



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**FEBRUARY 10, 2014**  
**7:00 P.M.**

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

- JANUARY 27, 2014 REGULAR MEETING  
JANUARY 27, 2014 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. COMMISSION/BOARD VACANCIES
- b. VARIANCE – KAREN BELL

**VII. ORDINANCES**

- a. INTRODUCTION  
ORDINANCE 2014-2
- AN ORDINANCE TO EXCEED THE 2014 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

**VIII. OLD BUSINESS**

- a. SID Feasibility Study – Gina Thomas, Jennifer Credidio, Esq., & Jessica Caldwell

**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 #22-2014\*  
AUTHORIZE THE EXECUTION ON AN AGREEMENT FOR LEGAL SERVICES WITH URSULA H. LEO, ESQ. ATTORNEY OF LAW, OF LADDEY CLARK AND RYAN, LLP

**b. RESOLUTION #23-2014\***

RESOLUTION OF THE TOWN OF NEWTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING THE TOWN OF NEWTON TO SUBMIT AN ELIGIBILITY DETERMINATION AND FUNDING APPLICATION TO THE UNITED STATES DEPARTMENT OF AGRICULTURE – RURAL DEVELOPMENT ADMINISTRATION FOR THE CONSTRUCTION OF A NEW 20" HDPE TRANSMISSION MAIN AT FOX HOLLOW FARMS LAKE CLUB FOR THE NEWTON WATER SYSTEM

**c. RESOLUTION #24-2014\***

AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT AND A MUNICIPAL REIMBURSEMENT AGREEMENT IN CONNECTION WITH DEVELOPMENT OF THE PROPERTY KNOWN AS BLOCK 22.05, LOT 13, NEWTON, NEW JERSEY (GRANDE VILLAGGIO)

**d. RESOLUTION #25-2014\***

APPROVE BILLS AND VOUCHERS FOR PAYMENT

**e. APPLICATIONS\***

AN APPLICATION FOR A SPECIAL PERMIT FOR A SOCIAL AFFAIR FROM THE SUSSEX COUNTY ARTS AND HERITAGE COUNCIL TO BE HELD ON MARCH 1, 2014 FROM 7:00PM TO 10:00PM AND MAY 3, 2014 FROM 4:00PM TO 6:00PM AT 133 SPRING STREET, NEWTON

AN APPLICATION FOR AN ON-PREMISE RAFFLE (50/50 & RAFFLE) FROM THE SUSSEX COUNTY COMMUNITY COLLEGE FOUNDATION TO BE HELD ON APRIL 12, 2014 FROM 9:00AM TO 6:30PM AT ONE COLLEGE HILL ROAD, NEWTON

**X. INTERMISSION**

**XI. DISCUSSION**

**XII. OPEN TO THE PUBLIC**

**XIII. COUNCIL & MANAGER COMMENTS**

**XIV. ADJOURNMENT**

TOWN OF NEWTON

**ORDINANCE # 2014-2**

**AN ORDINANCE TO EXCEED THE 2014 MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Town Council of the Town of Newton in the County of Sussex finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Newton Town Council hereby determines that a 3% increase in the budget for said year, amounting to \$239,515.29 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Newton Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Town of Newton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3%, amounting to \$239,515.29, and that the CY 2014 municipal budget for the Town of Newton be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, February 10, 2014. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body 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.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #22-2014

February 10, 2014

**"Authorize the Execution of an Agreement for Legal Services with Ursula H. Leo, Esq. Attorney of Law, of Laddey Clark and Ryan, LLP"**

**WHEREAS**, the professional services of an attorney are required by the Town of Newton in relation to an application to be filed with USDA Rural Development regarding the 20" HDPE transmission main line along Fox Hollow Farms Lake Club; and

**WHEREAS**, Ursula H. Leo, Esq., is currently the Town Attorney; and

**WHEREAS**, an appropriate agreement for said services has been prepared for execution by both parties; and

**WHEREAS**, legal services are a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i) and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44A-1 et seq;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby authorizes the Mayor and Municipal Clerk to execute an agreement, in duplicate, with Ursula H. Leo, Esq. to permit her to perform the services of Counsel for the Town of Newton in relation to 20" HDPE transmission main project with USDA Rural Development.

