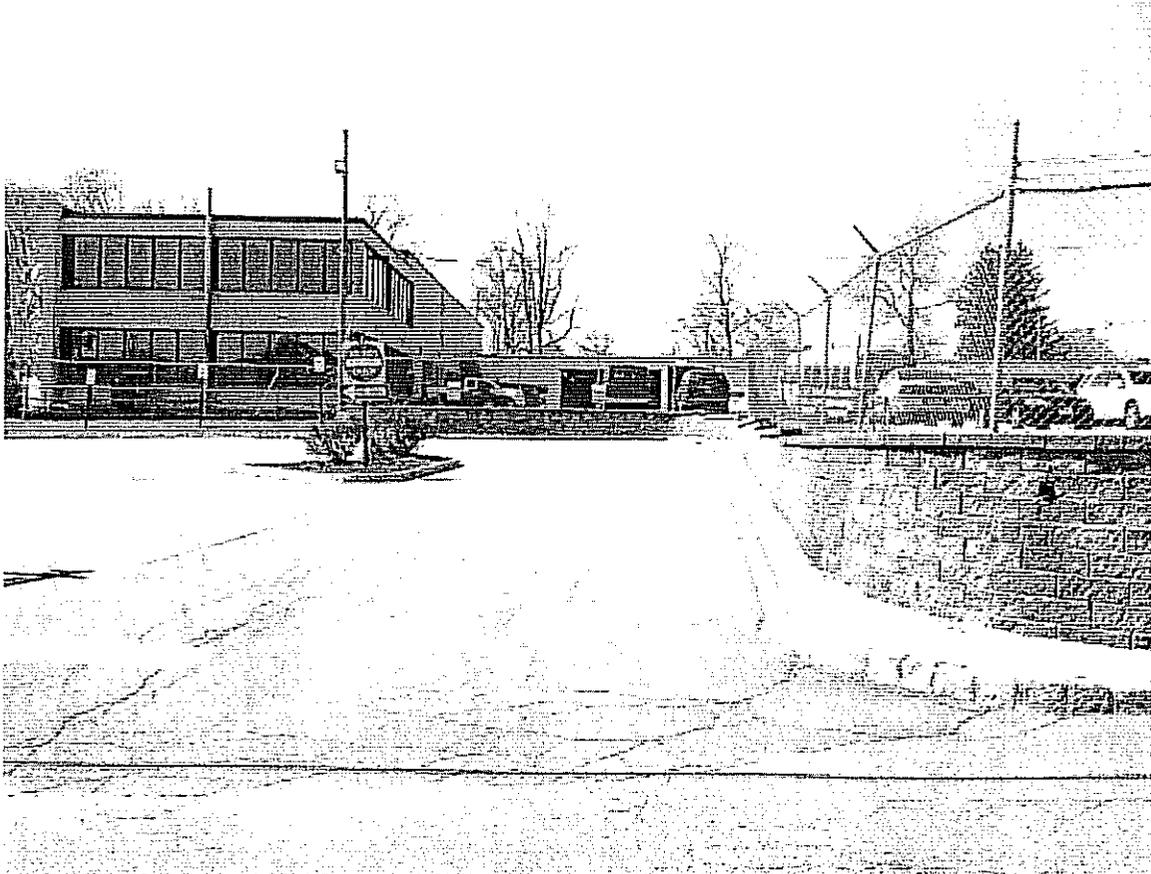
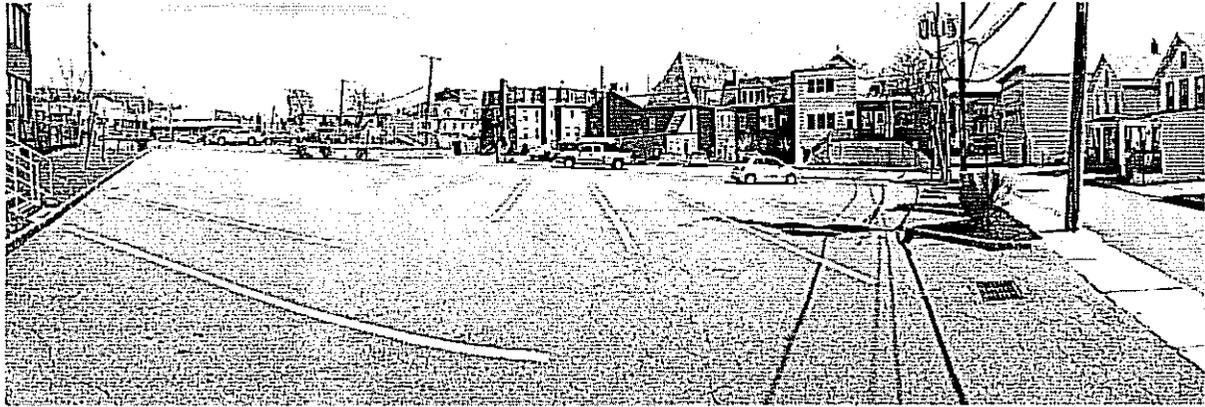




Block 8.08 Lot 29, 30, 31 – Town of Newton Parking Lot

Owner: Town of Newton Parking Authority

Site Address: 1, 3 & 11 Adams Street, Newton, NJ 07860







C. Existing Land Use and Master Plan

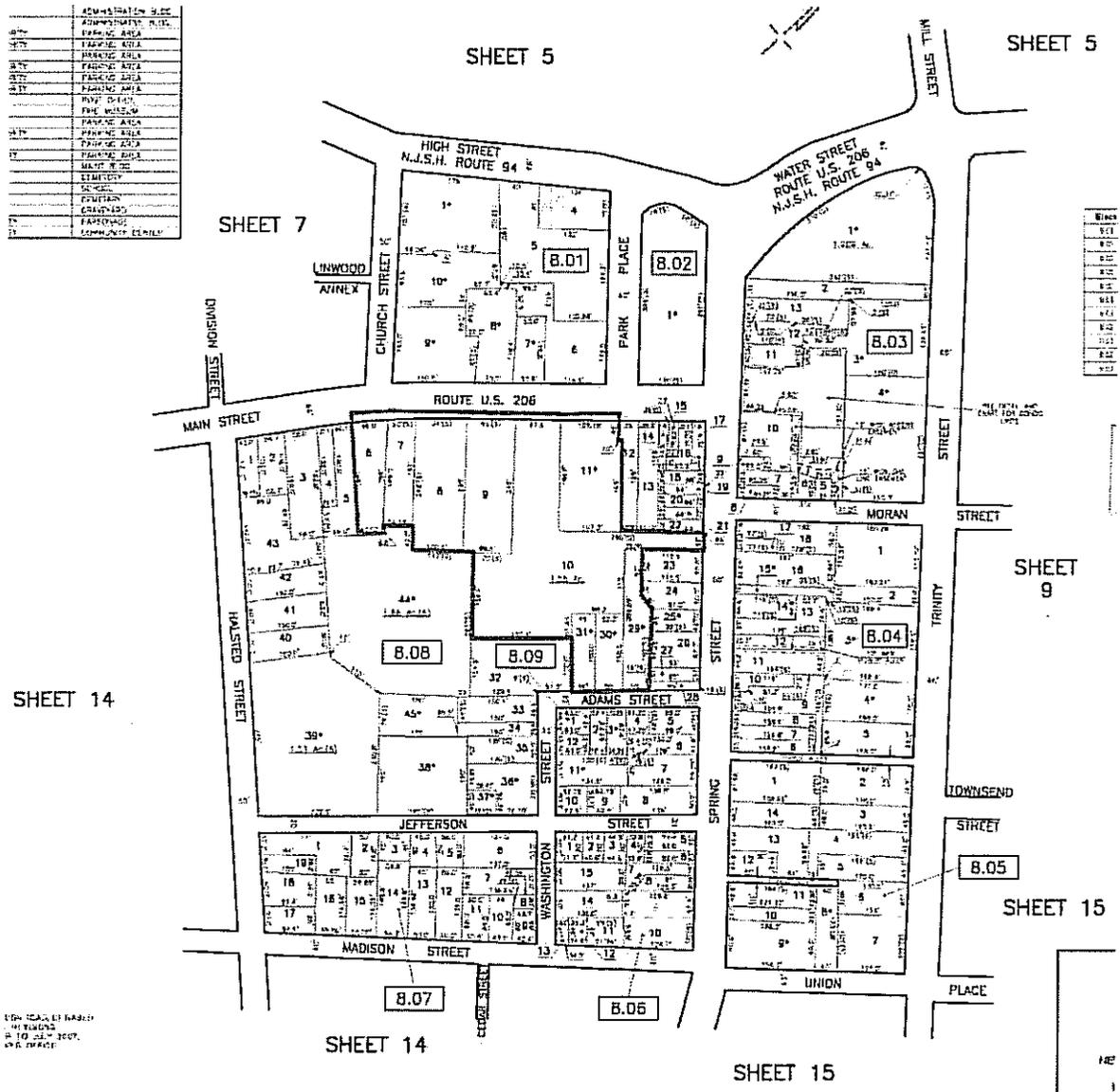
Existing and Surrounding Land Uses

The current land uses in the study area are primarily commercial with frontages along Main Street. To the southwest of the study area are late 19th and early 20th century homes used as commercial space, residences and office space. To the south is the original Newton Cemetery. To the Southeast of the study area along Adams and Washington Streets are 19th and early 20th century homes used primarily for single and multifamily residential uses. Early 19th and 20th century mixed-use buildings line Spring Street from Madison Street to Main Street. The buildings along Spring Street house offices, shops and eateries with residential apartments or offices on the second and third floors. To the north of the study area is the Newton Green; a Sussex County owned Public Park. To the northwest is a mix of uses including churches, office space and public parking. The area surrounding the study area, particularly Spring Street, has displayed a lack of private capital investment with many vacant buildings surrounding the study area. The dilapidated structures in the study area have a blighting effect on the downtown shopping district.

Existing Surrounding Land Uses

Block	Lot	Existing Land Use
8.01	6	Edward Jones Investment/Liberty Tax/ Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Gacquin, Vandenberg & Hontz Attorneys
8.01	7	Town of Newton Public Parking Lot
8.01	8	Christ Episcopal Church Sexton House
8.01	9	Christ Episcopal Church
8.02	1	Town of Newton Green: Park/ Office Building
8.08	4	ABCODE Security
8.08	5	Multifamily Residence/Crystal Clean Auto Detail
8.08	10	Century Link
8.08	12	Joseph Hoffmann Attorney/Golden & Moran Engineering
8.08	13	U.S. Insurance Agency/Apartments
8.08	14	Narin Thai Restaurant/Apartments
8.08	15	1040 Tax Service/Apartments
8.08	16	Jackson Hewitt/The Three Main St. Company
8.08	17	Morris, Downing & Sherred Attorneys
8.08	18	Spring Liquors/Apartments
8.08	19	Vacant Commercial/Apartments
8.08	20	Plaza Restaurant/Apartments
8.08	21	Lou's Music/Apartments
8.08	22	Vacant Commercial/Apartments
8.08	23	Vacant Commercial (former Bula's Restaurant)
8.08	24	Vacant Commercial (former JC's Grill)
8.08	25	Newton Fire Museum
8.08	26	Vacant Commercial/Apartments
8.08	27	Vacant Commercial/Apartments

Block	Lot	Existing Land Use
8.08	28	Dell Office Building
8.08	44	Newton Cemetery
8.09	1	Two Family Residential
8.09	2	Commercial Structure
8.09	3	Commercial Structure
8.09	4	Commercial Structure
8.09	5	The Style Shop/Apartments



Newton Tax Map Sheet 8 with Study Area Shown

Master Plan

The Town of Newton Master Plan was updated in August 2008 to incorporate smart growth principles, which included a proposal for Transect Zoning and introduction of the concept of a Form-Based Code. In March of 2012, the Town of Newton adopted revised Town Ordinances using a Form-Based Code. The Town is designated as a Regional Center by the State Planning Commission and the Town of Newton received Plan Endorsement from the State Planning Commission in May of 2013. Plan Endorsement from the State Planning Commission recognizes that the Master Plan and Ordinances of the Town of Newton are consistent with the State Plan and smart growth principles. The following goals from the Town's Master Plan are relevant to this study:

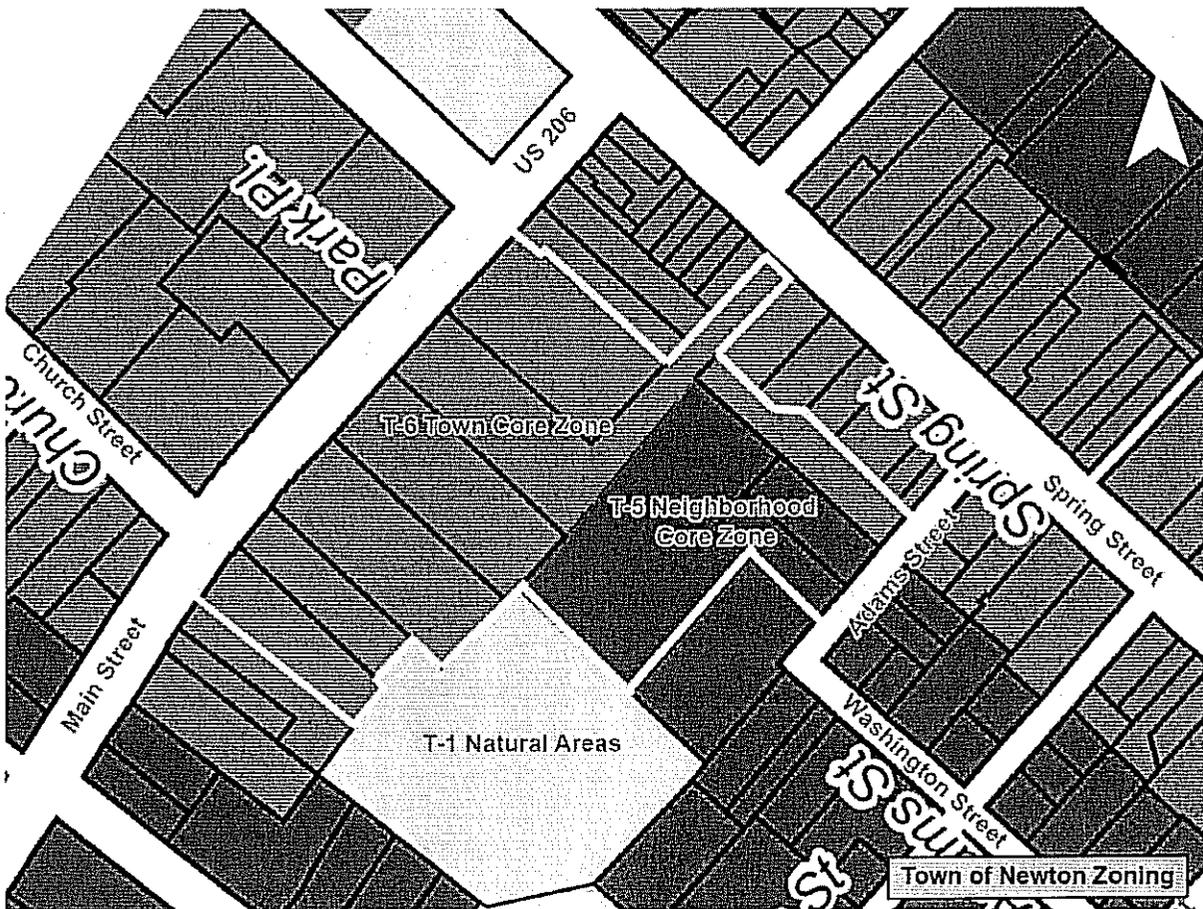
- To enhance and strengthen Newton's position as a Regional Center in Sussex County in such a way that it will fulfill the social, commercial, medical and service needs of a growing County within the constraints of the Town's existing resources.
- To encourage municipal action to guide the appropriate use or development of all lands in Newton, in a manner that will promote the public health, safety, morals, and general welfare.
- To provide for sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all the citizens of Newton.
- To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which will result in congestion or blight.
- To encourage the coordination of the various public and private procedures and activities shaping land development.
- Prevent deterioration of individual structures including historic resources or inadequate maintenance of premises from exerting a deleterious effect on their surroundings by adopting reasonable rules and regulations controlling maintenance standards.
- Maintain and develop an appropriate and harmonious physical and visual setting for historic landmarks and architecturally significant buildings, structures, site objects, and districts within Newton.
- Encourage development and improvement of industrial, commercial and public service uses which complement Newton's role as a Regional Center in the County.

- Encourage architectural design that complements historic buildings in the Town.
- Develop a strategy for the placement of streetscape amenities in appropriate business areas to include such items as benches, sitting areas, landscaped courtyards, bike racks and other pedestrian amenities in various combinations to create community focal points for residents and workers in designated Historic Districts.
- Encourage development and improvement of industrial, commercial and public service uses which complement Newton's role as a Regional Center in the county.
- Promote adequacy, variety and convenience of shopping for local residents.
- Encourage further improvement and consolidation of Main Street and Spring Street commercial areas as the effective Central Business District (CBD) of Newton.
- Preserve and protect existing street trees and promote planting of additional street trees and replacement of dying and diseased trees, utilizing properly sized trees in appropriate locations.

D. Form-Based Code

In March 2012, the Town of Newton adopted a revision to its ordinances to incorporate the use of a Form-Based Code, which became effective on May 2, 2012. The Form-Based Code focuses on physical form as the organizing principle of planning rather than the more customary separation of uses utilized by most traditional zoning ordinances. The Town of Newton's Form-Based Code is based on Transect Zoning which provides for graduated density and intensity of uses from the center of Town to the surrounding areas. Both Form-Based coding and Transect Zoning are utilized as tools by planners to implement Smart Growth Principles. The Special Districts in the Form-Based Code identify areas that fall outside of the Transect concept.

Under the Form-Based Code, the study area is located both in the T-5 – Neighborhood Core District and the T-6 – Town Core Zone. As can be seen in the Zoning Map below, most of the study area is located in the T-6 Zone. The Newton Public Parking Lot #1 is located in the T-5 Zone.



The Study Area is located in both the T-5 and T-6 Zones

T5 – Neighborhood Core Zone

The T-5 zone covers the area surrounding the Town Core and provides most of the housing and employment that supports the Town Core. The T-5 Zone also provides for Neighborhood Cores to serve some of the neighborhoods which are closest to the Town Core area.

1. The Public Frontage shall include street trees and landscaping along building frontages. Street furniture should be incorporated into street frontages for commercial and mixed-use buildings.
2. Allowed Building Types: Single Family Residential, Townhouse, Duplexes, Triplexes, Live/Work, Mixed-Use, Elevator Flats, Office, Retail, Hotels, Civic, Parking Garage with Liner Building.

T-5 Bulk Requirements		
Building Configuration	Principal Building	5 Stories/65 ft Max; 2 Min
	Accessory Building	2 Stories/25 ft Max
Lot Occupation	Lot Width	20 ft Min
	Lot Coverage	80% Max
Building Disposition (320-26.2)	Edgeyard	Not Permitted
	Sideyard	Permitted
	Rearyard	Permitted
	Courtyard	Permitted
Principal Building Setbacks	Front Yard Primary	2 ft Min, 12 ft Max
	Front Yard Secondary	2 ft Min, 12 ft Max
	Side Yard	0 ft Min, 24 ft Max
	Rear Yard	3 ft Min.
	Frontage Build-out	80% Min at Setback

T-5 Bulk Requirements		
Accessory Building Setbacks	Front	40 ft Max. From Rear Prop.
	Side Yard	3 ft Min. or 5 ft for a corner lot
	Rear Yard	3 ft Max.

T-6 – Town Core Zone

The T-6 Zone is a higher density, mixed and multiple use downtown area. This area provides for the majority of retail and commercial uses within the Town and is identified as the Central Business District in the Town. This area has residential and office uses over the commercial uses to support day and evening uses in the downtown.

1. The Public Frontage shall include street trees, streetscaping and street furniture.
2. Allowed Building Types: Townhouse, Live/Work, Mixed-Use, Elevator Flats, Office, Retail, Hotels, Civic, Parking Structure with Liner Building.

T-6 Bulk Requirements		
Building Configuration	Principal Building	8 Stories/100 ft Max; 2 Min
	Accessory Building	N/A
Lot Occupation	Lot Width	18 ft Min, 700 ft Max
	Lot Coverage	90% Max

T-6 Bulk Requirements		
Building Disposition (320-26.2)	Edgeyard	Not Permitted
	Sideyard	Not Permitted
	Rearyard	Permitted
	Courtyard	Permitted
Principal Building Setbacks	Front Yard Primary	2 ft Min, 12 ft Max
	Front Yard Secondary	2 ft Min, 12 ft Max
	Side Yard	0 ft Min, 24 ft Max
	Rear Yard	0 ft Min.
	Frontage Build-out	80% Min at Setback
Accessory Building Setbacks	Front	N/A
	Side Yard	N/A
	Rear Yard	N/A

General Zoning Compliance

While a complete review of zoning compliance cannot be done without surveys for all of the properties, some general findings can be provided. Lots 6 and 7 are both generally conforming to the T-6 Zone for use, height, building type, etc.

The McGuire site is non-conforming for use as car dealerships are not a permitted use in the T-6 Zone due to their need for large areas of land and sprawling development pattern. The auto-oriented use is also inappropriate for a pedestrian-oriented downtown. In addition, the McGuire site is non-conforming for height and frontage build-out, where a minimum two story height is required and a minimum 80 percent of the frontage is required to be built out. These non-conformities negatively impact the pedestrian realm and the extensive parking and auto traffic from the site hinders pedestrian travel. Parking is also not permitted in the front yard, for example, where the show lots exist today. The front yard parking is a detriment to the area where buildings fronting the street provide for shopping activity and create a "draw" to the downtown.

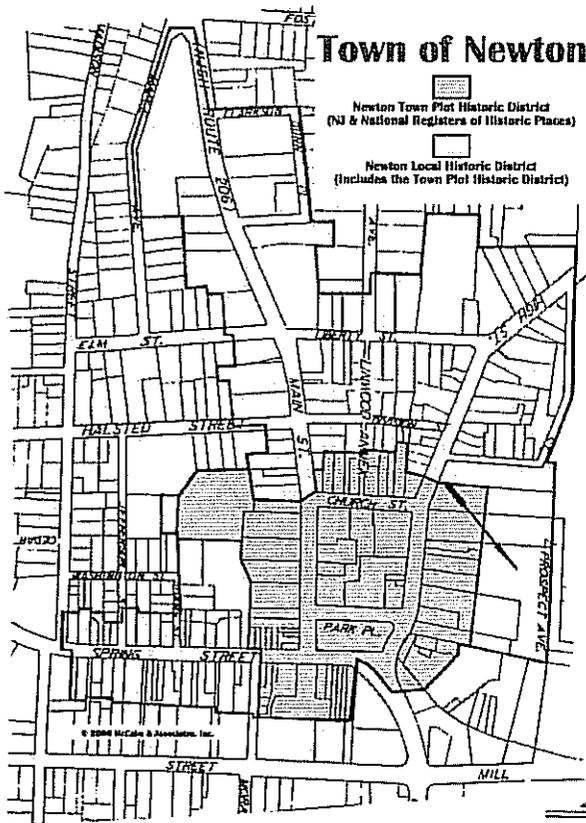
The U.S. Post Office is also non-conforming for building height with only one story existing, where a minimum of two stories is required. This creates an underutilization of the property where apartments or office uses on upper floors is encouraged to provide additional activity at the street level and support the consumer base for the shopping district. The U.S. Post Office site is also non-conforming for parking. The Newton Public Parking Lot #1 is conforming to the zoning as surface parking as a principal use is permitted in the T-5 Zone.

E. Study Area Analysis

Relationship to Surrounding Neighborhood

The study area is located in the heart of downtown Newton adjacent to the Newton Green. The study area also falls within the heart of the historic district and business center of Newton. The study area straddles both the T-5 and T-6 Transect Zones, the highest density zones within the Town. There are more intense uses on Main Street and Spring Street within and adjacent to the study area. Lesser intense residential uses mix with offices and transition to primarily residential as one travels south on Main Street. The area surrounding the study area contains some of the busiest transportation routes in Sussex County, including NJSH Route 94, U.S. Route 206 and Sparta Avenue. The Sussex County Administration Offices, County Courthouse and County Jail are all within walking distance of the study area. There is also a concentration of churches directly across Main Street from the study area which includes the Christ Episcopal Church and the First Presbyterian Church.

History



The Town of Newton, settled in 1751, was incorporated in 1864 and is the County Seat of Sussex County. With its prime location along major transportation routes, Newton has grown over the last 150 years from a small village to an economic hub of the County. A majority of the buildings in the Town were built during the Town's economic boom as a manufacturing and mercantile center in the latter half of the 19th Century and the early decades of the 20th Century. As a result, the Town was developed as a historic main street Town around a "green" known as the Newton Green. The resulting charm of the Town is tied to the historic nature of development in the Town.

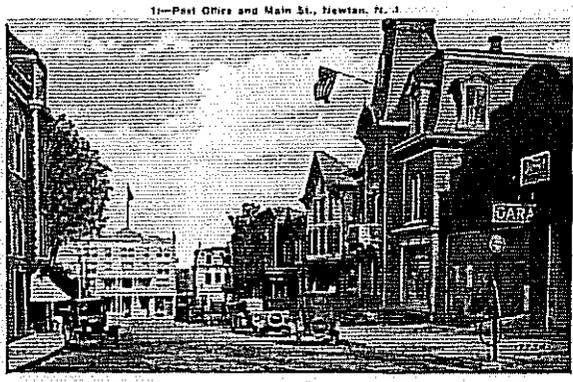
In 1987, the Town Council of the Town of Newton established a local ordinance creating the Historic Preservation

Commission and establishing boundaries for a local Historic District. Those boundaries are shown in yellow on the map above. In 1992, the area shown in blue on the map above was designated on the State and National Registers of Historic Places as the Newton Town Plot Area. The entire study area is located within the local Historic District. The portion of the study area that fronts on Main Street is also within the Newton Town Plot Area.

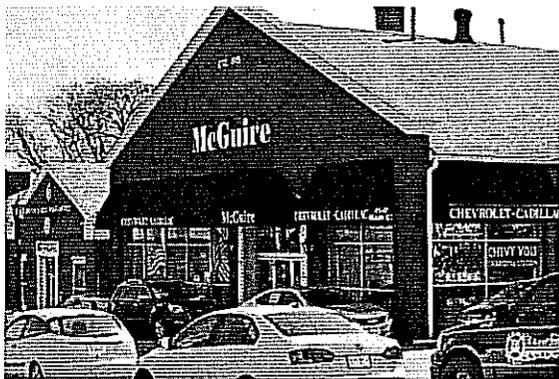
The commercial building at 79 Main Street (Lot 6) was built in 1900 as a residence and was converted to a commercial structure for offices in the mid-1980s. The structure was built in the Folk Victorian Style with a covered porch along its entire front with a shed roof, decorative spindle railing and a decorative gold pediment. There are a number of bay windows along the front of the structure, a front gable, a high-pitched pyramid-shaped roof and decorative trim and clapboard. The building has been vacant and increasingly dilapidated since the late 1980s.

The commercial building at 75 Main Street (Lot 7) was constructed in 1802 and served as the Newton Academy from 1802 to 1829. The original front section of the structure was constructed in the Georgian style. The front section is two and a half stories tall, with a slate roof gabled across its length, a brick chimney at the left ridge and dentils along the soffits. In 1831, the building was renovated to accommodate a mercantile store and residence. The original building was sided with clapboard, which was covered in stucco in 1928. Later, the building was converted into eight apartment units. The building was converted to a commercial use in the mid-1980s. The building has been vacant and growing increasingly dilapidated since at least the early 1990s.

The McGuire Chevrolet building (Lots 8, 9 and 10) was built in in the early 20th century, replacing residential uses from the late 1800s. In 1915, the J.R. Roof Company began operating a garage and filling station at the site. Later, J.R. Roof Company also began selling cars at the site. Since then, the site has remained a car dealership, first under the J.R. Roof name and now as McGuire Chevrolet. The original façade of the structure was altered from the Mission Revival style façade to the hip and gable roof façade of today. The current show lot (Lots 8 & 9) was home to the old Inslee Mansion, which housed the Town's Young Women's Christian Association (Y.W.C.A.) until 1966, when it was demolished to provide parking for J.R. Roof Company's car dealership.



Historic McGuire Building Façade (Right)



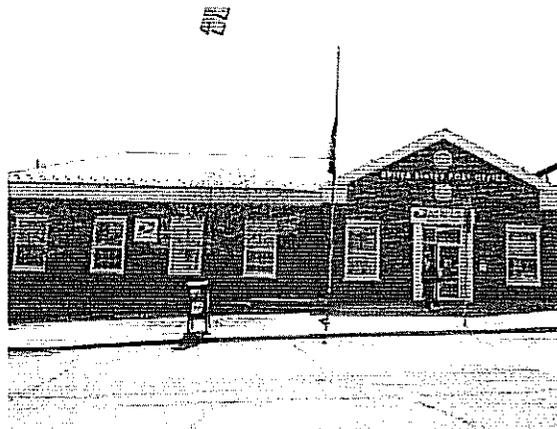
Current McGuire Building Façade

The two photos above show the historic streetscape of Main Street with the McGuire building in its original form in the far right corner of the left side photo above. Next door in the historic photo, one can see the former Library Hall and Post Office building adjacent to the McGuire building. The above right photo shows the McGuire building as it exists today with the current Post Office building next door.

The site where the U.S. Post Office now stands (Lot 11) was originally George M. Ryerson's drugstore in the mid 1800's. The original drugstore was replaced with Library Hall, which was constructed to house the Town Library. Library Hall was completed in 1871 and housed several uses. The first floor of the structure contained the post office and offices of the New Jersey Herald. The second floor housed the library and the third floor was originally a meeting hall. The third floor was later renovated to become the Town's Opera House. The library moved to its current location at the Dennis Library on Main Street and Elm Street in the early 1940s. Library Hall was demolished in 1958 to make way for the new post office building. The current building was built in 1959 and the post office use there continues today with little or no change to the original structure.



Library Hall (demolished 1958)



Current Post Office Replaced Library Hall

Lots 29, 30 and 31 contain the Town of Newton Public Parking Lot #1. Little is known about the history of the lots; however as with many of the parking lots in Town, it is likely that buildings were demolished to make room for the lots.

Environmental

The study area is not encumbered by New Jersey Department of Environmental Protection (NJDEP) designated wetlands, riparian zones or category one streams as shown on the NJDEP i-map GIS Environmental Data (NJDEP Database). According to the NJDEP Database, there are no threatened and endangered species in or around the study area. This study area is also located outside of the New Jersey Highlands Planning and Preservation Areas.

There have been anecdotal reports that some environmental contamination is present on the dealership site, but the Town has not had access to any environmental reports regarding the site. Given the historic use of the site as an auto repair shop, soil contamination may have occurred over the years and there may be underground storage tanks that require removal and may have created some contamination as well. There is no indication of any severe contamination on the site. Environmental studies are ongoing on the site.

Transportation Access

U.S. Route 206 is an Urban Principal Arterial that runs north-south through the Town of Newton. It becomes one way as it circles the Newton Green just north of the study area and becomes a two-way street again when it meets NJ State Highway 94 north of the Green. Spring Street is designated as an Urban Minor Arterial that connects U.S. Route 206 at the square with Sparta Avenue (County Route 616) which is also an Urban Minor Arterial. Adams Street is a one way single lane street coming off of Spring Street which connects to Washington Street (also one way) and connects to Madison Street. There is an unnamed right-of-way connecting Block 8.08 Lot 10 to Spring Street through a one way alley. This "exit" can be used by the municipal parking lots off of Adams Street and other commercial properties via a lease agreement between the Town of Newton and the owners of the McGuire Property.

The nearest local bus stop is located on Trinity Street across from the Municipal Building. This bus service is provided by Sussex County and includes a circular route from Newton to Hampton, Lafayette Township, Branchville Borough, Sussex Borough, Wantage Township, Hardyston Township, Franklin Borough, Ogdensburg Borough and Sparta Township. Bus service is available Monday thru Friday from 5:30 am to 6:30 pm.

There is a large amount of pedestrian activity within the vicinity of the study area. The Spring Street area is considered the pedestrian heart of the Town of Newton and has sidewalks on both sides of Main Street and Spring Street. The Town's 2009 Circulation Plan Element outlined improvements to make Spring Street as pedestrian friendly as possible. Street trees, benches and bike racks, colored crosswalks and wayfinding signage were installed to support the pedestrian realm of the Spring Street area and to help increase foot traffic to the downtown businesses. Some possible future improvements include: bike lanes, sidewalk buffers, planters and public art.

F. Findings

This investigation found that all of the tax lots within the study area meet at least three or more of the statutory criteria to qualify as being in need of redevelopment as shown in the table below.

Tax Lots in the Study Area (Block 8.08) with Statutory Criteria Met for Each Lot

Lot	Criterion a	Criterion b	Criterion c	Criterion d	Criterion h	Section 3*
6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
8	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
10	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
11				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
29			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
30			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
31			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

* Section 3 of N.J.S.A. 40A:12A-1 et seq.

Qualifying Criteria: 79 Main Street: Lot 6, Block 8.08

Tax Lot 6, Block 8.08, 79 Main Street, meets qualifying Criterion "a", "b", "d" and "h" of the Redevelopment Law as described below.

Qualifying Criterion "a"

Criterion "a" of the Redevelopment Law states: "The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions."

79 Main Street (Lot 6, Block 8.08) meets the "a" Criterion because the generality of buildings on the site are unsafe, unsanitary and dilapidated so as to be conducive to unwholesome living or working conditions. The exterior of the main building is dilapidated, with peeling paint and rotting wood. The structure has been abandoned since approximately 1987 and is becoming more and more dilapidated as time goes on. The unattached garage behind the structure is being occupied by homeless people and is filled with garbage causing an unsanitary and unsafe condition. The exterior of the garage is dilapidated with peeling paint and rotting wood. Numerous code enforcement notices have been issued upon this property over the last 20 years. Police reports indicate four criminal trespass complaints in the last five years. For these reasons, 79 Main Street meets the "a" Criterion.

Qualifying Criterion "b"

The "b" Criterion: Abandoned Commercial and Industrial Buildings (N.J.S.A. 40A:12A-5.b) – "The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable."

79 Main Street (Lot 6, Block 8.08) was last used as a commercial office space and vacated circa 1987. A preliminary site plan approval was granted by the Newton Planning Board to Lots 6 and 7, Block 8.08 on September 2, 1986 to provide for commercial conversion of both structures and create a shared parking area behind the two buildings; however improvements were never completed. As a result, the building was never reoccupied. The vacancy of the building has caused it to fall into a state of disrepair as noted in Criterion "a" above. In addition Town records show a history of neglect of the property with property maintenance violations dating back to 1984. Eleven violations were issued to the property owners between 1984 and 2009. Maintenance violations included overgrown grass, debris and trash in the yard, lack of snow and ice removal, dilapidated exterior paint, rotting wood on the porch and foundation issues. There have been four reports of criminal trespass on the property in the last five years. The building meets Criterion "b" due to its vacant dilapidated status which has caused the building to become untenable as demonstrated by its 20 plus years of vacancy.

Qualifying Criterion "d"

The "d" Criterion states: "Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community."

79 Main Street (Lot 6, Block 8.08) as noted under both Criteria "a" and "b" is dilapidated and vacant, having fallen into such a state of disrepair, over a long term vacancy of more than 20 years, so as to be untenable. The dilapidation and vacancy has resulted in trespassing in the unsecure, unattached garage, which is filled with litter and debris. The vacancy and dilapidation of the building has caused it to be detrimental to the safety, health and welfare of the community. As a result, the site meets Criterion "d" due to its unsafe and unsanitary status.

Qualifying Criterion "h"

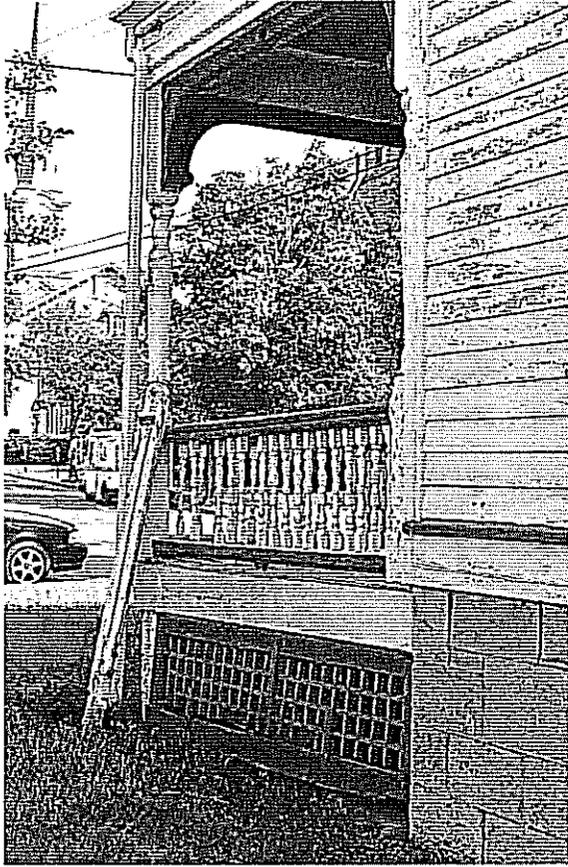
The "h" Criterion addresses smart growth consistency and provides that municipalities can designate an area in need of redevelopment if the designation is consistent with smart growth planning principles adopted pursuant to law or regulation. There are 10 accepted principles that define smart growth:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Promote development and redevelopment in areas of existing infrastructure
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

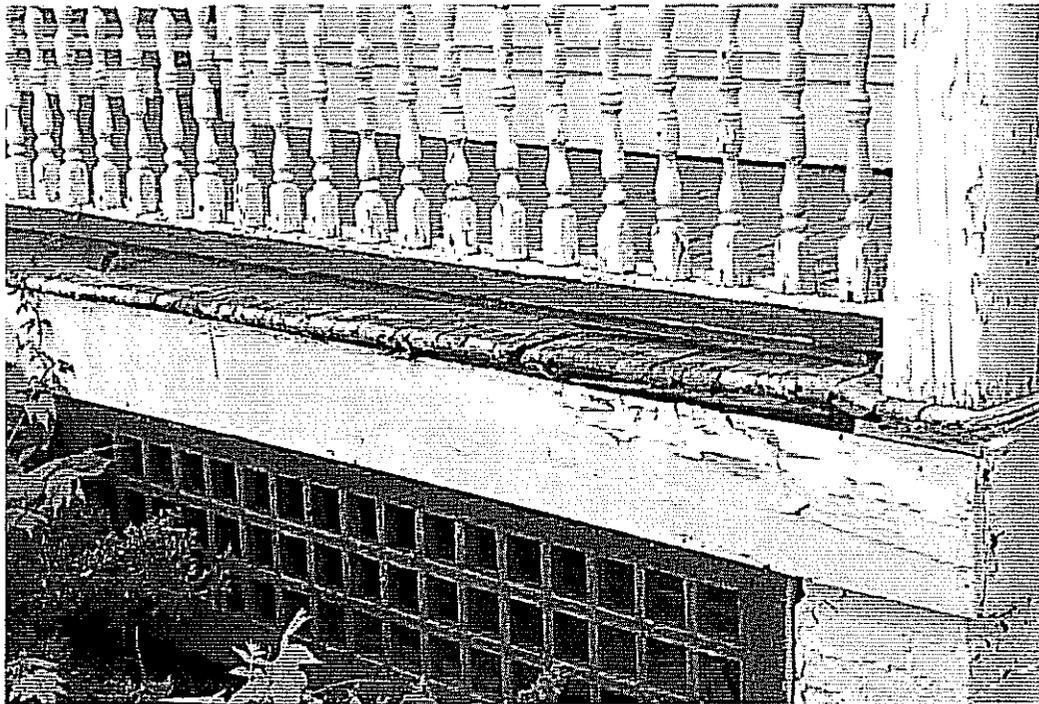
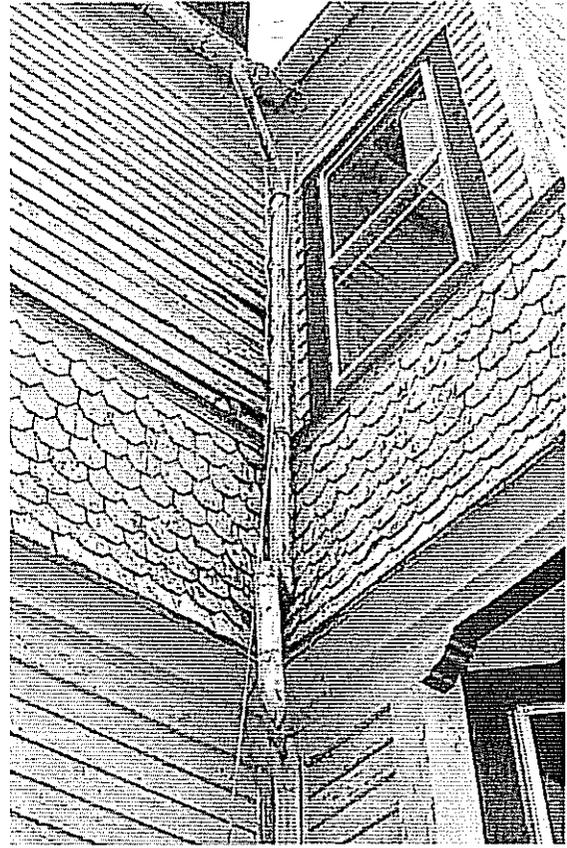
The Town of Newton adopted smart growth planning principles in the Town's 2008 Master Plan. Additionally, the Town has worked with the State Planning Commission since 1993, when it was first designated a Regional Center consistent with the State Planning Act, which also promotes smart growth principles. In May 2013, the Town of Newton achieved Plan Endorsement from the State Planning Commission, also deeming the Town of Newton's plans and ordinances as consistent with the State Plan. Smart growth principles that apply to the site include: creating walkable communities; creating distinctive attractive communities offering a sense of place; and promotion of development and redevelopment in areas with existing infrastructure.

The vacant commercial structure at 79 Main Street has become a blight to the community as noted under Criteria "a" and "b". The vacancy of the building and its dilapidated exterior, presence of unhealthy conditions, debris and other public, health and safety issues, cause this structure to hinder the distinctive, attractive sense of place of the community. The site is in a location with existing water and sewer utilities, as well as frontage on an existing State Highway. For these reasons redevelopment of 79 Main Street would be consistent with Criterion "h".

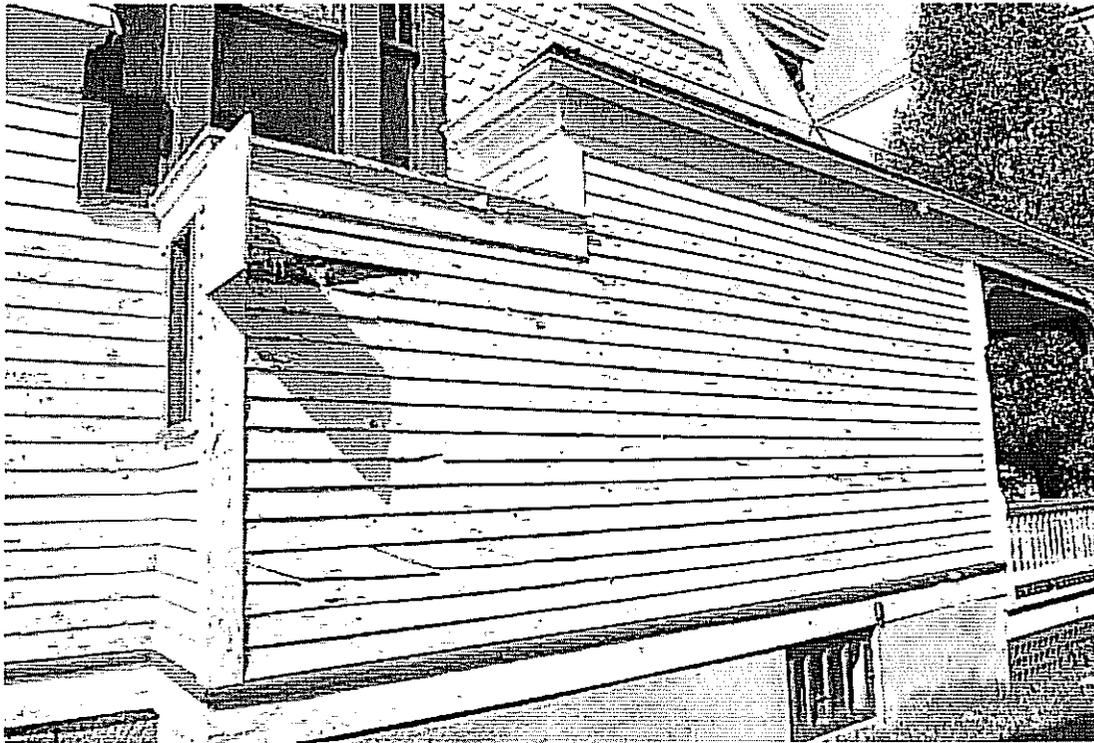
The following photos of 79 Main Street illustrate the findings noted above:



Rotting wood siding and peeling exterior paint



Rotting floorboards on porch



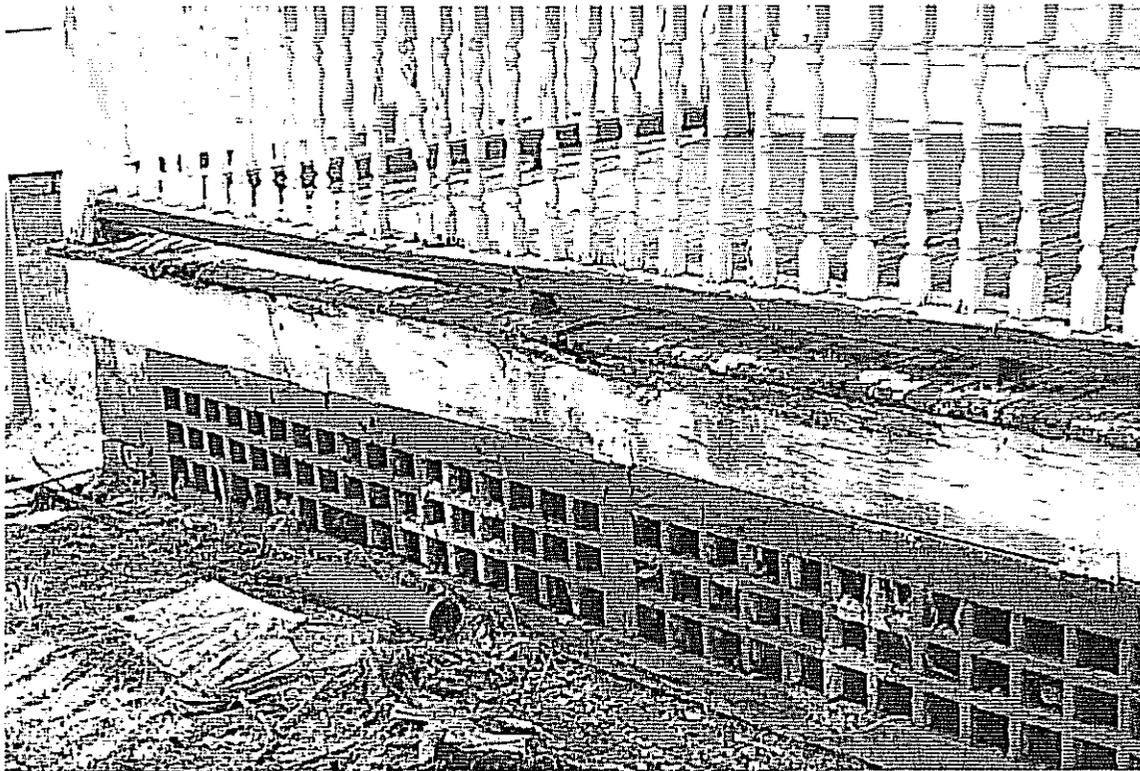
Rotting siding and peeling paint



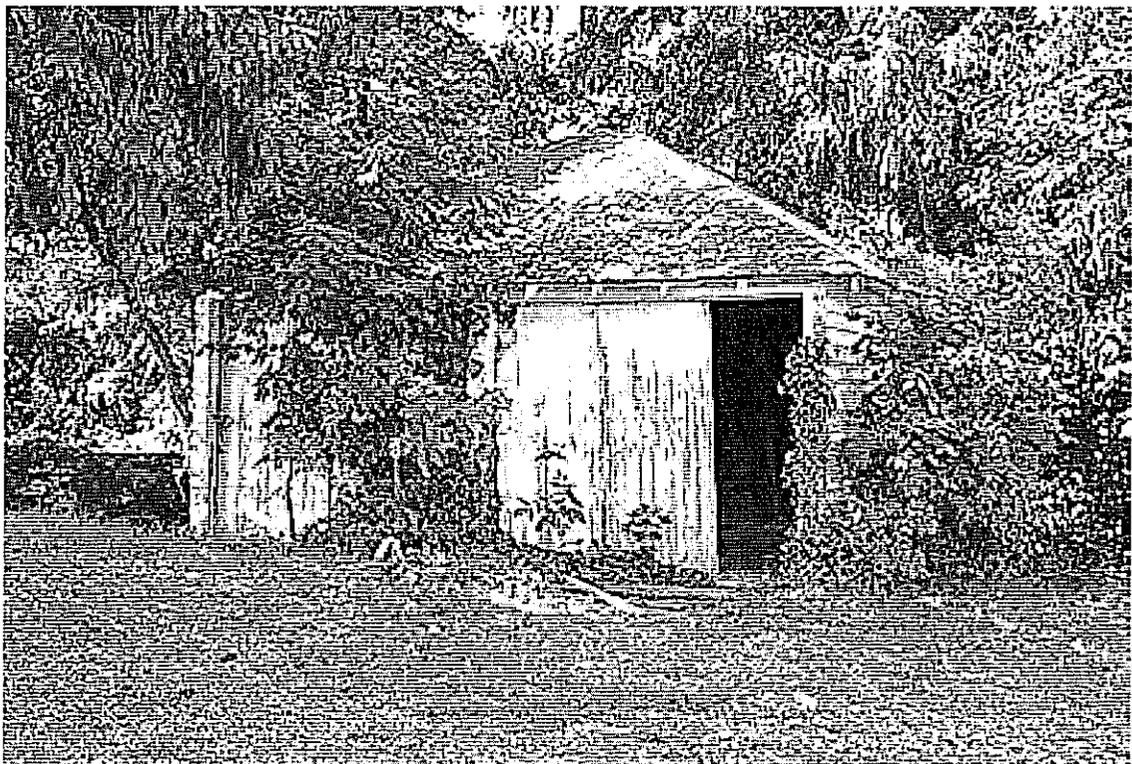
Broken trim and peeling paint



Broken trim and water damage



Garbage and molding/rotting wood on porch



Detached garage with dilapidated exterior



Interior of garage filled with garbage



Broken trim/disconnected gutter/water damage



Peeling paint/disconnected gutters



Roof joints separating over porch

Qualifying Criteria: 75 Main Street: Lot 7, Block 8.08

Block 8.08, Lot 7, 75 Main Street, meets Criteria "a", "b", "d" and "h" of the Redevelopment Law as described below.

Qualifying Criterion "a"

Criterion "a" of the Redevelopment Law states: "The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions."

75 Main Street (Lot 7, Block 8.08) exhibits every aspect of the "a" Criterion. The building is substandard, unsafe, unsanitary, dilapidated, obsolete and lacks characteristics that would be conducive to a wholesome living or working condition.

75 Main Street has been abandoned and boarded up for more than two decades, falling more and more into disrepair as time goes by. This investigation was limited to the exterior of the building; however an inspection conducted by the Town's Construction Official in 2001 noted several repairs necessary to the interior of the structure. Exterior maintenance to the building was completed in 2008 including paint and plywood boards placed over the windows as a result of code violation enforcement. Exterior wood on the building is rotting and the stucco is deteriorating. Gutters are not attached and water sheet flows over the building when it rains, causing the stucco on the exterior to wear. Paint is also peeling on the exterior of the building. All windows and doors on the building are covered with plywood. There is no electrical service attached to the building. Evidence of foundation separation and bricks with deteriorating mortar around the foundation can be seen from the exterior of the building.

The building appears to be completely uninhabitable as it stands currently with no electricity, light or air and rotting wood creating unsafe conditions. The owners of the building have been cited for maintenance code violations over the years by the Town's Zoning Officer. Exterior maintenance of the building has been limited to cutting the grass and weeds surrounding the building, repainting the exterior and boarding the windows to cover broken windows and limit trespassing or squatting in the building. The long term vacant and abandoned status of the building illustrates the obsolescence of the building. The building is substandard, unsafe, unsanitary, dilapidated and not conducive to wholesome living or working conditions. Police reports also indicate three instances of crime on the property in the last five years, with one incident each of burglary, criminal mischief and unsecured premises. For these reasons, 75 Main Street meets the "a" Criterion.

Qualifying Criterion "b"

The "b" Criterion: Abandoned Commercial and Industrial Buildings (N.J.S.A. 40A:12A-5.b) – "The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable."

75 Main Street has been vacant and abandoned for more than two decades. The windows and doors are covered with plywood and the building has been allowed to deteriorate over a very long period of time to the point where it is untenable. While the building was converted to include residential uses at some point in time, it has been a commercial or mixed-use building for most of its lifetime. Preliminary site plan approval was granted to Lots 6 and 7, Block 8.08 on September 2, 1986 to provide for commercial conversion of both structures and create a shared parking area behind the two buildings. This work was never completed and the building remained vacant. The vacancy of the building has caused it to fall into a state of disrepair as noted in Criterion "a" above. In addition Town records show a history of neglect of the property with property maintenance violations dating back to 1984. Nine violations were issued between 1984 and 2009. Maintenance violations included overgrown grass, debris and trash in the yard, lack of snow and ice removal, dilapidated exterior paint, rotting wood on the porch and foundation issues. Three incidents of crime have occurred on the site over the last five years according to Town Police reports. The long-term vacancy and abandonment of 75 Main Street meets Criterion "b" of the Redevelopment Law.

Qualifying Criterion "d"

The "d" Criterion states: "Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community."

75 Main Street as noted under both Criteria "a" and "b" has been vacant and abandoned for more than two decades. The building has been boarded up since 2005 and is not connected to electric utilities. Consequently, the structure is lacking in light, air, ventilation and sanitary facilities causing it to be detrimental to the safety, health, morals and welfare of the community. As a result, the site meets Criterion "d" due to its unsafe and unsanitary status.

Qualifying Criterion "h"

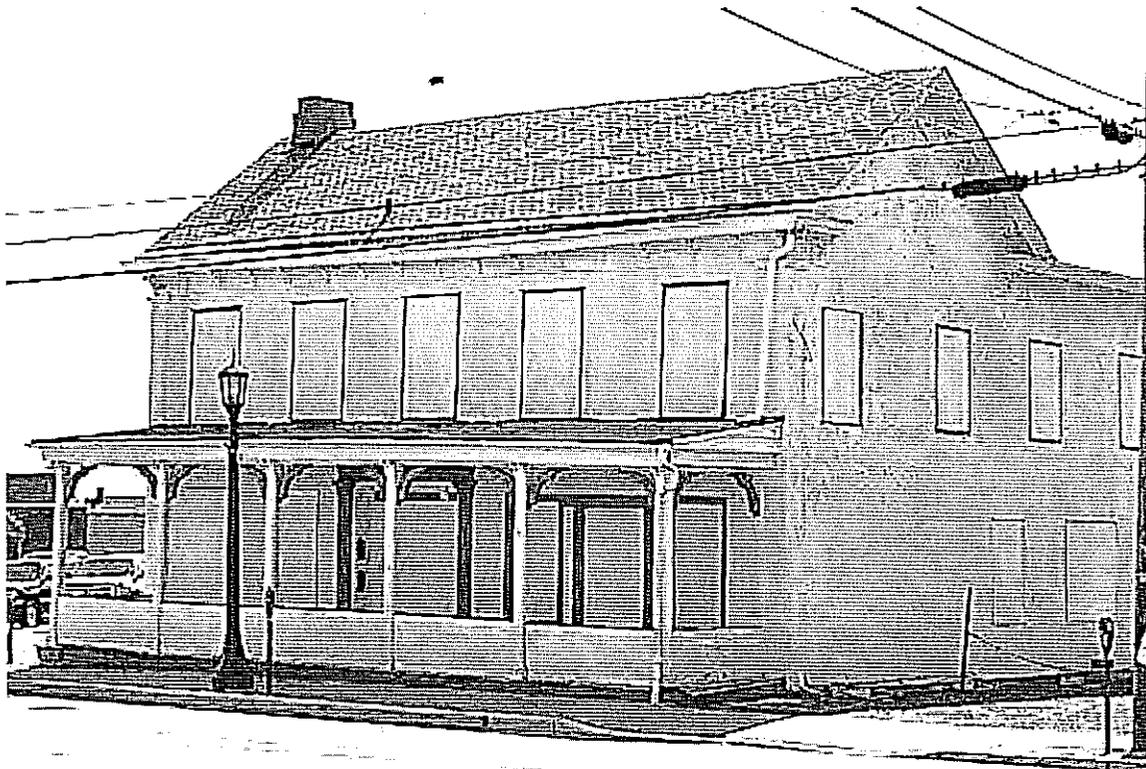
The "h" Criterion addresses smart growth consistency and provides that municipalities can designate an area in need of redevelopment if the designation is consistent with smart growth planning principles adopted pursuant to law or regulation. There are 10 accepted principles that define smart growth:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Promotion of development and redevelopment in areas of existing infrastructure
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

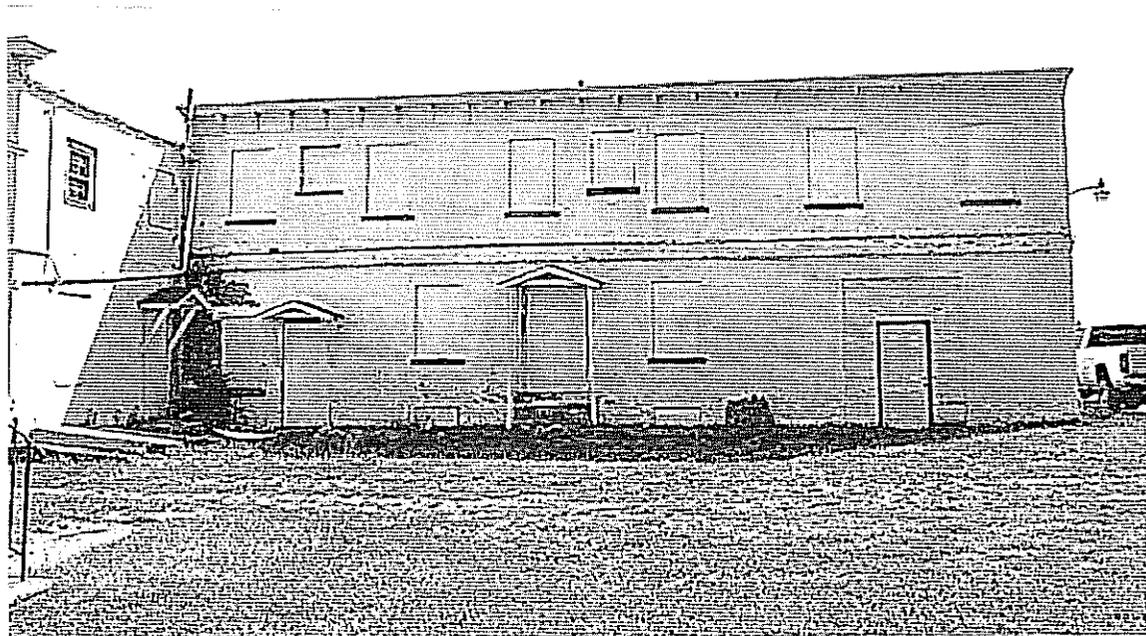
The Town of Newton adopted smart growth planning principles in the Town's 2008 Master Plan. Additionally, the Town has worked with the State Planning Commission since 1993, when it was first designated a Regional Center consistent with the State Planning Act, which also promotes smart growth principles. In May 2013, the Town of Newton achieved Plan Endorsement from the State Planning Commission, also deeming the Town of Newton's plans and ordinances as consistent with the State Plan. Smart growth principles that apply to the site include: creating walkable communities; creating distinctive attractive communities offering a sense of place; and promotion of development and redevelopment in areas with existing infrastructure.

The vacant commercial structure has become a blight to the community as noted under Criteria "a" and "b". The vacancy of the building and its dilapidated exterior, presence of unhealthy conditions, debris and other public, health and safety issues, cause this structure to hinder the distinctive, attractive sense of place of the community. The site is in a location with existing water and sewer utilities, as well as frontage on an existing State Highway. Eliminating those conditions at 75 Main Street is consistent with Criterion "h".

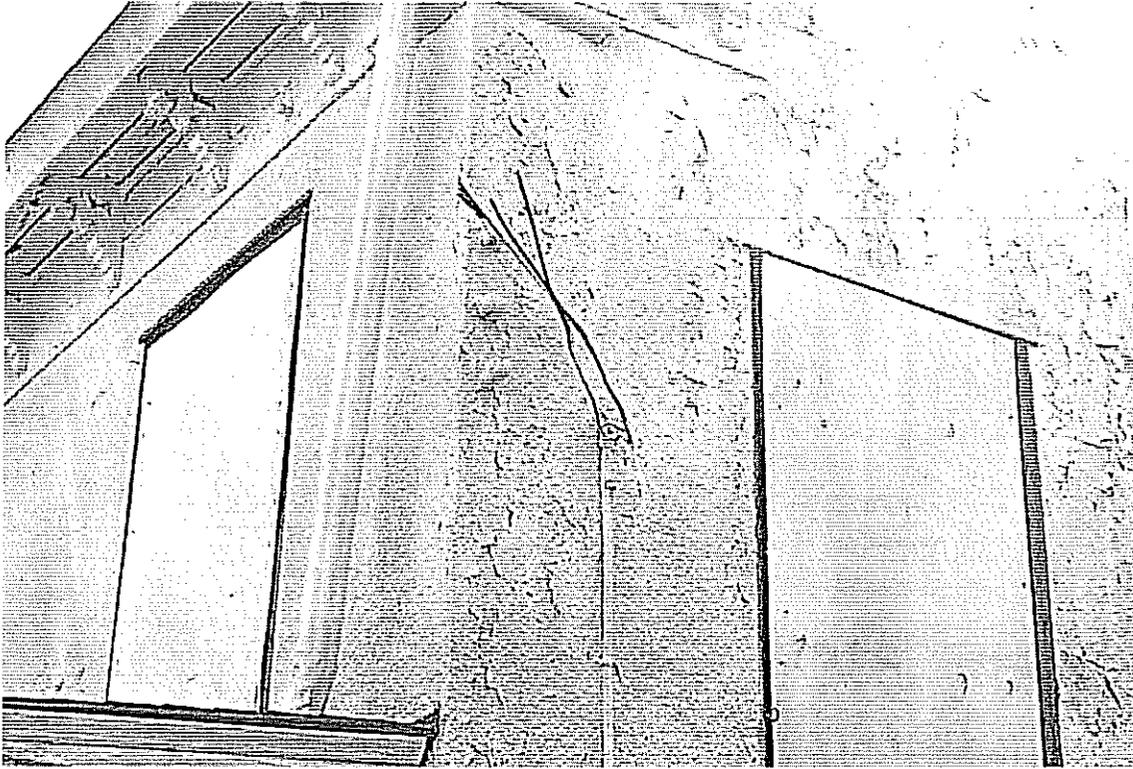
The photos below illustrate the findings described above.



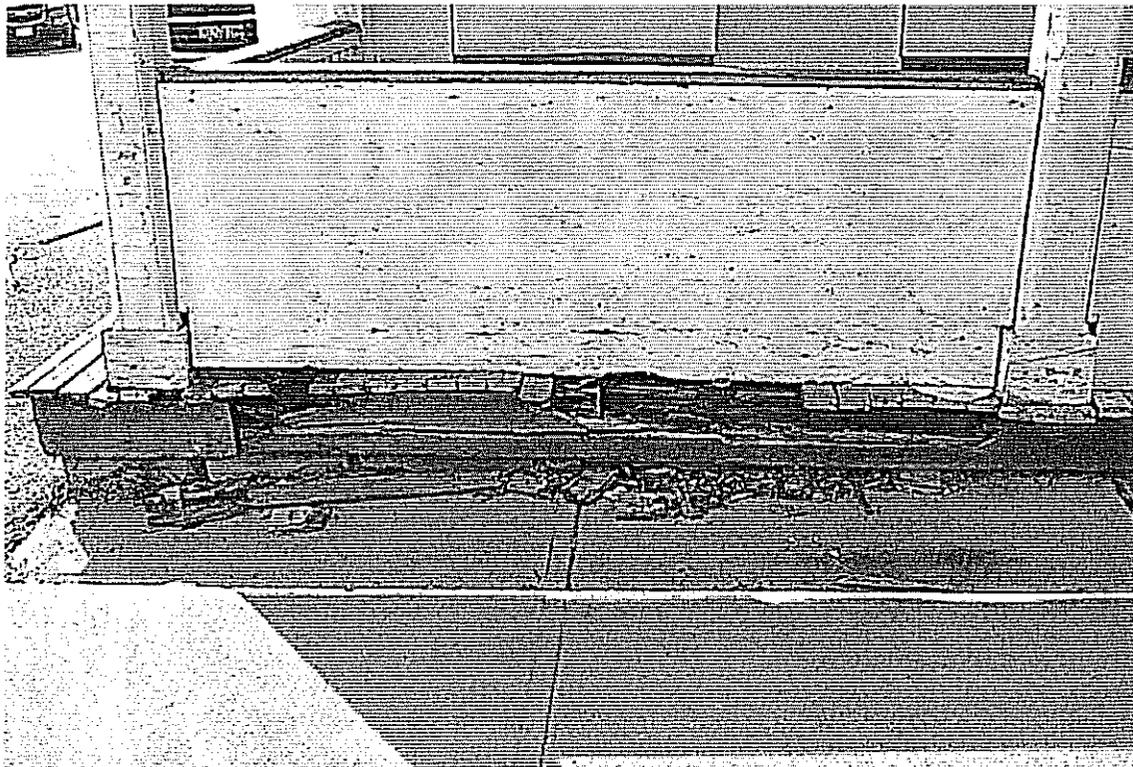
Most windows and doors on the building have been boarded up and there is no access to the front porch



All entrances and most windows are covered with plywood



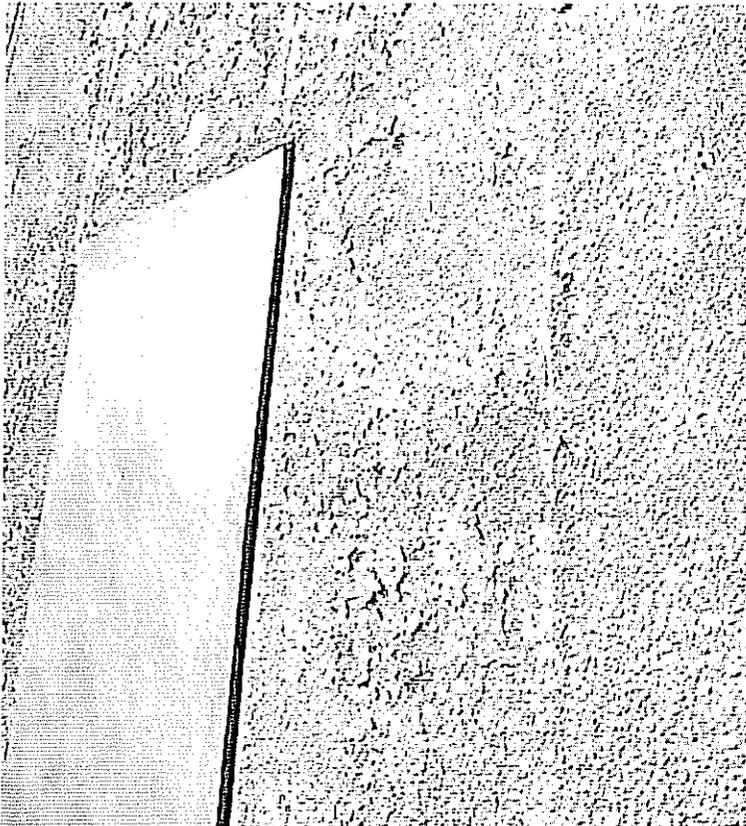
There is currently no power going to the building



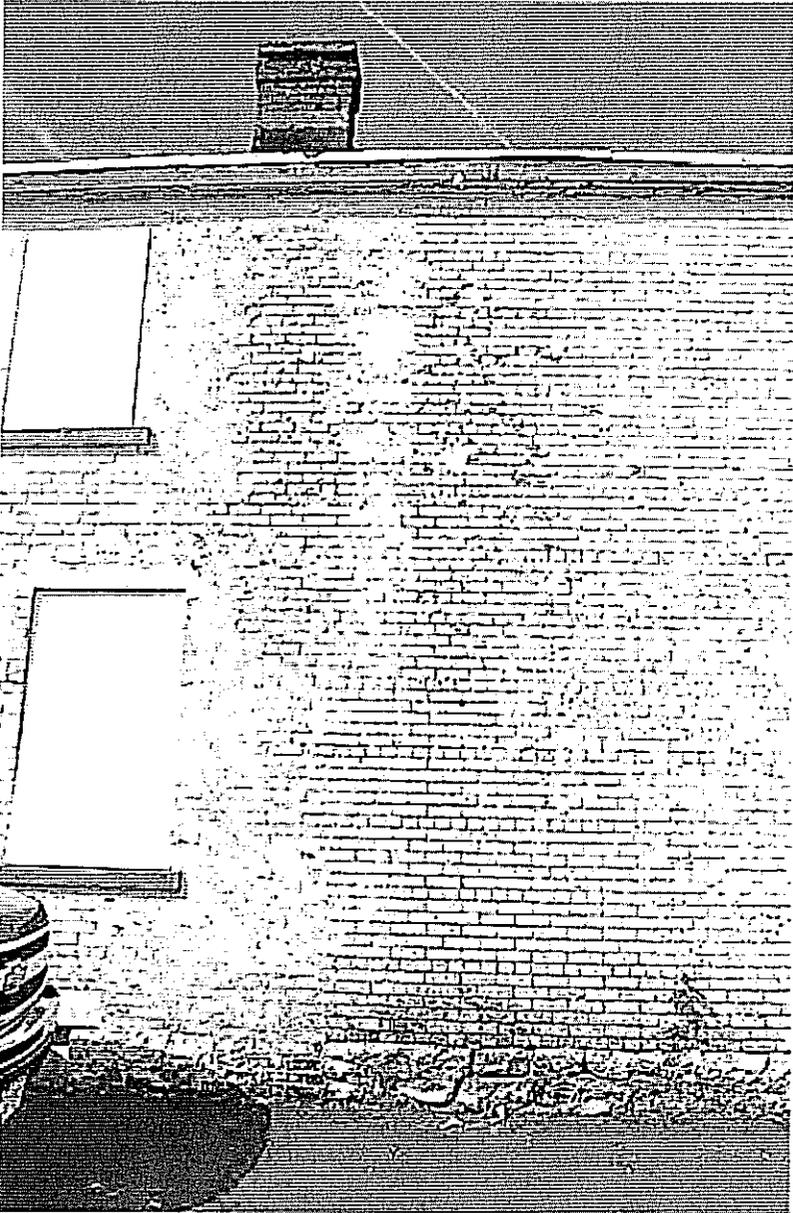
Rotting wood under porch



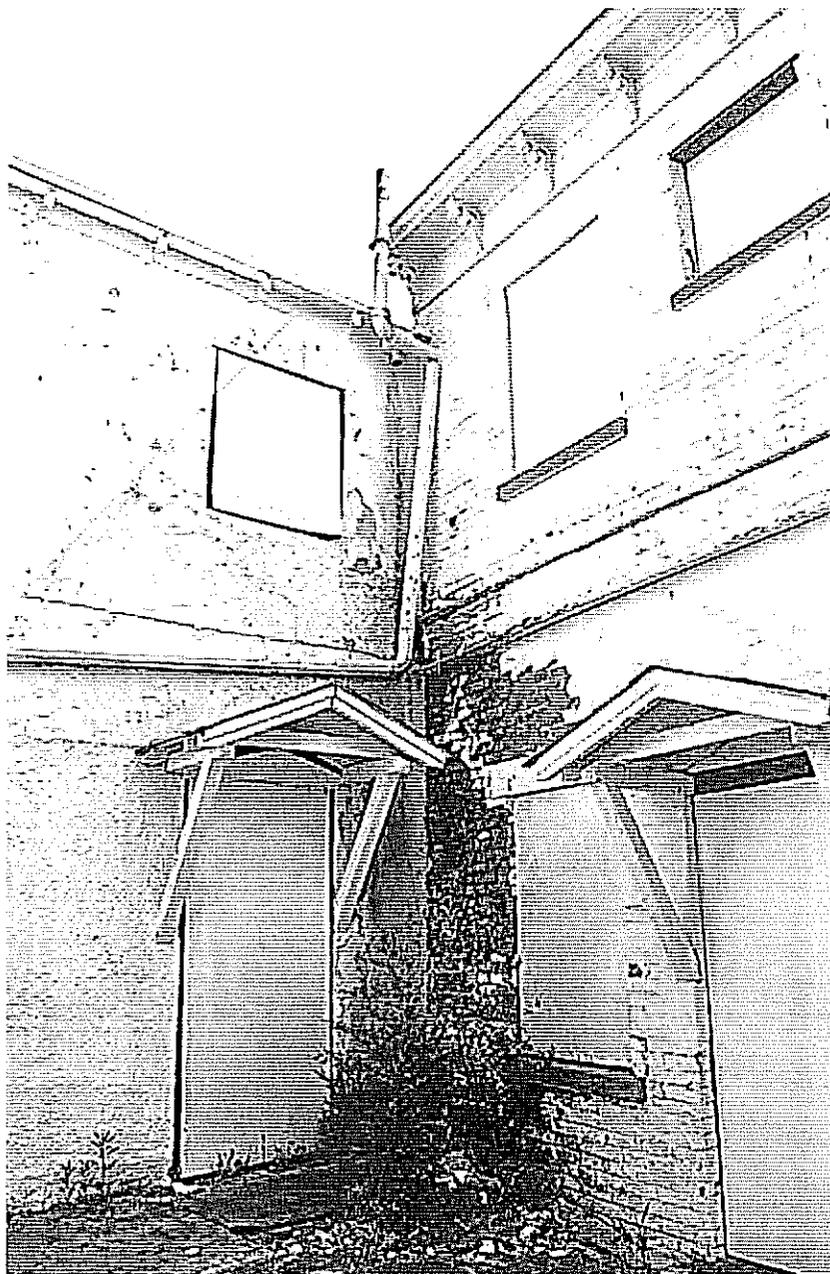
One chimney is missing and the other two are deteriorating and need repointing



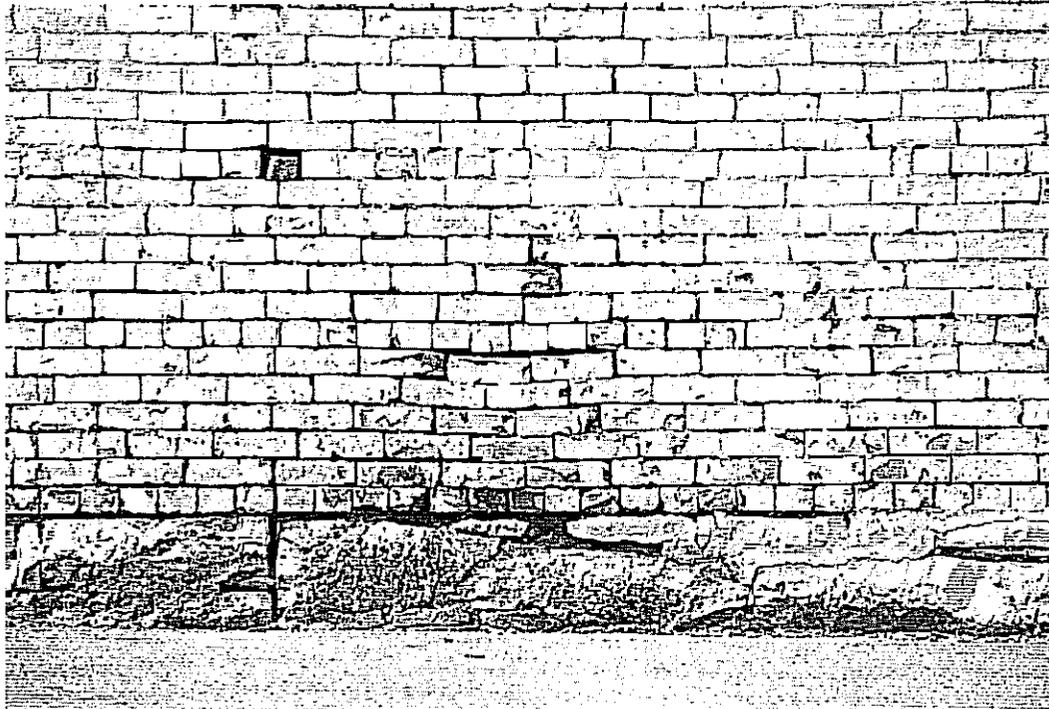
Peeling paint and plywood covered window



Water damage from sheet flow over building exterior



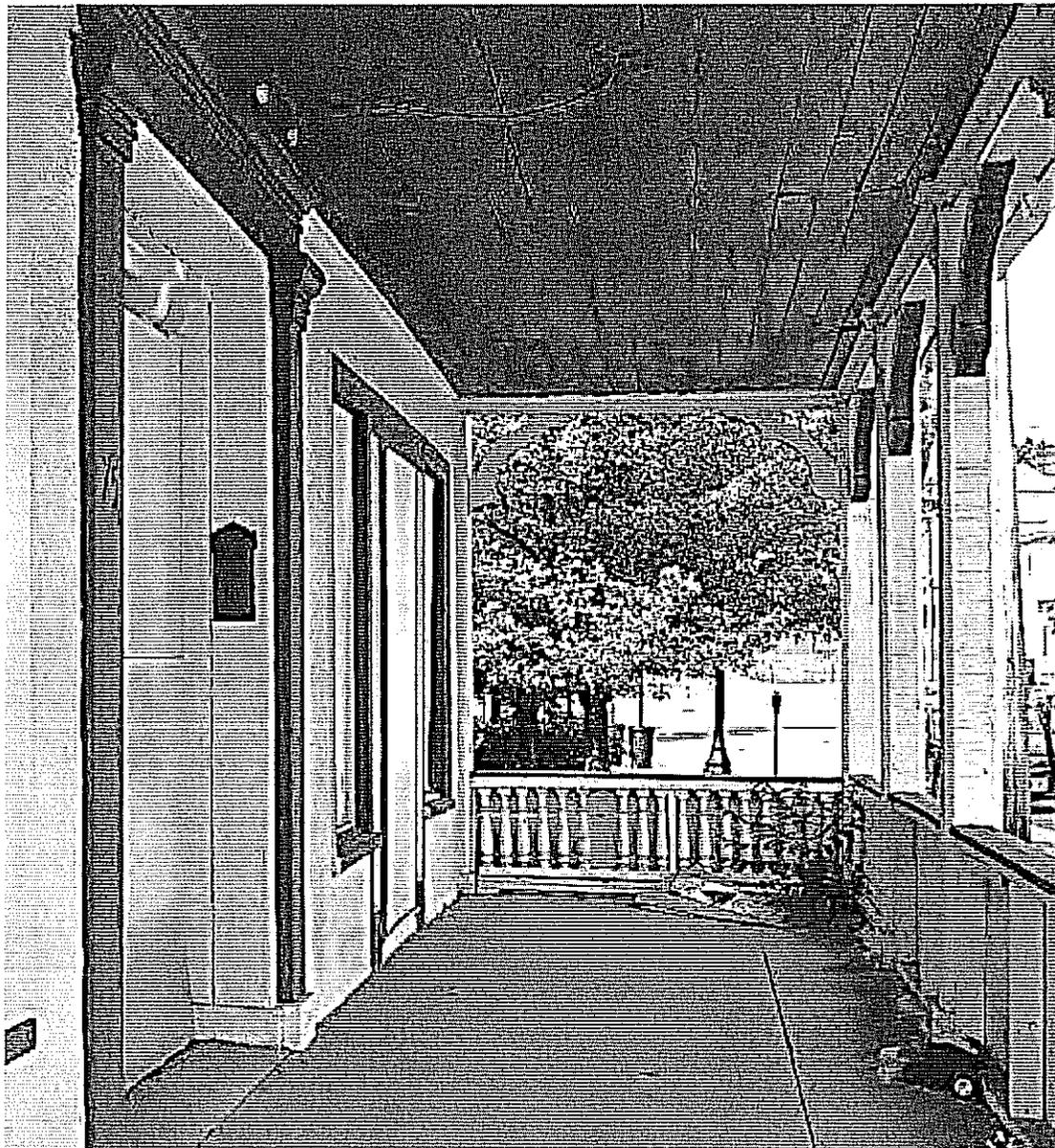
Dilapidated and deteriorating exterior



Deteriorating brick mortar and separating foundation



Open gutter pouring into foundation



Debris/tree growing on porch

Qualifying Criteria: McGuire Site: 41-47, 59 & 63 Main Street: Lots 8, 9 and 10, Block 8.08

Lots 8, 9 and 10, Block 8.08, the McGuire Site, meet Criteria "a", "d", "h" and Section 3 of the Redevelopment Law as described below.

Qualifying Criterion "a"

Criterion "a" of the Redevelopment Law states: "The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions."

The McGuire Dealership (Lots 8, 9 and 10, Block 8.08) has been operated as a car dealership since the early 20th century. Now, just under 100 years old, the dealership has become obsolete according to dealership standards set by General Motors (GM) and industry standards for dealerships in general. As a response to bankruptcy in 2009, GM launched a program called "Essential Brand Elements" to incentivize dealers to upgrade, improve and move their facilities. The goal was to increase the marketability of each dealership by focusing on a standardized dealership model that would be competitive with import dealerships, which had already employed similar improvements. Starting in October 2010, GM sent inspectors to all its dealerships to grade them on their facilities and determine if they should upgrade their existing facility in place or move to a new location. As part of the program, GM offered large cash incentives for upgrades. It also looked to reduce its total number of dealerships in order to be more competitive⁶. Dealers that didn't upgrade faced the possibility of losing their franchise.

GM's Essential Brand Elements program is a response to a nationwide trend by car manufacturers to meet consumer demands for improved retail appearances and better in-store experiences⁷. Nearly all car manufacturers, not just GM, are leaning on dealers to update the look and feel of their facilities to match a consistent image across the nation. In response to the manufacturer's push for upgrades, there has been a trend for car dealerships to move to the suburbs and away from downtown locations⁸.

As a result of the Essential Brand Elements Program and the national car dealership trends noted above, the McGuire Dealership is in the process of moving its facilities to "dealer row" in Hampton Township located on U.S. Route 206. McGuire Chevrolet purchased property on U.S. Route 206 in Hampton Township and gained site plan approval for a new dealership that meets the Essential Brand Elements Program's requirements. The new location is in a highway commercial zone and is located on "dealer row" alongside Toyota, Subaru, Honda, Volkswagen, Audi, Mercedes and BMW dealerships. This colocation of dealerships is an important aspect of sales for car dealerships. Construction of the new dealership is underway and expected to be finished before the end of 2013.

⁶ Welch, D. (2009, September). GM Will Push Dealers to Upgrade. Bloomberg Businessweek

⁷ Buss, D. (2012, March). GM's Essential Brand Elements Gets Dealer Pushback. Brandchannel.com

⁸ Morton, N. (2013, March). Downtown Will Lose a Landmark: Cavender Leaving. San Antonio Express News

With the trends in new dealership standards and location, the existing McGuire site has become obsolete. The small showroom, lack of customer waiting areas, lack of customer parking, small display lot and lack of space for vehicle deliveries, all hindered the ability of the dealership to meet the trends in demand for car dealerships. The site is also substandard for size and accessibility. The signage and building design are substandard according to General Motors corporate guidelines. The current site will be vacated by the end of 2013.

