



**AGENDA
NEWTON TOWN COUNCIL**

**JUNE 9, 2014
7:00 P.M.**

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- MAY 28, 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. PRESENTATIONS

- a. SENIOR CITIZEN AWARDS
- b. STEVEN KELLY RECOGNITION

VII. COUNCIL & MANAGER REPORTS

- a. CRAIG WOLTERS REQUEST RE: SEWER FEES

VIII. ORDINANCES

- a. 2ND READING & PUBLIC HEARING

ORDINANCE 2014-9

AN ORDINANCE AMENDING CHAPTER 240 ENTITLED "LAND SUBDIVISION AND SITE PLAN REVIEW" AND CHAPTER 320 ENTITLED "ZONING: FORM-BASED CODE" OF THE CODE OF THE TOWN OF NEWTON TO REVISE AND ESTABLISH CERTAIN DEFINITIONS

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

ORDINANCE 2014-10

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF NEWTON BY REVISING SECTION 166-20 REGARDING EXPIRATION OF PLANNING BOARD APPROVALS

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

b. INTRODUCTION
ORDINANCE 2014-12

REFUNDING BOND ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING CALLABLE GENERAL OBLIGATION REFUNDING BONDS OF THE TOWN, DATED FEBRUARY 1, 2004, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$2,775,000, AND/OR ALL OR A PORTION OF THE OUTSTANDING CALLABLE GENERAL IMPROVEMENT BONDS OF THE TOWN DATED APRIL 1, 2006, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$4,041,000, APPROPRIATING \$4,250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,250,000 REFUNDING BONDS OF THE TOWN FOR FINANCING THE COST THEREOF

ORDINANCE 2014-13

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PUBLIC LANDS IN THE TOWN OF NEWTON BY PUBLIC AUCTION

IX. OLD BUSINESS

X. 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 #101-2014* | RESOLUTION ESTABLISHING A FUND BALANCE POLICY |
| b. | RESOLUTION #102-2014* | RESOLUTION AUTHORIZING THE APPLICATION FOR A TREATMENT WORKS APPROVAL THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION |
| c. | RESOLUTION #103-2014* | AUTHORIZING THE TOWN OF NEWTON TO ENTER INTO AN AGREEMENT WITH PHOENIX ADVISORS, LLC IN CONNECTION WITH THE ISSUANCE OF BONDS AND/OR ANTICIPATION NOTES |
| d. | RESOLUTION #104-2014* | FY2014 CLEAN COMMUNITIES GRANT FUNDING |
| e. | RESOLUTION #105-2014* | APPOINTMENT OF J. CALDWELL & ASSOCIATES, LLC TO COMPLETE TDR FEASIBILITY STUDY |
| f. | RESOLUTION #106-2014* | AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS |
| g. | RESOLUTION #107-2014* | RESOLUTION ESTABLISHING A WATER SEWER UTILITY FUND BALANCE POLICY |

h. RESOLUTION #108-2014*

RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY DIRECTING THE TOWN PLANNING BOARD TO REVIEW A PROPOSED AMENDMENT TO THE HICKS AVENUE REDEVELOPMENT PLAN PURSUANT TO LOCAL REDEVELOPMENT AND HOUSING LAW

i. RESOLUTION #109-2014*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

j. APPLICATIONS*

AN APPLICATION FOR AN OFF-PREMISE RAFFLE (50-50 & RAFFLE) FROM HSA CAMP AUXILIUM LEARNING CENTER, 14 OLD SWARTSWOOD ROAD, TO BE HELD ON SATURDAY, DECEMBER 13, 2014 FROM 11:00 A.M. TO 1:00 P.M. AT NEWTON HIGH SCHOOL, 44 RYERSON AVENUE, NEWTON, NJ

XI. DISCUSSION

a) GARDNER AVENUE WELL STUDY – DAVID SIMMONS

b) FIREARMS ORDINANCE - DRAFT

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. ADJOURNMENT

Office of the Mayor

Newton, New Jersey

Proclamation

Steven Kelly

WHEREAS, Steven Kelly was born and raised in the Town of Newton, and attended the Newton Public School System; and

WHEREAS, early on, Steven became involved in sports, including baseball and most notably, basketball; and

WHEREAS, on February 11, 2014, Steven scored his 1,000th career point for the Newton Braves basketball team, making him only the 7th person in the school's long history to accomplish this feat; and

WHEREAS, in addition to scoring over 1,000 points, under his father Dirk's coaching, Steven was awarded Honorable Mention All-League his freshman year, Second Team All-Conference All-Academic his sophomore year, All-Herald All-Conference First Team his junior and senior year, and was named to Muggs' Media's First Team his junior year; and

WHEREAS, Steven not only excels in basketball but also academically as a member of the National and Spanish Honor Societies with at GPA of 4.2011;

NOW THEREFORE, WE, the Mayor and Town Council of the Town of Newton, hereby congratulate Steven Kelly on his accomplishments and wish him good luck at the College of New Jersey this fall. We wish him a life full of success and happiness.

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

Attest: _____

Date: June 9, 2014

TOWN OF NEWTON

ORDINANCE #2014-9

AN ORDINANCE AMENDING CHAPTER 240 ENTITLED “LAND SUBDIVISION AND SITE PLAN REVIEW” AND CHAPTER 320 ENTITLED “ZONING: FORM-BASED CODE” OF THE CODE OF THE TOWN OF NEWTON TO REVISE AND ESTABLISH CERTAIN DEFINITIONS

WHEREAS, the Town of Newton has determined that Chapter 240, entitled “Land Subdivision and Site Plan Review” and Chapter 320, entitled “Zoning: Form-Based Code” of the Code of the Town of Newton requires deletions, revisions and/or addition to their definition sections.

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

Section 1. §240-2 of the “Land Subdivision and Site Plan Review” Chapter of the Code of the Town of Newton, entitled “Definitions”, shall be and is hereby amended.

The definition of “minor subdivision” shall be deleted in its entirety and a new definition shall read as follows:

Minor Subdivision. The division of a tract of land meeting one or more of the following conditions:

- (1) The division of a parcel of land for the purpose of enlarging an adjoining parcel wherein future use or development of the remaining parcel is not adversely affected and no more than two lots plus a remainder (three lots total) are created.
- (2) The division of a tract of land into a maximum of two lots plus the remainder (three lots total) of the tract being subdivided wherein all such lots or parcels meet all of the following requirements:
 - (a) No new streets or roads shall be proposed.
 - (b) The creation of the lots shall not produce an off-tract drainage problem or result in the necessity for off-tract drainage improvements or any other type of off-tract improvement.
 - (c) The creation of the lots will not adversely affect the uniform and comprehensive development of any remaining parcel or adjoining land in terms of:
 - [1] Suitable future road access and desirable future road and lot patterns.

[2] Future water and sanitary sewer utility installation and storm drainage improvements.

Section 2. §240-3.H(2) of the Land Subdivision and Site Plan Review Chapter of the Code of the Town of Newton, shall be and is hereby amended to read as follows:

- (2) Minor site plan classification criteria. An application may be designated as a minor site plan if the following conditions are met:
- (a) The proposed site improvements do not exceed, cumulatively over a five year period, a total of 5,000 square feet.
 - (b) The proposed building footprint is not increased, cumulatively over a five year period, by more than 2,000 square feet.
 - (c) No hazardous or toxic materials are involved in business operation.

Section 3. §320-3 of the “Zoning: Form-Based Code” Chapter of the Code of the Town of Newton, shall be and is hereby amended as follows:

- A. The definition of “Driveway” shall be deleted in its entirety and a new definition shall read as follows:

DRIVEWAY - Any lane, way or privately owned roadway providing direct access from a street or highway to a building or structure, which consists of a paved, rock or gravel base.

- B. The definition of “Private Frontage” shall be deleted in its entirety and a new definition shall read as follows:

PRIVATE FRONTAGE - Frontage within a lot that is not public frontage.

- C. The definition of “Public Frontage” shall be deleted in its entirety and a new definition shall read as follows:

PUBLIC FRONTAGE - Frontage along a public right-of-way.

- D. The definition of “Public Frontage Type” shall be deleted in its entirety.

- E. The definition of “Rear Yard Setback” shall be deleted in its entirety and a new definition shall read as follows:

REAR YARD SETBACK - The required open space extending along the rear line of a lot from side yard to side yard of a building, exclusive of overhanging eaves, gutters, cornices, steps, bay windows, balconies and balconettes. A rear yard setback is not applicable to a yard that fronts on a public street.

- F. The definition of “Side Yard Setback” shall be deleted in its entirety and a new definition shall read as follows:

SIDE YARD SETBACK - The required open space extending along the side line of a lot from the front yard to the rear yard of a building, exclusive of overhanging eaves, gutters, cornices, steps, bay windows, balconies and balconettes. A side yard setback is not applicable to a yard that fronts on a public street.

- G. The definition of “Front Yard Setback” shall be deleted in its entirety and a new definition shall read as follows:

FRONT YARD SETBACK - The required open space located between the façade of a building and the street line exclusive of overhanging eaves, gutters, cornices, steps, bay windows, balconies and balconettes.

- H. A new definition “Street Line” shall be added to read as follows:

STREET LINE - The lines that form the boundary of a right of way or in cases where the right-of-way has not been dedicated, the edge of pavement of a public or private road.

- I. A new definition “Yard” shall be added to read as follows:

YARD - An open space between a building and the adjoining street line, side and/or rear lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the rear yard, the minimum horizontal distance between the lot line or street line (whichever is less) and any buildings shall be used.

Section 4. §320-23.E.(2), of the “Zoning: Form-Based Code” Chapter of the Code of the Town of Newton, shall be revised to read as follows:

(2) Off-street parking on areas other than driveways is prohibited within the front yard setback of single-family detached and duplex residential dwellings.

Section 5. 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 6. 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 7. 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 Sussex County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Town Clerk is further directed to refer this Ordinance to the Town Land Use Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this ordinance, after public hearing, the Town Clerk is further directed to publish notice of the passage and to file a copy of this ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Section 8. Effective Date. This Ordinance will take effect after publication and passage according to law.

NOTICE

TAKE NOTICE that the above entitled Ordinance was introduced at a regular meeting of the Mayor and Town Council of the Town of Newton, County of Sussex, New Jersey, held on April 28, 2014, and will be considered for final passage after public hearing at a regular meeting of the Mayor and Town Council to be held on June 9, 2014, at 7:00 p.m. in the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey. During the preceding week, copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE 2014-10

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN
OF NEWTON BY REVISING SECTION 166-20 REGARDING
EXPIRATION OF PLANNING BOARD APPROVALS**

WHEREAS, the Mayor and Town Council of the Town of Newton find that Section 166-20 of the Newton Town Code requires revisions to set forth specified expiration time periods.

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

Section 1. Section 166-20 shall be and is hereby revised to read as follows:

166-20 Expiration of Planning Board Approvals.

a. Any variance granted by the Planning Board permitting the erection or alteration of any structure or structures, or permitting a specified use of any property shall expire one (1) year from the adoption of the resolution memorializing the Board's decision unless:

1. Construction has commenced and is presently proceeding or completed, or unless such permitted use has actually commenced within one (1) year; or

2. An appeal has been filed from a Board action to a Court of competent jurisdiction, in which case the one (1) year expiration period shall resume running upon the signing of a Court Order concluding the appeal; or

3. A variance approved in conjunction with and related to a subdivision or site plan application shall expire at the expiration period of the related site plan or subdivision approval, if such expiration period is later.

b. Any preliminary major site plan, major subdivision or minor subdivision approval granted by the Planning Board shall expire three (3) years from the date of the adoption of the Resolution memorializing the Board's approval unless:

1. The application receives an extension pursuant to the MLUL; or

2. An appeal has been filed from a Board action to a Court of competent jurisdiction, in which case the three (3) year time period shall resume running upon the signing of a Court Order concluding the appeal.

c. Any minor site plan, final major subdivision or final major site plan approval granted by the Planning Board shall expire within two (2) years from the date of the adoption of the resolution memorializing the Board's approval unless:

1. The application received an extension pursuant to the MLUL; or

2. An appeal has been filed from a Board action to a Court of competent jurisdiction, in which case the two (2) year time period shall resume running upon the signing of a Court Order concluding the appeal.

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

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

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

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

NOTICE

TAKE NOTICE that the above entitled Ordinance was introduced at a regular meeting of the Mayor and Town Council of the Town of Newton, County of Sussex, New Jersey, held on April 28, 2014, and will be considered for final passage after public hearing at a regular meeting of the Mayor and Town Council to be held on June 9, 2014, at 7:00 p.m. in the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey. During the preceding week, copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

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

**REFUNDING BOND ORDINANCE OF THE TOWN OF
NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY,
PROVIDING FOR THE REFUNDING OF ALL OR A
PORTION OF THE OUTSTANDING CALLABLE GENERAL
OBLIGATION REFUNDING BONDS OF THE TOWN, DATED
FEBRUARY 1, 2004, ISSUED IN THE ORIGINAL PRINCIPAL
AMOUNT OF \$2,775,000, AND/OR ALL OR A PORTION OF
THE OUTSTANDING CALLABLE GENERAL
IMPROVEMENT BONDS OF THE TOWN DATED APRIL 1,
2006, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF
\$4,041,000, APPROPRIATING \$4,250,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$4,250,000 REFUNDING
BONDS OF THE TOWN FOR FINANCING THE COST
THEREOF**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Town of Newton, in the County of Sussex, New Jersey (the "Town") is hereby authorized to refund all or a portion of the outstanding callable General Obligation Refunding Bonds of the Town issued in the original principal amount of \$2,775,000 and dated February 1, 2004 (the "2004 Bonds") and/or to refund all or a portion of the outstanding callable General Improvement Bonds of the Town originally issued in the principal amount of \$4,041,000 and dated April 1, 2006 (the "2006 Bonds") (the 2004 Bonds and the 2006 Bonds are collectively referred to herein as the "Prior Bonds").

The 2004 Bonds maturing on or after October 1, 2015 (the "2004 Refunded Bonds") may be redeemed at the option of the Town in whole or in part on any date on or after October 1, 2014 (the "2004 Redemption Date") at a redemption price equal to the par amount of the 2004 Refunded Bonds to be redeemed plus accrued interest, if any, to the 2004 Redemption Date.

The 2006 Bonds maturing on or after April 1, 2017 (the "2006 Refunded Bonds") may be redeemed at the option of the Town in whole or in part on any date on or after April 1, 2016 (the

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"2006 Redemption Date") at a redemption price equal to the par amount of the 2006 Refunded Bonds to be redeemed plus accrued interest, if any, to the 2006 Redemption Date.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the aggregate principal amount not to exceed \$4,250,000 pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the \$4,250,000 amount of the Refunding Bonds authorized by this refunding bond ordinance and that an amount representing the \$3,701,000 principal amount of the bonds to be refunded will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

Section 5. The purpose of the refunding is to effect an interest cost savings for the Town.

Section 6. No Local Finance Board approval is required as the issuance of the Refunding Bonds will comply with the requirements of N.J.A.C. 5:30-2.5.

Section 7. The Mayor, the Chief Financial Officer, the Town Clerk and other appropriate representatives of the Town are hereby authorized to prepare such documents, to publish such

TOWN OF NEWTON
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notices and to take such other actions as are necessary or desirable to enable the Town to prepare for the sale and the issuance of the Refunding Bonds authorized herein and to provide for the redemption of the Prior Bonds referred to in Section 1 hereof.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption.

TAKE NOTICE that the above entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton held on June 9, 2014. It will be considered for final adoption, after public hearing and final reading thereon, at a regular meeting of said Governing Body conducted on June 23, 2014, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN LANDS
IN THE TOWN OF NEWTON BY PUBLIC AUCTION**

ORDINANCE #2014-13

WHEREAS, the Town of Newton has determined that three (3) certain municipally owned properties, as listed on Schedule "A" attached, as shown on the Town of Newton Tax Map ("Property"), are no longer necessary for municipal purposes and as such shall be sold at public auction sale in accordance with N.J.S.A. 40A:12-13; and

WHEREAS, the Local Lands and Building Law, N.J.S.A. 40A:12-1, et seq., authorizes the sale by municipalities of any real property, capital improvement, or personal property no longer needed for public use by public sale;

NOW, THEREFORE, BE IT ORDAINED by the Newton Town Council that the Property shall be sold at public auction, pursuant to N.J.S.A. 40A:12-13; and

BE IT FURTHER ORDAINED, the following terms and conditions shall apply:

1. The Town Council reserves the right to reject all bids.
2. The minimum bid the Town will consider for each parcel is provided on Schedule "A" attached, plus for each parcel:
 - A. the cost of recording deeds, which deeds shall be recorded on behalf of the purchaser by the Town Attorney;
 - B. the costs of notice for publication; and
 - C. \$450 for Town attorney fees related to the Property transfer.
3. The Property shall be sold at public auction, to the highest bidder of each parcel, on July 30, 2014, at 3:00 p.m.
4. The Governing Body hereby appoints and designates the Newton Town Manager or his designee, to conduct the sale of the Property on behalf of the Governing Body.
5. Notice of the auction sale of the Property shall be advertised in the *New Jersey Herald* newspaper at least once a week during two consecutive weeks, the last publication being no earlier than seven days prior to the date of such sale.

6. Potential Bidders are advised:

- A. To conduct all necessary title searches prior to the date of the sale.
- B. That the description of the Property is intended as a general guide only and may not be accurate. No representations of any kind are made by the Town of Newton as to the conditions of the Property, including habitability or usability; the Property is being sold in its present condition "as is".
- C. That the sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Town of Newton.
- D. That no employee, agent or officer of the Town of Newton has any authority to waive, modify or amend any of the conditions of the sale.
- E. That offers for the Property must be made for a sum equal or greater to the minimum bid price listed on Schedule "A", attached to this Ordinance.
- F. The Property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription, and as set forth herein, and without representation as to character of title of the Property to be conveyed.
- G. The highest bidder for the Property shall have the right, at its sole cost and expense, to obtain a new survey of the Property. Provided such survey depicts the Property and is certified to be correct to the Town of Newton, the Town of Newton shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Town of Newton not less than one week prior to the date set for closing of title.

7. Additional Terms the Successful Bidder must comply with:

- A. Bidder shall deposit cash, bank check or cashier's check or money order in the amount of not less than 10% of the bid price at the time of sale. In the event the successful bidder fails to deposit 10% of the bid price at the time of the sale, the Town will re-auction the Property at the same sale. If the successful bidder fails to pay the deposit, the bidder shall be responsible for any difference between their bid and the final sale bid in the event such bid is lower than the bid of the original bidder.

- B. Pay at the time of closing, no later than October 30, 2014, at the office of the Town of Newton, or at such other location as mutually agreed upon, via cash or certified check:
 - (1) The balance of the purchase price;
 - (2) The cost of recording deeds, which deeds shall be recorded on behalf of the purchaser by the Town Attorney; costs of notice of publication; and \$450 for Town attorney fees related to the Property transfer.
 - C. To pay prorated real estate taxes for the balance of the current year as of the date of closing.
 - D. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.
 - E. That the failure to close title as agreed shall forfeit to the Town of Newton any and all money deposited with the Town.
 - F. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other properties.
 - G. That the title shall close on or before October 30, 2014, and that date shall be considered time of the essence. The Town reserves the right to require that two or more pieces of contiguous property be merged and treated as one piece of property.
 - H. The Town reserves the right to withdraw the offer of sale and reject any and all bids.
 - I. All sales are subject to final approval by the Town Council.
 - J. Parties interested in submitting bids and who require additional information, should contact Thomas S. Russo, Jr., Town Manager, Town of Newton, Municipal Building, 39 Trinity Street, Newton, New Jersey 07860.
 - K. Execution of Acceptance of Offer to Sell Property by the Town of Newton, in the form attached hereto.
8. The Town does not warrant or certify title to the Property and in no event shall the Town of Newton be liable for any damages to the purchaser/successful bidder if title is found unmarketable for any reason, and the purchaser/successful bidder waives any and all right in damages or by way of liens against the Town, the sole remedy being the right to receive a refund, prior to closing, of the deposit paid in the event title is found unmarketable. It shall be

the obligation of the successful purchaser to examine title to the Property prior to the closing. In the event of closing and later finding of defect of title, the Town shall not be responsible for the same, and shall not be required to refund money or correct any defect in title or be held liable for damages.

9. Acceptance of the bids shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms of conditions of the sale herein contained.
10. The sale is subject to all of the terms and conditions as provided for in the Notice of Sale.

This Ordinance shall take effect upon final passage, approval and publication as required by law.

ATTEST:

Joseph A. Ricciardo, Mayor

Lorraine A. Read, Municipal Clerk

NOTICE is given that this ordinance was introduced and passed upon first reading at a meeting of the Mayor and Town Council of the Town of Newton, in the County of Sussex, New Jersey, held on June 9, 2014. It will be further considered for final passage with the proposed ordinance after public hearing at a meeting of the Mayor and Town Council to be held in the Newton Town Municipal Building, 39 Trinity Street, Newton, New Jersey 07860, June 23, 2014, at 7:00 o'clock P.M., and copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

Lorraine A. Read, RMC
Municipal Clerk

SCHEDULE "A"

Block/Lot	Street Address	Size	Status of Property	Minimum Bid	Zone
22.09/7 (formerly 1208/11)	27 Orchard St	0.344 acres	vacant land	\$57,800	T-3
19.01/6 (formerly 1302/2.01)	7 Stuart St	0.2818 acres	1801 sq ft masonry building	\$156,700	T-3
16.02/2 (formerly 901/12)	215 Woodside Avenue	3.867 acres	vacant land	\$147,800	T-3

**ACCEPTANCE OF OFFER TO SELL PROPERTY
BY THE TOWN OF NEWTON**

**THIS FORM MUST BE IN THE HANDS OF THE NEWTON TOWN MANAGER
NO LATER THAN _____, A.M./P.M., ON _____, 2014.**

RE: PURCHASE OF BLOCK 16.02, LOT 2 (formerly Block 901, Lot 12)

MINIMUM PRICE: \$147,800.00

1. I hereby accept the offer to purchase the above lot for the sum of \$_____.
2. A deposit of ten percent (10%) (cash, bank check, cashier's check or money order) of the purchase price has been paid. The balance of the purchase price shall be paid by _____, 2014.
3. The undersigned acknowledges that the conveyance shall be made by the Town by Quit Claim Deed. The conveyance shall be made subject to covenants, restrictions, reservations of record and easement established of record or by prescription, including easements to the Town of Newton. The Town has made no representations as to the character of the title and has made no survey of the property.
4. The Town Council reserves the right to reject all bids.
5. The minimum bid the Town will consider will be \$147,800, plus the cost of recording deeds, which deeds shall be recorded on behalf of the purchaser by the Town Attorney; costs of notice for publication; and \$450 for Town attorney fees related to the Property transfer.
6. A public auction sale was held on July 30, 2014.
7. I understand the Town does not warrant or certify title to the Property and in no event shall the Town of Newton be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Town. The sole remedy being the right to receive a refund prior to closing of the deposit paid. It shall be the obligation of the successful purchaser to examine title to the premises prior to the closing. In the event of closing and a later finding of defect of title, the Town shall not be responsible for the same, and shall not be required to refund money or correct any defect in title or be held liable for damages.
8. Acceptance of the offers made as set forth in the Ordinance or the highest bid shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.
9. The deed of conveyance will be subject to all matters of record which may affect title herein, what an accurate survey may reveal, the Ordinance of the Town of Newton and the Town's easements, parade staging, bike path and utilities, as set forth in the Ordinance.
10. The undersigned acknowledges that the Town has the right to reject this acceptance and no acceptance shall be considered final until passage of a resolution by the Town.

11. The undersigned hereby accepts all terms and conditions provided for in the Town's Ordinance authorizing this sale as well as all notices prepared as a part of the sale procedure.

ADDITIONAL CONDITIONS

THE UNDERSIGNED AGREES:

- A. To pay prorated real estates taxes for the balance of the current year as of the date of closing.
- B. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulates that this sale will not be used as grounds to support any variance from or realization of the regulations.
- C. That the failure to close title as agreed shall forfeit to the Town of Newton any and all money deposited with the Town.
- D. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other properties.
- E. That the title shall close on or before October 30, 2014 and that date shall be considered time of the essence. The Town reserves the right to require that two or more pieces of contiguous property be merged and treated as one piece of property.
- F. The Town reserves the right to withdraw the offer of sale and reject any and all bids.
- G. All sales are subject to final approval by the Town Council.
- H. To pay the balance of the purchase price plus the costs of recording deeds, costs of notice for publication, and \$450 for Town attorney fees related to the Property transfer, by October 30, 2014.

Signature of Buyer(s): _____

Print Name: _____

Date: _____

**ACCEPTANCE OF OFFER TO SELL PROPERTY
BY THE TOWN OF NEWTON**

**THIS FORM MUST BE IN THE HANDS OF THE NEWTON TOWN MANAGER
NO LATER THAN _____, A.M./P.M., ON _____, 2014.**

RE: PURCHASE OF BLOCK 19.01, LOT 6 (formerly Block 1302, Lot 2.01)

MINIMUM PRICE: \$156,700.00

1. I hereby accept the offer to purchase the above lot for the sum of \$_____.
2. A deposit of ten percent (10%) (cash, bank check, cashier's check or money order) of the purchase price has been paid. The balance of the purchase price shall be paid by _____, 2014.
3. The undersigned acknowledges that the conveyance shall be made by the Town by Quit Claim Deed. The conveyance shall be made subject to covenants, restrictions, reservations of record and easement established of record or by prescription, including easements to the Town of Newton. The Town has made no representations as to the character of the title and has made no survey of the property.
4. The Town Council reserves the right to reject all bids.
5. The minimum bid the Town will consider will be \$147,800, plus the cost of recording deeds, which deeds shall be recorded on behalf of the purchaser by the Town Attorney; costs of notice for publication; and \$450 for Town attorney fees related to the Property transfer.
6. A public auction sale was held on July 30, 2014.
7. I understand the Town does not warrant or certify title to the Property and in no event shall the Town of Newton be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Town. The sole remedy being the right to receive a refund prior to closing of the deposit paid. It shall be the obligation of the successful purchaser to examine title to the premises prior to the closing. In the event of closing and a later finding of defect of title, the Town shall not be responsible for the same, and shall not be required to refund money or correct any defect in title or be held liable for damages.
8. Acceptance of the offers made as set forth in the Ordinance or the highest bid shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.
9. The deed of conveyance will be subject to all matters of record which may affect title herein, what an accurate survey may reveal, the Ordinance of the Town of Newton and the Town's easements, parade staging, bike path and utilities, as set forth in the Ordinance.
10. The undersigned acknowledges that the Town has the right to reject this acceptance and no acceptance shall be considered final until passage of a resolution by the Town.

11. The undersigned hereby accepts all terms and conditions provided for in the Town's Ordinance authorizing this sale as well as all notices prepared as a part of the sale procedure.

ADDITIONAL CONDITIONS

THE UNDERSIGNED AGREES:

- A. To pay prorated real estates taxes for the balance of the current year as of the date of closing.
- B. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulates that this sale will not be used as grounds to support any variance from or realization of the regulations.
- C. That the failure to close title as agreed shall forfeit to the Town of Newton any and all money deposited with the Town.
- D. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other properties.
- E. That the title shall close on or before October 30, 2014 and that date shall be considered time of the essence. The Town reserves the right to require that two or more pieces of contiguous property be merged and treated as one piece of property.
- F. The Town reserves the right to withdraw the offer of sale and reject any and all bids.
- G. All sales are subject to final approval by the Town Council.
- H. To pay the balance of the purchase price plus the costs of recording deeds, costs of notice for publication, and \$450 for Town attorney fees related to the Property transfer, by October 30, 2014.

Signature of Buyer(s): _____

Print Name: _____

Date: _____

**ACCEPTANCE OF OFFER TO SELL PROPERTY
BY THE TOWN OF NEWTON**

**THIS FORM MUST BE IN THE HANDS OF THE NEWTON TOWN MANAGER
NO LATER THAN _____, A.M./P.M., ON _____, 2014.**

RE: PURCHASE OF BLOCK 22.09, LOT 7 (formerly Block 1208, Lot 11)

MINIMUM PRICE: \$57,800.00

1. I hereby accept the offer to purchase the above lot for the sum of \$_____.
2. A deposit of ten percent (10%) (cash, bank check, cashier's check or money order) of the purchase price has been paid. The balance of the purchase price shall be paid by _____, 2014.
3. The undersigned acknowledges that the conveyance shall be made by the Town by Quit Claim Deed. The conveyance shall be made subject to covenants, restrictions, reservations of record and easement established of record or by prescription, including easements to the Town of Newton. The Town has made no representations as to the character of the title and has made no survey of the property.
4. The Town Council reserves the right to reject all bids.
5. The minimum bid the Town will consider will be \$57,800, plus the cost of recording deeds, which deeds shall be recorded on behalf of the purchaser by the Town Attorney; costs of notice for publication; and \$450 for Town attorney fees related to the Property transfer.
6. A public auction sale was held on July 30, 2014.
7. I understand the Town does not warrant or certify title to the Property and in no event shall the Town of Newton be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Town. The sole remedy being the right to receive a refund prior to closing of the deposit paid. It shall be the obligation of the successful purchaser to examine title to the premises prior to the closing. In the event of closing and a later finding of defect of title, the Town shall not be responsible for the same, and shall not be required to refund money or correct any defect in title or be held liable for damages.
8. Acceptance of the offers made as set forth in the Ordinance or the highest bid shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.
9. The deed of conveyance will be subject to all matters of record which may affect title herein, what an accurate survey may reveal, the Ordinance of the Town of Newton and the Town's easements, parade staging, bike path and utilities, as set forth in the Ordinance.
10. The undersigned acknowledges that the Town has the right to reject this acceptance and no acceptance shall be considered final until passage of a resolution by the Town.

11. The undersigned hereby accepts all terms and conditions provided for in the Town's Ordinance authorizing this sale as well as all notices prepared as a part of the sale procedure.

ADDITIONAL CONDITIONS

THE UNDERSIGNED AGREES:

- A. To pay prorated real estates taxes for the balance of the current year as of the date of closing.
- B. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulates that this sale will not be used as grounds to support any variance from or realization of the regulations.
- C. That the failure to close title as agreed shall forfeit to the Town of Newton any and all money deposited with the Town.
- D. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other properties.
- E. That the title shall close on or before October 30, 2014 and that date shall be considered time of the essence. The Town reserves the right to require that two or more pieces of contiguous property be merged and treated as one piece of property.
- F. The Town reserves the right to withdraw the offer of sale and reject any and all bids.
- G. All sales are subject to final approval by the Town Council.
- H. To pay the balance of the purchase price plus the costs of recording deeds, costs of notice for publication, and \$450 for Town attorney fees related to the Property transfer, by October 30, 2014.

Signature of Buyer(s): _____

Print Name: _____

Date: _____



TOWN OF NEWTON
RESOLUTION #101-2014

June 9, 2014

"Resolution Establishing a Fund Balance Policy"

WHEREAS, the Mayor and Council (the "Governing Body") of the Town of Newton acknowledge the maintenance of fiscal stability is important to the prudent operation of government and in determining its creditworthiness; and

WHEREAS, the ability to adjust local government revenues during the budget year and from year to year may be limited to meet unanticipated expenditures resulting from, inter alia, natural disasters, unforeseen increases in operating costs, unexpected capital expenditures; and

WHEREAS, changes in federal and state government spending policies can also impact local government revenues, particularly if reductions in such spending force local governments to increase their own spending to make up for the loss in federal and state government revenue; and

WHEREAS, fund balance represents an available resource that can be used to meet working capital requirements, emergency expenditures and afford transition due to systemic changes in revenues and expenditures; and

WHEREAS, sufficient levels of unreserved fund balance can assure the continued orderly operation of government and the provision of services to taxpayers and the stability of the tax structure; and

WHEREAS, drawdown of fund balance, without the reasonable expectation of regenerating such amount drawn down during the budget year, is evidence of a structural imbalance; and

WHEREAS, local governments frequently utilize a percentage of the municipality's total budget as the means of determining the appropriate level of an unreserved fund balance; and

WHEREAS, maintaining the stability of sufficient levels of unreserved fund balance will be equally important for the Town of Newton, so that the fund balance policy will be meaningful and effective;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, a fund balance policy is hereby established and the following shall be used as guidelines:

1. The Town of Newton shall establish or maintain fund balance whereby the percentage of fund balance anticipated to the total budget will not exceed 9%.
2. The Town of Newton hereby establishes the policy of maintaining an end of the calendar year fund balance which is between 3% - 10% of the prior year tax levy.

3. The Governing body will not anticipate more fund balance than the statutory excess of fund balance of the prior year (amount collected). If the fund balance anticipated will exceed the statutory excess of the prior year a reason must be stated at an open budget meeting. A plan shall be developed to restore fund balance within a three-year period.
4. Amounts appropriated in the ensuing budget which reduce the fund balance below the policy guidelines for the purpose of reducing the ensuing year's property tax levy, may be made only upon a specific vote of the Governing Body.
5. The Governing Body, by vote, can declare a fiscal emergency and withdraw any amount of General Fund balance for purposes of addressing the fiscal emergency. Any such action must also provide a plan to restore fund balance to the Target policy level within a five-year period.
6. This policy will be reviewed by the Governing Body every three years following adoption or sooner at the direction of the Governing Body.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 9, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #102-2014

June 9, 2014

“Resolution Authorizing the Application for a Treatment Works Approval through the New Jersey Department of Environmental Protection”

WHEREAS, it is required that the Town of Newton execute or endorse an application to the New Jersey Department of Environmental Protection for a Treatment Works Approval (TWA) in connection with extensions of the Town's sanitary sewer system by developers in the Town; and

WHEREAS, by Resolution No. 63-2014 dated April 14, 2014 the Town Council of the Town of Newton concurred with the recommendation of the Utility Advisory Board and conditionally approved allocating water and sewer gallonage for Martorana Enterprises, LLC for the Grande Villaggio project on Lots 5 and 5.03 in Block 1201 in the Town of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Council authorizes and directs Thomas S. Russo, Jr., Town Manager, to execute or endorse the TWA Application required for the Grande Villaggio project.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 9, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #103-2014

June 9, 2014

“Authorizing the Town of Newton to enter into an Agreement with Phoenix Advisors, LLC in Connection with the Issuance of Bonds and/or Anticipation Notes”

WHEREAS, the Town of Newton (“Town”) needs to engage the professional services of a financial advisory firm to advise the Town in connection with the issuance of Bonds and/or Notes and other matters relating to fiscal management; and

WHEREAS, Phoenix Advisors, LLC (“Phoenix”), 4 West Park Street, Bordentown, NJ, 08505, provides such professional advisory services, is a Registered Municipal Advisor with the Securities and Exchange Commission and the Municipal Securities Rulemaking Board, and has heretofore been appointed by the Town to provide the same until the expiration of the Agreement as defined in Section 3 of the Agreement; and

WHEREAS, Phoenix will perform, as Financial Advisor, tasks more fully described in the proposal dated May 6, 2014, and attached to the Agreement as Exhibit “A”; and

WHEREAS, the Town will compensate Phoenix for Financial Advisory Services, in accordance with the Agreement dated May 6, 2014, as set forth in Section 2 of said Agreement; and

WHEREAS, the parties desire hereby to set forth the full terms and conditions under which Phoenix will provide professional advisory services to the Town, as set forth in the Agreement attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Town Manager is hereby authorized to execute an Agreement with Phoenix Advisors, LLC in Connection with the Issuance of Bonds and/or Anticipation Notes.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 9, 2014.

Lorraine A. Read, RMC
Municipal Clerk

STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF LOCAL GOVERNMENT SERVICES

Pursuant to N.J.S.A. 40A:4-87 I hereby certify that the following resolution has been duly adopted by the governing body

of: TOWN OF NEWTON _____
Name of Municipality Clerk's Signature

I hereby certify the TOWN OF NEWTON _____ has realized or is in receipt of written notification
Name of Municipality
of the state or federal monies cited in the following resolution, which meets all statutory requirements and will be included in the 2014 municipal budget.

Signature, Chief Financial Officer

Resolution Number: #104-2014

Date of Adoption: JUNE 9, 2014

Revenue Title: Pub.& Priv. Revenue Offset: FY2014 Clean Community Grant Amount: \$13,519.66

Appropriation Title: Pub.& Priv. Program Offset: Clean Community Grant FY2014 Amount: \$13,519.66

Local Match - Source: N/A Amount: \$ 0.00

Approval is hereby given to the cited resolution adopted by the governing body pursuant to N.J.S.A. 40A: 4-87

For Director, Division of Local Government Services

by: _____
Duly Appointed Designee Date Certified

THIS CERTIFICATION FORM MAY BE REPRODUCED
TO BE USED FOR STATE AND FEDERAL GRANTS ONLY

FOR DCA USE ONLY
Municode: _____
Doc. No. : _____



TOWN OF NEWTON

RESOLUTION #105-2014

June 9, 2014

“Appointment of J. Caldwell & Associates, LLC to Complete TDR Feasibility Study”

WHEREAS, the Town of Newton has a need for a qualified Planner to provide consulting services related to the TDR Feasibility Study; and

WHEREAS, planning services is a professional service as defined by the Local Public Contracts Laws and is, therefore, exempt from public bidding requirements in accordance with for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S.A 40A:11-5(1)(a); and

WHEREAS, J. Caldwell & Associates, LLC, has submitted a proposal for planning services related to the TDR Feasibility Study; and

WHEREAS, the total cost will be \$22,000 for the planner portion of the TDR Feasibility Study; and

WHEREAS, this contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts law, because J. Caldwell & Associates, LLC, is a licensed Planner in the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements; and

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it authorizes the Mayor and Municipal Clerk to execute an agreement in duplicate with J. Caldwell & Associates, LLC; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to J. Caldwell & Associates, LLC, and that a notice of this award be published in the newspaper of record published 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, June 9, 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 #: 105 -2014

APPROVING: J CALDWELL & ASSOC., LLC

FOR THE PURPOSE OF: PLANNER -TDR FEASIBILITY STUDY

IN THE AMOUNT OF: \$22,000.00

APPROPRIATED BY: FEDERAL & STATE GRANT FUND

APPROPRIATED RESERVES - TDR STUDY

(Transfer Development Right) #111242 \$22,000.00

DATED THIS 9TH DAY OF JUNE , 2014

BY

DAWN L. BABCOCK

CHIEF FINANCIAL OFFICER



TOWN OF NEWTON
RESOLUTION #106-2014

June 9, 2014

**"Authorize Credits Due Water and Sewer Utility
Accounts"**

WHEREAS, the meter was changed on the below account on January 17, 2014 by the Water department and upgraded to a radio meter; and

WHEREAS, the first quarter billing was paid in full; and

WHEREAS, upon receipt of the second quarter, billing the homeowner questioned the usage on said bill. Upon investigation by the Water department, it was determined the meter was adding 3 gallons extra for each gallon used due to the fact it was a 1" meter versus a ¾" meter; and

WHEREAS, the meter was changed and is now recording the correct usage;

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

<u>Account</u>	<u>Address</u>	<u>Amount</u>
24280	25 Douma Drive	\$909.98

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 9, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #107-2014

June 9, 2014

**"Resolution Establishing a Water Sewer Utility Fund
Balance Policy"**

WHEREAS, the Mayor and Council (the "Governing Body") of the Town of Newton acknowledge the maintenance of fiscal stability has been determined by the State to be a best practice, is important to the prudent operation of government, and is important in determining its creditworthiness; and

WHEREAS, the ability to adjust local government revenues during the budget year and from year to year may be limited to meet unanticipated expenditures resulting from, inter alia, natural disasters, unforeseen increases in operating costs, unexpected capital expenditures; and

WHEREAS, fund balance represents an available resource that can be used to meet working capital requirements, emergency expenditures and afford transition due to systemic changes in revenues and expenditures; and

WHEREAS, sufficient levels of unreserved fund balance can assure the continued orderly operation of government and the provision of services to utility users and the stability of the rate structure; and

WHEREAS, drawdown of fund balance, without the reasonable expectation of regenerating such amount drawn down during the budget year, is evidence of a structural imbalance; and

WHEREAS, local governments frequently utilize a percentage of the municipality's total budget as the means of determining the appropriate level of an unreserved fund balance; and

WHEREAS, the Governing Body has determined the need for a fund balance policy that will be meaningful and effective and maintain the fiscal stability of Town funds;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, a water sewer utility fund balance policy is hereby established and the following shall be used as guidelines:

1. The Town of Newton shall establish or maintain fund balance whereby the percentage of water sewer utility fund balance anticipated to the total budget will not exceed 9%.
2. The Town of Newton hereby establishes the policy of maintaining an ending water sewer utility fund balance which is between 10% - 25% of the prior year levy.
3. The Governing Body will not anticipate more fund balance than the statutory excess of fund balance of the prior year (amount collected). If the fund balance anticipated will exceed the statutory excess of the prior year a reason must be stated at an open budget meeting. A plan shall be developed to restore fund balance to the policy level within a three-year period.

4. Amounts appropriated in the ensuing budget which reduce the fund balance below the policy guidelines, may be made only upon a specific vote of the Governing Body.
 5. The Governing Body, by vote, can declare a fiscal emergency and withdraw any amount of Utility Fund balance for purposes of addressing the fiscal emergency. Any such action must also provide a plan to restore fund balance to the Target policy level within a five-year period.
 6. This policy will be reviewed by the Governing Body every three years following adoption or sooner at the direction of the Governing Body.
-

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 9, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #108-2014

June 9, 2014

“Resolution of the Town of Newton, in the County of Sussex, New Jersey, Directing the Town Planning Board to Review a Proposed Amendment to the Hicks Avenue Redevelopment Plan Pursuant to the Local Redevelopment and Housing Law”

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

WHEREAS, after investigation of a delineated area and recommendation of the Planning Board in accordance with the Act, on December 10, 2007, the Town Council, acting by resolution, designated the area then identified on the official tax map of the Town as Block 1309, Lots 1, 1.01, 2, 6, 8, 9, 41 and 42, along with all public roadways and right of ways appurtenant thereto as an area in need of redevelopment (collectively, the "Redevelopment Area"); and

WHEREAS, on December 22, 2008, after review and comment by the Town's Planning Board in accordance with the Act, the Town, acting by Ordinance, enacted a redevelopment plan for the Redevelopment Area (the "Initial Redevelopment Plan"); and

WHEREAS, due to changes in the national, regional and local economies occurring since the time of adoption of the Initial Redevelopment Plan, the Town wishes to consider the addition of alternative uses and standards to the Redevelopment Plan in order to provide additional options for the revitalization of the Redevelopment Area; and

WHEREAS, in accordance with the Act, the Town has prepared a proposed amendment to the Redevelopment Plan, which is attached hereto as Exhibit A (the "Proposed Amendment"); and

WHEREAS, the Town Council desires to utilize the Planning Board's expertise and experience in considering the Proposed Amendment;

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

I. **GENERAL**

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

II. **PLANNING BOARD DIRECTED TO REVIEW PROPOSED AMENDMENT**

The Town Council hereby authorizes and directs the Planning Board to review the Proposed Amendment attached hereto as Exhibit A, and to transmit its comments to the Town Council within 45 days, as required by N.J.S.A. 40A:12A-7(e).

III. **SEVERABILITY**

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

IV. **AVAILABILITY OF THE RESOLUTION**

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

V. **EFFECTIVE DATE**

This Resolution shall take effect immediately.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 9, 2014.

Lorraine A. Read, RMC
Municipal Clerk

EXHIBIT A

PROPOSED AMENDMENT

**HICKS AVENUE
REDEVELOPMENT PLAN
AMENDMENT
TOWN OF NEWTON
SUSSEX COUNTY, NEW JERSEY**



JUNE 2014

 **J Caldwell**
& ASSOCIATES LLC
PLANNING CONSULTING SERVICES

HICKS AVENUE REDEVELOPMENT PLAN AMENDMENT TOWN OF NEWTON, SUSSEX COUNTY

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Jessica Caldwell, P.P., A.I.C.P, Town Planner, P.P. # 5944

PLAN CONSISTENCY REVIEW

BACKGROUND

The Hicks Avenue Redevelopment Plan (the “Plan”) governs the Town of Newton Redevelopment Area (the “Area”) located on the northeastern corner of Sparta Avenue and Hicks Avenue. Notice was sent to property owners within the Area on November 21, 2007, pursuant to *DeRose v. Town of Harrison*. The Area was recommended to be designated as an Area in Need of Redevelopment by the Town of Newton Planning Board on December 6, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”). The Area was designated an Area in Need of Redevelopment by the Town Council on December 10, 2007. The Plan for the Area, which established superseding zoning, was adopted by the Town Council on December 22, 2008.

The Plan Area includes eight (8) tax lots in Block 24.02 (former Block 1309), including portions of the adjacent street rights-of-way of Sparta Avenue, Hicks Avenue and Smith Street. The Town of Newton has updated tax lot numbers since the adoption of the original Hicks Avenue Redevelopment Plan. The new lot and block numbers for the parcels located in the Plan Area are: Block 24.02, Lots 1, 2, 3, 4, 5, 6, 7 and 8 (former Block 1309, Lots 1.01, 1, 2, 41, 9, 6, 8 and 42, respectively). The Plan Area comprises approximately 13.65 acres.

The purpose of the plan amendment is to provide for an updated design concept for the Redevelopment Area. The original plan contemplated townhouses with rear access garages, a mixed-use building and an apartment building. This proposed plan amendment continues to propose townhouses; however with garage access in the front yard. The mixed-use/apartment building area along Sparta Avenue will be permitted to contain a free-standing commercial building. Additionally, this Plan Amendment will permit certain single family residential uses that exist in the area to remain as permitted uses. The mandatory stormwater recapture and use for irrigation or other non-potable uses are proposed to be revised to be optional as well. The prior development concepts will remain permitted, simply allowing for additional design options for potential redevelopers.

AMENDMENTS TO THE REDEVELOPMENT PLAN

The Redevelopment Plan (the “Plan”) contemplates the potential for amendments to the Plan. At Section 9.1 of the Redevelopment Plan, it states, “As development occurs within the Area, development priorities and market demands may change. This Plan should have the ability to meet the changing needs of market demand, the Town of Newton and its citizens. Amendments may be required in order to accommodate these changes.” The amendments proposed are to provide for changing market demands and an increase in the amount of available water in the Town, reducing the need for grey water conservation methods.

It has been more than five years since the Redevelopment Plan was adopted. There is insufficient market demand for the types of units proposed in the original plan because the cost of providing rear entry garages is increased because of the need to provide a rear access lane as well as the neighborhood street. The rear entry garages also minimize the size of rear yards, where the development community has requested the ability to provide larger rear yards. Additionally, the area has sufficient residential proposed to not necessarily need the retail uses to be mixed-use, providing for the ability to allow a stand-alone commercial use or commercial building with multiple commercial uses. This Plan Amendment provides for a greater variety of building types, while maintaining the spirit of the original plan, both in terms of the layout and architectural design.

The requirement for mandatory re-use of stormwater on the site may also be cost prohibitive for potential redevelopers. The original need for this water recycling program was due to a limited amount of available water in the Town’s water allocation. The Town has undertaken a leak detection program and has recovered more than 20 percent of water previously lost to leaks in the system. This has lessened the need for mandatory water recycling, providing for the potential for this provision to be optional in the Plan.

The proposed Plan Amendment is generally consistent with the stated goals of the Plan. For example, the first goal in the Plan is to “eliminate the incongruous land uses within the Area and between the designated Area and surrounding environs, eliminating blighting influences.” This Plan Amendment Continues this goal by providing for a greater likelihood of redevelopment occurring. This Plan Amendment is also generally consistent with the Master Plan of the Town of Newton. For example, one of the general goals from the Master Plan is “to promote a desirable visual environment through creative development techniques and good civic design and arrangement.” The proposed Plan Amendment encourages good design, building arrangement and provides for high quality residential and commercial uses in a currently abandoned industrial area. For these reasons, the proposed Plan Amendment is generally consistent with the stated goals of the Plan, the goals of the Town of Newton Master Plan and State Development and Redevelopment Plan. One goal from the Redevelopment Plan must be amended slightly to permit the option of a stormwater recapture system on the site, rather than a mandatory system.

Based upon the foregoing, it is recommended that the following amendments be made to the Hicks Avenue Redevelopment Plan. If there is a conflict between any of the amended provisions proposed below and existing provisions in the Plan, the amended provisions shall govern. With the exception of the foregoing, all other provisions of the Plan not specifically modified by this Plan Amendment shall remain unmodified.

HICKS AVENUE REDEVELOPMENT PLAN AMENDMENT

At Section 1.2, Local Context Map, on page 7, the last paragraph shall include the following:

The Redevelopment Plan also permits a neighborhood center concept that includes a combination of townhouses, single family residential on existing lots and free-standing commercial uses or a commercial building with multiple commercial spaces. Development layouts, site and circulation plans and building graphics within the Plan are conceptual in nature and subject to final engineering and architectural design by an applicant, subject to approval by the Planning Board.

At Section 1.7, Goals of the Plan, on page 12, Goal 18 shall be replaced with the following:

18. To encourage environmental sustainability through the optional creation of a Potable Water Conservation Program, by which stormwater is recaptured, stored and used for landscape irrigation, car washing, and non-potable use within the dwelling units, retail or commercial structures.