### 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, February 10, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #23-2014

February 10, 2014

**“Resolution of the Town of Newton, County of Sussex, State of New Jersey, Authorizing the Town of Newton to Submit an Eligibility Determination and Funding Application to the United States Department of Agriculture – Rural Development Administration for the Construction of a new 20” HDPE Transmission Main at Fox Hollow Farms Lake Club for the Newton Water System”**

**WHEREAS**, the Town of Newton (hereinafter the “Town”) plans to submit to the United States Department Agriculture – Rural Development (hereinafter “Rural Development”) a request for eligibility determination concerning the Town’s entitlement to participate in Rural Development’s “Water and Waste Disposal Program” (hereinafter the “Program”); and

**WHEREAS**, the Town wishes to pursue through the Program funding for the construction for a new 20” HDPE transmission main at Fox Hollow Farms Lake Club for the Newton Water System; and

**WHEREAS**, it is in the best interest of the Town to actively and diligently pursue this project, for reasons associated with the health, safety, and welfare of the community serviced by the Town; and moreover, pursue funding with and through Rural Development, based upon Rural Development’s determination that the Town is eligible to participate in the Rural Development’s program;

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

1. All necessary action, including the filing of formal applications is taken to pursue with Rural Development actual funding for the construction of a new 20” HDPE transmission main at Fox Hollow Farms Lake Club, in Sparta Township for the Newton Water System.
2. The Town is authorized to accept any and all funding through the United States Department of Agriculture/Rural Development Water and Waste Disposal Program.
3. The Town’s Deputy Town Manager shall publish an appropriate notice of intention to file an application with Rural Development for funding for the proposed project in the Town’s official newspaper within sixty (60) days of the Town’s submission of an application for funding to Rural Development.

4. The duly authorized representatives for the Town, including the Town's Engineer, Attorney, Bond Counsel and Auditor, be and are hereby authorized to execute any and all documents to be submitted to USDA/Rural Development. Further the Town Manager is hereby authorized to execute the necessary documents in order to receive an eligibility determination and funding from the USDA/Rural Development.

Town of Newton

By: \_\_\_\_\_  
Joseph Ricciardo, Mayor

Attest:

\_\_\_\_\_  
Lorraine A. Read, RMC  
Municipal Clerk

**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, February 10, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #24-2014

February 10, 2014     **“Authorizing the Execution of a Developer’s Agreement and a Municipal Reimbursement Agreement in Connection with the Development of the Property Known as Block 22.05, Lot 13, Newton, New Jersey (Grande Villaggio)”**

**WHEREAS**, Martorana Enterprises, LLC (“Martorana”) received approval to construct 54 townhomes, 6 low and moderate income apartments and associated improvements on property formally known as Block 22.05, Lot 13, located at 104 Sparta Avenue, Newton, New Jersey; and

**WHEREAS**, Martorana is required to enter into a Developer’s Agreement with the Town of Newton setting forth the rights, duties and obligations of the parties in connection with the Development; and

**WHEREAS**, there has been prepared a Developer’s Agreement by and between Martorana and the Town of Newton dated February 11, 2014; and

**WHEREAS**, the Town desires to authorize the execution of the Developer’s Agreement subsequent to its execution by Martorana; and

**WHEREAS**, the Town of Newton and Grande Villaggio Condominium Association, Inc. (“Villaggio”) desire to enter into a Municipal Reimbursement Agreement pursuant to N.J.S.A. 40:67-23.2 in connection with the construction of a residential development on property formally known as Block 22.05, Lot 13, located at 104 Sparta Avenue, Newton, New Jersey; and

**WHEREAS**, there has been prepared a Municipal Reimbursement Agreement by and between Villaggio and the Town of Newton with a last revision date of October 25, 2013; and

**WHEREAS**, the Town desires to authorize the execution of the Municipal Reimbursement Agreement subsequent to its execution by Villaggio.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, they being the Governing Body thereof as follows:

1. All the terms and conditions of a certain Developer’s Agreement dated February 11, 2014 by and between the Town of Newton and Martorana Enterprises, LLC are hereby approved, ratified and confirmed by the Town of Newton.

2. All the terms and conditions of a certain Municipal Reimbursement Agreement with a last revision date of October 25, 2013 by and between the Town of Newton and Grande Villaggio Condominium Association, Inc. are hereby approved, ratified and confirmed by the Town of Newton.

3. The Mayor and Clerk are hereby authorized to execute said Developer’s Agreement and Municipal Reimbursement Agreement subsequent to the execution by the

Developer and together with other appropriate officers and employees of the Town are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.

4. The Town hereby authorizes and approves any non-substantive modifications to the Developer's Agreement and Municipal Reimbursement Agreement as may be recommended and approved by the Town Manager and Town Attorney prior to execution.

5. This Resolution shall take effect immediately.

**CERTIFICATION**

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 10, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #25-2014

February 10, 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

**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, February 10, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk