



AGENDA
NEWTON TOWN COUNCIL
JANUARY 27, 2014
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- JANUARY 13, 2014 REGULAR MEETING

V. OPEN TO THE PUBLIC

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

VI. COUNCIL & MANAGER REPORTS

VII. ORDINANCES

a. INTRODUCTION

ORDINANCE 2014-1

AN ORDINANCE AMENDING SECTION 320-2.C "PERMITTED USES" OF THE NEWTON TOWN CODE TO PERMIT FOOD AND BEVERAGE PRODUCTION IN THE T-4, T-5 AND T-6 ZONES

VIII. OLD BUSINESS - DISCUSSION

a. ORDINANCE 2013-33

AN ORDINANCE TO REVISE THE CODE OF THE TOWN OF NEWTON TO INCLUDE A NEW PROVISION RESTRICTING THE NUMBER OF DOGS PERMITTED

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 #11-2014*

AWARD PURCHASE OF MINI-BUS

b. RESOLUTION #12-2014*

AFFIRM OF PREMIUM PAYMENT TURNED OVER TO THE TREASURER FOR BLOCK 2.01, LOT 16

c. RESOLUTION #14-2014*

AFFIRM OF PREMIUM PAYMENT TURNED OVER TO THE TREASURER FOR BLOCK 4.02, LOT 12

d. RESOLUTION #15-2014*

AFFIRM THE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 19.06, LOT 19

- e. RESOLUTION #16-2014* AFFIRM OF PREMIUM PAYMENT TURNED OVER TO THE TREASURER FOR BLOCK 9.05, LOT 1
- f. RESOLUTION #17-2014* AUTHORIZE SUBMISSION OF A STRATEGIC PLAN FOR THE MUNICIPAL ALLIANCE GRANT FOR FISCAL YEAR 2014
- g. RESOLUTION #18-2014* RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE FOR THE 2012-2013 LICENSING YEAR
- h. RESOLUTION #19-2014* RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE FOR THE 2013-2014 LICENSING YEAR
- i. RESOLUTION #20-2014* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- j. APPLICATIONS* AN APPLICATION FOR AN OFF-PREMISE RAFFLE (50/50) FROM THE NEWTON MEDICAL CENTER FOUNDATION TO BE HELD ON MONDAY, JUNE 2, 2014 AT 3:00PM AT 175 HIGH STREET, NEWTON

X. RESOLUTIONS

- a. RESOLUTION #13-2014 AFFIRM THE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 8.04, LOT 12

XI. INTERMISSION

XII. DISCUSSION

- a. LANDLORD RESPONSIBILITY ORDINANCE MODIFICATIONS
- b. S.I.D. FEASIBILITY STUDY

XIII. OPEN TO THE PUBLIC

XIV. COUNCIL & MANAGER COMMENTS

XV. EXECUTIVE SESSION

- a. RESOLUTION #21-2014 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

XVI. ADJOURNMENT

TOWN OF NEWTON

ORDINANCE 2014-1

AN ORDINANCE AMENDING SECTION 320-2.C “PERMITTED USES” OF THE NEWTON TOWN CODE TO PERMIT FOOD AND BEVERAGE PRODUCTION IN THE T-4, T-5 AND T-6 ZONES.

WHEREAS, the Mayor and Town Council of the Town of Newton find that food and beverage production is a viable and valuable commercial enterprise that should be promoted within the Town of Newton; and

WHEREAS, there are insufficient locations within the Special Districts where food and beverage production is currently permitted; and

WHEREAS, the Town Council of the Town of Newton finds that after having reviewed the various zoning districts within the Town of Newton, that the T-4, T-5 and T-6 Zones are suitable locations for food and beverage production facilities; and

WHEREAS, the Town Council of the Town of Newton finds that any concerns related to impacts from proposed food and beverage production facilities can be addressed by the Site Plan Standards within the Town Code of the Town of Newton;

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

SECTION I: Section 320-2.C “Permitted Uses” shall be revised as follows:

		T-1	T-2	T-3	T-4	T-5	T-6
79.	Food and beverage production	NP	NP	NP	P	P	P

SECTION 2: SEVERABILITY AND REPEALER

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

SECTION 3: NOTICE

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

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law. **TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, January 27, 2014. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday, February 24, 2014 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 #11-2014

January 27, 2014

"Award Purchase of Mini-Bus"

WHEREAS, the Town of Newton publicly accepted bids for a Mini-Bus on Thursday, December 19, 2013 at 11:00 a.m. as follows:

<u>Name and Address of Bidder</u>	<u>Diesel Engine</u>	<u>Gas Engine</u>
Alliance Bus Group 51 Kero Road Carlstadt, NJ 07072-2601	\$79,870.00	\$67,855.00
Wolffington Body Company, Inc. 1315 Route 38 PO Box 160 Mount Holly, NJ 08060	\$84,999.00	\$73,999.00

WHEREAS, based on review of the bid documents the Qualified Purchasing Agent recommends award of the Mini-Bus with a gas engine to Alliance Bus Group in the amount of \$67,855.00; and

WHEREAS, the Chief Financial Officer has certified funds are available based on the attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the bid submitted for the purchase of a Mini-Bus with a gas engine be awarded to Alliance Bus Group, Carlstadt, New Jersey in the amount of \$67,855.00. A copy of this resolution and the proposed Contract is to be forwarded to Alliance Bus Group for execution.

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, January 27, 2014.

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 #: 11-2014

APPROVING: ALLIANCE BUS GROUP

FOR THE PURPOSE OF: ACQUISITION SENIOR CITIZEN MINI-BUS

IN THE AMOUNT OF: \$67,855.00

APPROPRIATED BY: GENERAL CAPITAL -

ORD.#2013-11 #30913119 \$67,855.00

DATED THIS 27TH DAY OF JANUARY , 2014

BY

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #12-2014

January 27, 2014

“Affirm of Premium Payment Turned Over to the Treasurer for Block 2.01, Lot 16”

WHEREAS, Tax sale certificate #1253 was issued at the Tax Sale held on October 29, 2008 with zero percent redemption and a premium of \$8,100.00 on Block 2.01, Lot 16 also known as 40 Park Avenue; and

WHEREAS, N.J.S.A. 54:5-33 states that if redemption is not made within five (5) years from the date of the sale the premium payment shall be turned over to the Treasurer of the Municipality; and

WHEREAS, Tax sale certificate #1253 was five (5) years from the date of tax sale on October 29, 2013, therefore the premium in the amount of \$8,100.00 was turned over to the Treasurer on December 31, 2013;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that the premium for tax sale certificate #1253 in the amount of \$8,100.00 meets the requirements to be turned over to the Treasurer of the Town of Newton; and

BE IT FURTHER RESOLVED, that this Governing Body hereby affirms the actions of the Tax Collector who issued a check in the amount of \$8,100.00 for said premium to the Treasurer 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, January 27, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #14-2014

January 27, 2014

“Affirm of Premium Payment Turned Over to the
Treasurer for Block 4.02, Lot 12”

WHEREAS, Tax sale certificate #1256 was issued at the Tax Sale held on October 29, 2008 with zero percent redemption and a premium of \$4,800.00 on Block 4.02 Lot 28 also known as 19 Shady Lane; and

WHEREAS, N.J.S.A. 54:5-33 states that if redemption is not made within five (5) years from the date of the sale the premium payment shall be turned over to the Treasurer of the Municipality; and

WHEREAS, Tax sale certificate #1256 was five (5) years from the date of tax sale on October 29, 2013, therefore the premium in the amount of \$4,800.00 was turned over to the Treasurer on December 31, 2013;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that the premium for tax sale certificate #1256 in the amount of \$4,800.00 meets the requirements to be turned over to the Treasurer of the Town of Newton; and

BE IT FURTHER RESOLVED, that this Governing Body hereby affirms the actions of the Tax Collector who issued a check in the amount of \$4,800.00 for said premium to the Treasurer 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, January 27, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #15-2014

January 27, 2014

“Affirm the Refund of Redemption Monies to Outside Lien Holder for Block 19.06, Lot 19”

WHEREAS, at the Municipal Tax Sale held on October 9, 2013 a lien was sold on Block 19.06, Lot 19, also known as 19-25 New Hampshire Street, for 2012 delinquent real estate taxes and 2012 water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1389, was sold to US Bank Cust. for Pro Cap III, LLC for 0% redemption rate and a premium in the amount of \$21,700.00; and

WHEREAS, HSBC Mortgage C/O Corelogic, the mortgage servicer for said property has effected redemption of Certificate #1389 in the amount of \$12,504.37;

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 Cap III, LLC is entitled to the redemption in the amount of \$12,504.37 as well as \$21,700.00 for the return of the premium; and

BE IT FURTHER RESOLVED, that this Governing Body hereby affirms the actions of the Tax Collector who issued two (2) checks, the first in the amount of \$12,504.37 for the redemption of certificate #1389 and the second in the amount of \$21,700.00 for the return of the premium to US Bank Cust. for Pro Cap III LLC, 50 South 16th Street – Suite 1950, Philadelphia, PA 19102.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 27, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #16-2014

January 27, 2014

"Affirm of Premium Payment Turned Over to the Treasurer for Block 9.05, Lot 1"

WHEREAS, Tax sale certificate #1304 was issued at the Tax Sale held on June 24, 2009 with zero percent redemption and a premium of \$6,600.00 on Block 9.05, Lot 1, also known as 25 Townsend Street; and

WHEREAS, the lien holder received a final judgment from the Superior Court of New Jersey Chancery Division foreclosing the right of redemption, the premium payment shall be turned over to the Treasurer of the Municipality; and

WHEREAS, Tax sale certificate #1304 received final judgment on July 27, 2012, therefore the premium in the amount of \$6,600.00 was turned over to the Treasurer on December 31, 2013;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that the premium for tax sale certificate #1304 in the amount of \$6,600.00 by court order be turned over to the Treasurer of the Town of Newton; and

BE IT FURTHER RESOLVED, that this Governing Body hereby affirms the actions of the Tax Collector who issued a check in the amount of \$6,600.00 for said premium to the Treasurer of the Town of Newton.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #17-2014

January 27, 2014

"Authorize Submission of a Strategic Plan for the Municipal Alliance Grant for Fiscal Year 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, nonprofit 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, in the County of Sussex, in the 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, the Town Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Town Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, in the County of Sussex, in the State of New Jersey does hereby recognize the following:

1. The Town Council does hereby authorize submission of a strategic plan for the Action Alliance grant for fiscal year 2014 in the amount of:

DEDR	\$18,772.00
Cash Match	\$4,693.00
In-Kind	\$14,079.00

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

APPROVED: _____
Mayor Joseph A. Ricciardo

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, January 27, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #18-2014

January 27, 2014

**“Renewal of Plenary Retail Consumption License
for the 2012-2013 Licensing Year”**

BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the application for “new” license for the license year 2012-2013, pursuant to N.J.S.A. 33:1-12.18 for Plenary Retail Consumption License No. 1915-33-009-003 be issued to Sakel-Grapsas, Inc. t/a JC’s Grill House, 144 Spring Street, Newton, New Jersey, for the licensing year 2012-2013, effective July 1, 2012.

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, January 27, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #19-2014

January 27, 2014

“Renewal of Plenary Retail Consumption License for the 2013-2014 Licensing Year”

BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the application for “new” license for the license year 2013-2014, pursuant to N.J.S.A. 33:1-12.18 for Plenary Retail Consumption License No. 1915-33-009-003 be issued to Sakel-Grapsas, Inc. t/a JC’s Grill House, 144 Spring Street, Newton, New Jersey, for the licensing year 2013-2014, effective July 1, 2013.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #20-2014

January 27, 2014

“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 2013 and 2014 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

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #13-2014

January 27, 2014

“Affirm the Refund of Redemption Monies to Outside Lien Holder for Block 8.04, Lot 12”

WHEREAS, at the Municipal Tax Sale held on October 9, 2013 a lien was sold on Block 8.04, Lot 12, also known as 155-157 Spring Street, for 2012 delinquent real estate taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #1380, was sold to Tower Fund Svcs/Cust Ebury Fund 1 NJ LLC for 0% redemption rate and a premium in the amount of \$41,000.00; and

WHEREAS, First Hope Bank mortgage servicer for said property has effected redemption of Certificate #1380 in the amount of \$24,697.76;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Tower Fund Svcs/Cust Ebury Fund 1 NJ LLC is entitled to the redemption in the amount of \$24,697.76 as well as \$41,000.00 for the return of the premium; and

BE IT FURTHER RESOLVED, that this Governing Body hereby affirms the actions of the Tax Collector who issued two (2) checks, the first in the amount of \$24,697.76 for the redemption of certificate #1380 and the second in the amount of \$41,000.00 for the return of the premium to Tower Fund Svcs/Cust Ebury Fund 1 NJ LLC, PO Box 37695, Baltimore, MD 21297-3695.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #21-2014

January 27, 2014

“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 January 27, 2014, that an Executive Session closed to the public shall be held on January 27, 2014, 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, January 27, 2014.

Lorraine A. Read, RMC
Municipal Clerk