The McGuire site size and location limits any expansion of the building or the current use on the site. If the building were to be expanded, it would remove display lot space, which is already substandard. Because the site is specifically tailored to an automobile dealership, with a showroom, repair shops and display parking lot, the obsolete design of the site is not conducive to a different use without major alterations to the buildings and layout of the site. The overcrowding of the display lot results in parking cars along the public sidewalk and stacking cars within the lot. The lack of a sufficiently sized loading zone results in car deliveries on U.S. Route 206, causing a traffic safety hazard. Police reports show six motor vehicle accidents at the site over the last five years. The obsolescence and substandard aspects of the site meet the "a" Criterion of the Redevelopment Law.

Qualifying Criterion "d"

The "d" Criterion states: "Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community."

The McGuire's site (Lot 8, 9 and 10, Block 8.08) meets the "d" Criterion due to faulty arrangement and design, overcrowding, deleterious land use and obsolete layout and design that result in a detriment to the health, safety and welfare of the community.

The McGuire site does not meet the standards of the modern GM car dealership or the nationwide trends in car dealership design and customer experience. The site limits any expansion of the building and lots due to the lack of excess space on the site and the developed nature of the surrounding area which prevents expansion onto adjoining parcels. If the building were to be expanded, it would remove display lot space, which is already less than the dealer requires. Because the site is specifically tailored to an automobile dealership, with a showroom, repair shops and display parking lot, the obsolete design of the site is not conducive to a different use without major alterations to the buildings onsite and layout of the site. The overcrowding of the display lot results in parking cars along the public sidewalk and stacking cars within the lot. The lack of a sufficiently sized loading zone results in car deliveries on U.S. Route 206, causing a traffic safety hazard. Police reports show six motor vehicle accidents at the site over the last five years. This faulty arrangement and design and obsolete layout of the

site hinders pedestrian and auto traffic in the study area resulting in a detriment to the health, safety, morals and welfare of the community.

As noted previously in the environmental section, there have been anecdotal reports that the long-term use of the site as an auto repair shop has created contamination of the soils on the site. Due to the historic lack of modern containment facilities for hazardous fluids used on the site and possible leaking of underground storage tanks, according to anecdotal reports contamination has occurred over time resulting in a deleterious land use. The environmental studies are ongoing on the site; however, it is clear that they will result in the need for an environmental clean-up on the site.

Under the current zoning, T-6 – Town Center Zone, a car dealership is not a permitted use. This auto-oriented use is not appropriate in an urban downtown setting with a focus on pedestrian scale development. The McGuire site is not in conformance with the Town's ordinances as it is non-conforming for building type, parking area and landscaping design and screening and buffering. The McGuire Dealership is a deleterious land use and when the dealership moves it will result in a vacant site expected to require environmental mitigation. For these reasons and reasons noted above, the McGuire site meets Criterion "d".

Qualifying Criterion "h"

The "h" Criterion addresses smart growth consistency and provides that municipalities can designate an area in need of redevelopment if the designation is consistent with smart growth planning principles adopted pursuant to law or regulation. There are 10 accepted principles that define smart growth:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Promotion of development and redevelopment in areas of existing infrastructure
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

The Town of Newton adopted smart growth planning principles in the Town's 2008 Master Plan. Additionally, the Town has worked with the State Planning Commission since 1993, when it was first designated a Regional Center consistent with the State Planning Act, which also promotes smart growth principles. In May 2013, the Town of Newton achieved Plan Endorsement from the State Planning Commission, also deeming the Town of Newton's plans and ordinances as consistent with the State Plan. Smart growth principles that apply to the redevelopment of the site include: creating walkable communities; creating distinctive attractive communities offering

a sense of place; mixing land uses, taking advantage of compact building design and promotion of development and redevelopment in areas with existing infrastructure.

The McGuire site is an obsolete use as noted under Criteria "a" and "d". A large part of its obsolescence is that it is an auto-oriented use located in the heart of a pedestrian downtown. This use is not congruent with the Smart Growth Principals of creating walkable communities and creating distinctive attractive communities that offer a sense of place. The large open show lot does not provide a positive pedestrian experience when walking past the site. The clutter of cars on sidewalks, alleys and adjacent lots hinders the pedestrian experience. The one story building and the underbuilt frontage of the lot are not contributing to the character of the study area or fostering a sense of place. The site does not take advantage of the mixing of land uses or a compact building design. Both of these smart growth principles are important in downtowns to create a mix of retail, office and service uses that provides for a vibrant downtown. The underutilization of the site with large expanses of parking and the one story, single use structure on the site are not in keeping with smart growth principles. The site is in a location with existing water and sewer utilities, as well as frontage on an existing State Highway. For these reasons, redevelopment of the McGuire site is consistent with Criterion "h".

Section 3

Under Section 3 of the Redevelopment Law, a redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

The McGuire site is centrally located within the study area and provides frontages along U.S. Route 206/Main Street and Spring Street. The relatively large size of the lot, 2.44 acres, coupled with its central location in the study area and connective street frontages, makes it a necessary piece of the study area to facilitate the effective redevelopment of the area. For these reasons, the McGuire site should be included within the area according to Section 3 of the Redevelopment Law.

The following photos of the McGuire site illustrate the findings described above.



Car displays do not meet modern dealership standards



Cars parked directly adjacent to the building



Cars are parked along the public sidewalk



Aisles are narrow and dead-end with no turn-around



All aisles are dead-end, circulation is poor and cars are stacked throughout the lot



Cars are delivered on U.S. Route 206/Main Street

Qualifying Criteria: United States Post Office: 39 Main Street: Block 8.08 Lot 11

Lot 11, Block 8.08, the United States Post Office, meets Criteria "d", "h" and Section 3 of the Redevelopment Law as described below.

Qualifying Criterion "d"

The "d" Criterion states: "Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community."

The U.S. Post Office site (Lot 11, Block 8.08) exhibits an obsolete layout, design and insufficient circulation for the use. The Post Office site is not in conformance with the Town's ordinances as it is non-conforming for building type, parking area, landscape design, screening and buffering. The site is limited in size and allows no possible area for expansion of the current structure on the site. Other than an L-shaped area of asphalt around the north and east side of the site, the building covers almost the entire parcel. There is limited landscaping on the site. Customers coming to the Post Office must park along U.S. Route 206 at a lighted intersection, which makes it dangerous to exit vehicles with adjacent traffic being so close. It is also difficult to merge into traffic when vehicles are stopped at the light. There is very little room for employee and mail truck parking along the rear of the building, which results in parking along the alley connecting to U.S. Route 206. As the main postal hub for a very large area spanning Newton, Hampton and parts of Frankford, the building is small and vehicular circulation when traveling to and from the building is poor. Given the unique aspects of the Post Office use, it is not likely that the structure can be easily converted to another use or expanded to better accommodate the current use. Police reports have shown eight motor vehicle accidents at the site in the last five years. This site also does not conform to the T-6 Zone as it is nonconforming for building height, building type, landscaping design, screening and buffering. The non-conformities illustrate the faulty arrangement and design of the site. For these reasons, the Post Office site meets Criterion "d" of the Redevelopment Law.

Qualifying Criterion "h"

The "h" Criterion addresses smart growth consistency and provides that municipalities can designate an area in need of redevelopment if the designation is consistent with smart growth planning principles adopted pursuant to law or regulation. There are 10 accepted principles that define smart growth:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Promotion of development and redevelopment in areas of existing infrastructure
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

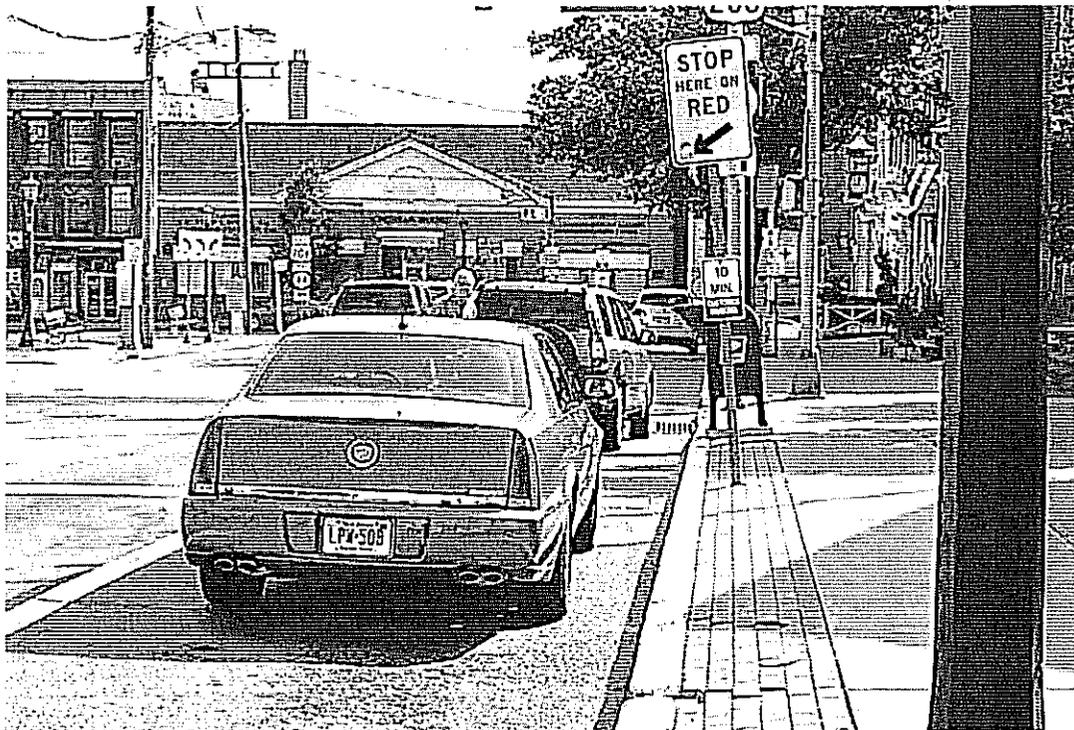
The Town of Newton adopted smart growth planning principles in the Town's 2008 Master Plan. Additionally, the Town has worked with the State Planning Commission since 1993, when it was first designated a Regional Center consistent with the State Planning Act, which also promotes smart growth principles.. In May 2013, the Town of Newton achieved Plan Endorsement from the State Planning Commission, also deeming the Town of Newton's plans and ordinances as consistent with the State Plan. Smart growth principles that apply to the site include: creating walkable communities; creating distinctive attractive communities offering a sense of place; mixing land uses; and promotion of development and redevelopment in areas with existing infrastructure. The Post Office site has poor pedestrian and vehicle circulation on the site. The high level of use of postal vehicles in and out of the alleyway on the site creates a hazardous situation for pedestrians walking along the sidewalk. The single use aspect of the site and one story façade do not contribute to the mixed-use nature of the downtown area. For these reasons, redevelopment of the Post Office site is consistent with the "h" Criterion.

Section 3

Under Section 3 of the Redevelopment Law, a redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

The Post Office site provides frontage on U.S. Route 206/Main Street and the property has an alley that can provide access to the Town of Newton Public Parking Lot #1, if opened. The Post Office alley access meets the existing traffic light on U.S. Route 206/Main Street, which would facilitate circulation into the site at a lighted intersection rather than directly adjacent to one. For this reason, the Post Office site should be included within the area according to Section 3 of the Redevelopment Law.

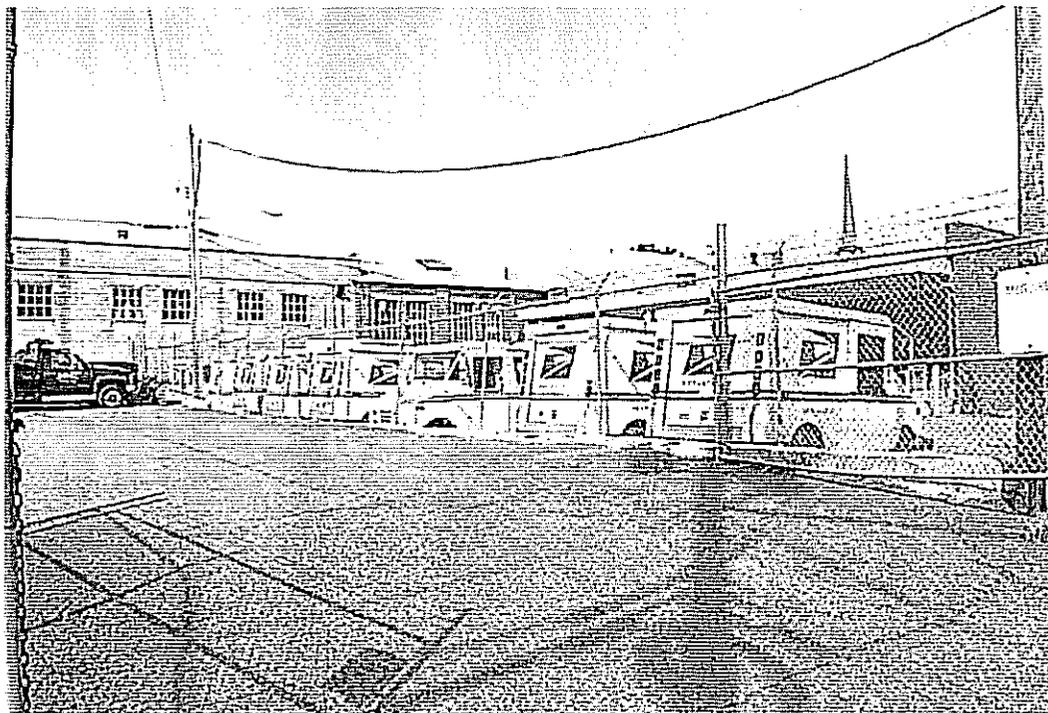
The following photos illustrate the findings noted above.



On street parking is limited to three cars for a maximum of 10 minutes at the site



Employee parking along the Post Office alley to U.S. Route 206



There is minimal room on the site for delivery truck circulation

Qualifying Criteria: Newton Public Parking Lot #1: 1, 3 & 11 Adams Street: Lots 29, 30 and 31, Block 8.08

Lots 29, 30 and 31, Block 8.08, the Newton Public Parking Lot #1, meets Criteria "c", "h" and Section 3 of the Redevelopment Law as described below.

Qualifying Criterion "c"

The "c" Criterion is as follows: Public and Vacant Land (N.J.S.A. 40A:12A-5.c) – "Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital."

Lots 29, 30 and 31 are owned by the Town of Newton Parking Authority and encompass Newton Public Parking Lot #1 for the downtown area. The tax lots are owned by a public entity, the Town of Newton Parking Authority. Newton Public Parking Lot #1 is the most remote and difficult to access parking area that the Town owns due to its lack of frontage on any arterials or higher level two way streets. The only access to the lot is on Adams Street, which is a narrow, one-way street. There are two egress points, either back onto Adams Street or through an alley that connects to Spring Street. Additionally, the only frontage for the lot is on Adams Street, which is primarily a residential street. The site is located behind existing commercial structures on Spring Street and has provided access and parking for those structures from many years. For these reasons, the potential for private capital to invest in upgrading the parking area or developing the area for some other use is not likely. The topography of the site is also a limiting factor, with retaining walls surrounding several sections of the parking area. For these reasons, Newton Public Parking Lot #1 meets Criterion "c".

Qualifying Criterion "h"

The "h" Criterion addresses smart growth consistency and provides that municipalities can designate an area in need of redevelopment if the designation is consistent with smart growth planning principles adopted pursuant to law or regulation. There are 10 accepted principles that define smart growth:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Promotion of development and redevelopment in areas of existing infrastructure
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions



The Town of Newton adopted smart growth planning principles in the Town's 2008 Master Plan. Additionally, the Town has worked with the State Planning Commission since 1993, when it was first designated a Regional Center consistent with the State Planning Act, which also promotes smart growth principles. In May 2013, the Town of Newton achieved Plan Endorsement from the State Planning Commission, also deeming the Town of Newton's plans and ordinances as consistent with the State Plan. Smart growth principles that apply to the site include: creating walkable neighborhoods; providing a variety of transportation choices; and promotion of development and redevelopment in areas with existing infrastructure.

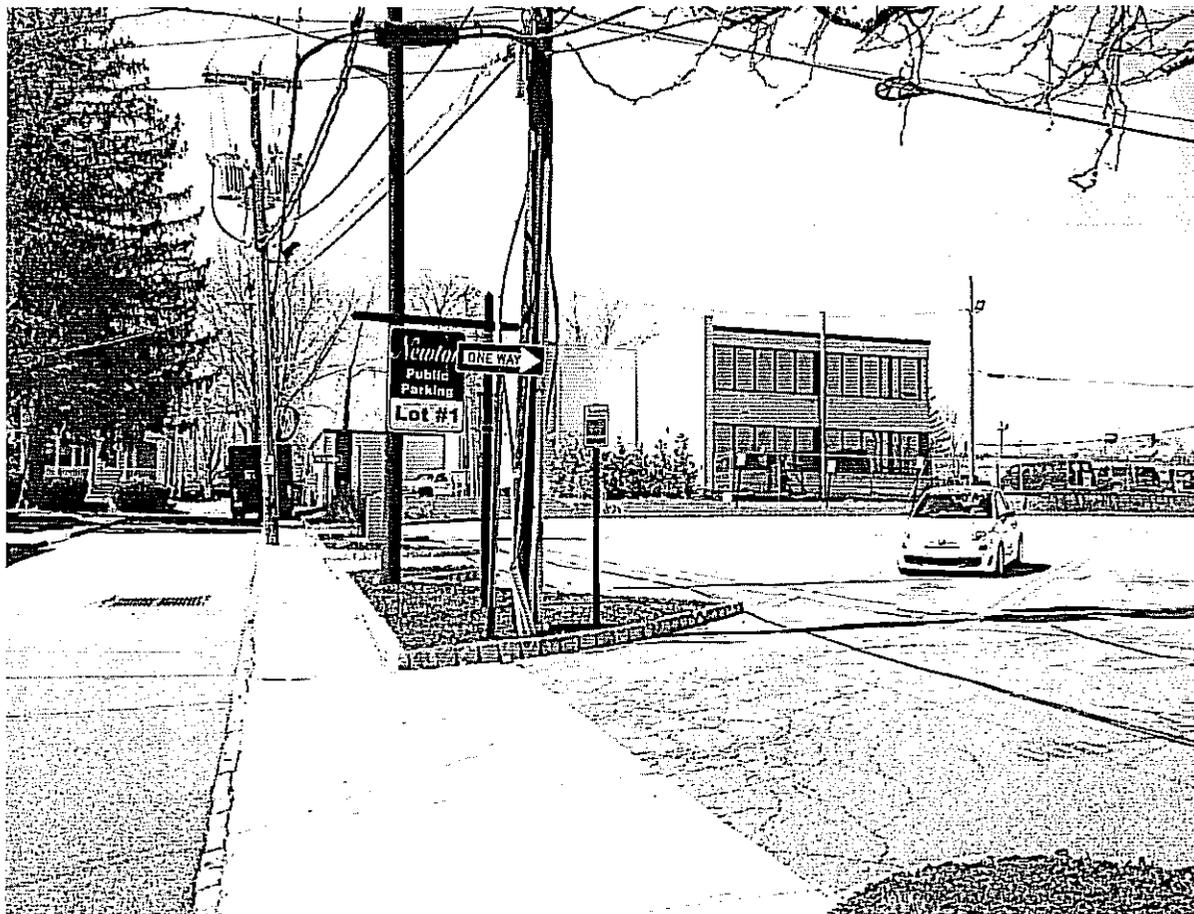
Lots 29, 30 and 31 encompass Newton Public Parking Lot #1 for the downtown area. Newton Public Parking Lot #1 provides circulation and parking for the study area and additional frontage on Adams Street, which is beneficial when the lot is combined with the surrounding parcels. The parking location is behind the street frontages of U.S. Route 206 and Spring Street, which permits buildings to front along the streets promoting a walkable neighborhood, while providing parking locations behind the buildings when all lots in the area are combined. The inclusion of the Newton Public Parking Lot #1 also provides the potential to create a structured parking lot on the site, increasing shared parking on the municipally-owned lot and providing for a variety of transportation choices to access the downtown. The site could also be used for bike storage. Newton Public Parking Lot #1 is located in an area of existing infrastructure with public water, sewer and street frontage. For these reasons, the redevelopment of Newton Public Parking Lot #1 is consistent with Criterion "h".

Section 3

Under Section 3 of the Redevelopment Law, a redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

Lots 29, 30 and 31 encompass Newton Public Parking Lot #1 for the downtown area. The parking area provides frontage to Adams Street, parking potential for the area and provides for additional circulation and additional ingress and egress locations. Without the inclusion of these lots, the remaining lots in the area would not be able to be effectively redeveloped because of the need for areas to provide for parking on those lots. For these reasons, the Newton Public Parking Lot #1 should be included in the area under Section 3 of the Redevelopment Law.

The following photos illustrate the findings noted above.



Narrow Adams Street frontage along Newton Public Parking Lot #1



View of the backs of buildings along Spring Street



Alley access to Newton Public Parking Lot #1 from Spring Street



Retaining wall surrounding western and southwestern property lines



Retaining wall along northern property line

IV. Recommendations

This investigation finds that the study area identified as Block 8.08, Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31 meets the statutory criteria to qualify as an Area in Need of Redevelopment and recommends that the site be designated by the Town Council of the Town of Newton as an Area in Need of Redevelopment pursuant to N.J.S.A. 40A:12A-1 et seq. More specifically, this investigation finds that the study area meets Criteria "a", "b", "c", "d", "h" and Section 3 of N.J.S.A. 40A:12A-1 et seq. as follows:

Tax Lots in the Study Area (Block 8.08) with Statutory Criteria Met for Each Lot

Lot	Criterion a	Criterion b	Criterion c	Criterion d	Criterion h	Section 3*
6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
8	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
10	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
11				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
29			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
30			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
31			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

* Section 3 of N.J.S.A. 40A:12A-1 et seq.

The "a" Criterion: Deterioration (N.J.S.A. 40A:12A-5.a) – “The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.” *As noted above, Lots 6, 7, 8, 9 and 10 in the area display a generality of buildings that are dilapidated and/or obsolescent to the extent that they are conducive to unwholesome living or working conditions.*

The "b" Criterion: Abandoned Commercial and Industrial Buildings (N.J.S.A. 40A:12A-5.b) – “The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.” *As noted above, Lots 6 and 7 have been abandoned for more than two decades and have fallen into a level of disrepair such as to make them untenable.*

The "c" Criterion: Public and Vacant Land (N.J.S.A. 40A:12A-5.c) – “Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.” *As noted above, Lots 29, 30 and 31 comprising Newton Public Parking Lot #1 are owned by the Newton Parking Authority and by reason of location and topography are unlikely to be developed through private capital, meeting this Criterion.*

The "d" Criterion: Obsolete Layout and Design (N.J.S.A. 40A:12A-5.d) – “Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.” *As noted above, Lots 6, 7, 8, 9, 10 and 11 have buildings and improvements which by reason of dilapidation, obsolescence, faulty arrangement and design, excessive land coverage, deleterious land use and obsolete layout are detrimental to the safety, health, morals and welfare of the community.*

The "h" Criterion: Smart Growth Consistency (N.J.S.A. 40A:12A-5.h) – “The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.” *As noted above, designation of the area delineated is consistent with smart growth planning principles pursuant to law and regulation.*

Section 3: Definitions (N.J.S.A. 40A:12A-3) provides the following definition for redevelopment areas - "Redevelopment area" or "area in need of redevelopment" means an "area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c.79 (C.40A:12A-5 and 40A:12A-6) or determined heretofore to be a "blighted area" pursuant to P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both determinations as made pursuant to the authority of Article VIII, Section III, paragraph 1 of the Constitution. A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part." *As noted above, Lots 8, 9, 10, 11, 29, 30 and 31 within the study area are needed for the effective redevelopment of the area of which they are a part.*

Conforming to the findings noted above, the study advises the Planning Board to recommend that the Town Council designate the study area an Area in Need of Redevelopment pursuant to N.J.S.A. 40:A-12A-1 et seq.

Exhibit B

Planning Board Resolution



Memorandum

To: Town Council

Cc:

FROM: Kathy Citterbart, Planning Board Secretary

DATE: October 24, 2013

**RE: An Area in Need of Redevelopment Study
Block 8.08, Lots 6, 7, 8, 9, 10, 11, 29, 30 & 31
McGuire Chevrolet Site and Surrounding Parcels**

At their regular meeting held on October 23, 2013 the Newton Planning Board, after consideration of all evidence presented and all testimony offered, accepts and adopts the recommendation contained in the Area in Need of Redevelopment Study for the McGuire Chevrolet Site and Surrounding Parcels, Block 8.08, Lots 6, 7, 8, 9, 10, 11, 29, 30 & 31 prepared by J. Caldwell and Associates, LLC. and that the Study Area be declared an area in need of redevelopment in accordance with the Redevelopment Law, for the reasons set forth in the Study. Attached is a copy of the Resolution.

**RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF
NEWTON IN THE COUNTY OF SUSSEX, NEW JERSEY
RECOMMENDING THAT CERTAIN AREAS WITHIN TAX BLOCK
8.08, LOTS 6, 7, 8, 9, 10, 11, 29, 30 & 31 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 “Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land within the municipality constitute an “area in need of redevelopment”, as defined in the Redevelopment Law; and

WHEREAS, the Town directed the Planning Board by resolution to examine whether Block 8.08, Lots 6, 7, 8, 9, 10, 11, 29, 30 & 31 (collectively, the “Study Area”), should be determined an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, J. Caldwell and Associates, LLC (the “Planning Consultant”) prepared a preliminary investigation report of the above-referenced Study Area in accordance with the Redevelopment Law, entitled “Area in Need of Redevelopment Study for McGuire Chevrolet Site and Surrounding Parcels – Block 8.08, Lots 6, 7, 8, 9, 10, 11, 29, 30 & 31” (the “Study”); and

WHEREAS, the Study concluded that the Study Area qualifies as an area in need of redevelopment pursuant to the Redevelopment Law, for the reasons set forth in the Study; and

WHEREAS, pursuant to the Redevelopment Law, the Planning Board held a duly noticed public hearing concerning the Study on October 23, 2013, giving all persons who were interested in or would be affected by a determination that the Study Area is an area in need of redevelopment the opportunity to be heard; and

WHEREAS, at said public hearing, the Board considered the Study, heard the comments of the Planning Consultant, opened the meeting for public comment, and deliberated on the matter using the criteria set forth in the Redevelopment Law; and

WHEREAS, after careful consideration of all evidence presented and all testimony offered,

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE TOWN OF NEWTON AS FOLLOWS:

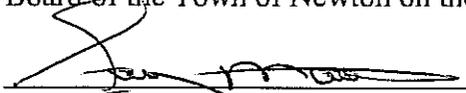
Section 1. Transmission to the Town Council. The Study, and the findings of fact and conclusions contained therein, is hereby incorporated herein by reference in its entirety. The Planning Board Secretary is hereby directed to transmit a copy of the Study and of this Resolution to the Town Council.

Section 2. Recommendation – Area in Need of Redevelopment. After consideration of all evidence presented and all testimony offered, the Planning Board accepts and adopts the recommendation contained in the Study, and hereby recommends that the Study Area be

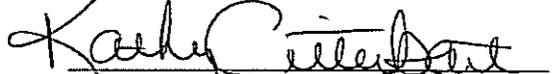
declared an area in need of redevelopment in accordance with the Redevelopment Law, for the reasons set forth in the Study.

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

We hereby certify this to be a true and complete copy of a Resolution adopted by the Planning Board of the Town of Newton on the 23rd day of October, 2013.



Gary Marion
Board Vice-Chair



Kathy Citterbart
Board Secretary



TOWN OF NEWTON

RESOLUTION #191-2013

October 28, 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) Contract Negotiations

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on October 28, 2013, that an Executive Session closed to the public shall be held on October 28, 2013, at _____ PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific item 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, October 28, 2013.

Lorraine A. Read, RMC
Municipal Clerk