At Section 1.7 Goals of the Plan, on page 12, Redevelopment Objectives, under Section 1, the following sentence shall be added:

1. A Redeveloper is not required to assemble all parcels in the Area prior to undertaking a redevelopment project.

At Section 1.9, Illustrative Site Plan, the second and third paragraphs on page 14 and first paragraph on page 15 shall be deleted and replaced with the following:

The Illustrative Site Plan provides one option for redevelopment of the Area. This Redevelopment Plan permits a density of up to 20 residential units per buildable acre. The total number of units ultimately constructed will depend on the amount of land allocated for residential uses and the total acreage of land proposed to be redeveloped by an applicant. The Plan provides one alternative that shows townhouses with rear access drives, a mixed-use building and a multi-family residential building and an alternative plan permitted by this Redevelopment Plan is for townhouses with garage access in front of the buildings, single family residential remaining or constructed on individual lots and free-standing commercial buildings with one or more commercial uses.

At Section 2.2 Environmental Conditions, page 19, the final paragraph under the heading “Site Contamination” shall be deleted and replaced with the following:

Prior to any construction on the site, the Municipality must receive from the redeveloper any and all supporting data which the Municipality deems necessary to validate that any contamination on the site has been remediated, or will be remediated during construction pursuant to an NJDEP approved site remediation plan.

At Section 2.4 Circulation & Utilities, page 21, the third to the last paragraph entitled “Stormwater” shall be deleted and replaced with the following:

The stormwater management on this development site will be in accordance with the Residential Site Improvement Standards and Newton’s Stormwater Control Ordinance.

At Section 3.0 Definitions, page 24 and 25, the definitions for Design Professional, Density and Potable Water Conservation Program should be deleted and replaced with the following:

Design Professional – A practicing Licensed Professional Planner or Architect that has experience with redevelopment plans in general and form-based zoning.

Density – The number of dwelling units permitted per buildable acre within the Redevelopment Area. Buildable land is exclusive of constraints from wetlands and wetland buffers. Where a Redeveloper is able to obtain an NJDEP permit to build within regulated areas, those areas shall be deemed buildable for purposes of density.

Potable Water Conservation Program – An optional program prepared by the developer by which stormwater is recaptured, stored and used for non-potable use, such as landscape irrigation, car washing and flushing toilets.

At Section 4.1 Land Use Regulations, Permitted Uses, Section 1, page 28, Residential Uses should be deleted and replaced with the following:

1. Residential: Includes premises available for long-term human habitation; excludes all boarding houses and rooming houses. Residential uses are limited to attached townhouses, paired villas (duplexes), multi-family flats, residential above mixed-use commercial and single-family dwellings.

At Section 4.1 Land Use Regulations, Permitted Uses, page 28, delete and replace paragraph for as follows and add paragraph 5, Commercial Uses as follows:

4. Open Spaces, Park and Playgrounds: Public or private open space and/or recreational areas that may include passive and/or active recreational facilities such as pedestrian walkways, bike paths, pedestrian-scaled lighting, benches, picnic areas, playground equipment and/or trash receptacles (wild-life proof).
5. Commercial: Free-standing commercial structures with one or more commercial uses. Permitted commercial uses include all Commercial Retail Service Uses and Business/Office/Professional Uses permitted in the T-4 Neighborhood Services Zone of the Newton Form-Based Code. The Accessory Uses in the T-4 Neighborhood Services Zone are also permitted within the Redevelopment Area as appropriate, with commercial accessory uses in the commercial area and residential accessory uses in the residential area.

At Section 4.1 Land Use Plan, page 29, delete the entire section and replace with the following:

The Land Use Plan for the area includes a 200-foot deep section along Sparta Avenue that permits commercial, mixed-use and residential uses. This area is shown in lavender below. The remainder of the Area, shown in yellow, is slated for residential development. Parking areas and access for the mixed-use/commercial zone of the Area may be located in the residential zone. The boundary between the two zones may be flexed 50 feet in either direction to facilitate a variety of layouts. (The areas flexed need not be the entire length of the boundary).



J Caldwell & ASSOCIATES LLC
PLANNING CONSULTING SERVICES
Hicks Avenue
Redevelopment
Town of Newton
Sussex County, New Jersey
1 inch = 50 feet
April 30, 2014

At Section 5.2 Mobility Regulations, page 33, the first and second paragraphs shall be deleted and replaced with the following:

This section provides a conceptual circulation and parking plan for the development. The development must meet New Jersey Site Residential Improvement Standards for the residential portion of the development and is subject to Planning Board approval for the commercial/mixed-use portion of the development.

Section 5.4 Thoroughfare Overview, page 36, the following discussion shall be added at the end of the page:

An alternate street layout may be designed to minimize pavement and impervious surfaces throughout the development. This layout would apply to the interior of the development. Streetscapes and sidewalks along Sparta Avenue, Hicks Avenue and Smith Street would remain as shown. The alternate street layout would permit a redeveloper to propose an internal residential street with a 24 foot-wide pavement width and four (4) foot sidewalk on one side of the street. All parking would be off-street parking including parking for both commercial and residential units. Residential units must have off-street guest parking provided along with the minimum parking required by New Jersey Residential Site Improvement Standards.

At Section 5.7 Pedestrian Circulation Plan, page 45, the following shall be added to the end of the page:

Examples of possible modifications to the pedestrian plan include: sidewalks on one side of the street within the development, six (6) foot sidewalks around the commercial building and a combined pedestrian walkway and rail trail bike path along Sparta Avenue in lieu of a sidewalk along Sparta Avenue.

At Section 6.2 Bulk & Setback Regulations, page 49, the bulk standards shall be deleted and replaced with the following:

Density: The density of the Area must not exceed 20 dwelling units per buildable acre of development area.

Lot Sizes: Lot sizes may vary depending on the building type and layout of the redevelopment. Lot sizes will be a function of building size plus required setbacks. Alternatively, the Area, or a portion thereof, may be redeveloped as one lot with multiple structures and uses. In this case, setbacks will be measured from exterior lot lines. Pre-existing residential uses on individual lots shall be deemed to be conforming as they exist at the time of the adoption of this Plan and may be reconstructed within the same footprint on the existing lot. Future additions or redevelopment of those lots shall follow the bulk standards set forth herein.

Setbacks: Setbacks are the distance between the property line and the outer edge of the building wall, expressed in feet.

Front yard setback: (measured from the building wall to ROW or edge of pavement)

- Residential: 12' min. (garage in rear/ off-street parking) / 26' min. (garage in front)
- Multi-family: 15' min.
- Mixed-use: 15' min.
- Commercial: 15' min.

Side yard setback:

- Residential: 6' min. to property line
- Residential: 22' min. between buildings
- Multi-family: 10' min.
- Mixed-use: 15' min.
- Commercial: 15' min.

Rear yard setback:

- Residential: 8' min.
- Residential: 22' min. between buildings
- Multi-family: 10' min.
- Mixed-use: 10' min.
- Commercial: 10' min.

Encroachments: Encroachment is the distance beyond the setback lines that certain building elements can protrude, expressed in feet. Building elements which may encroach include, but are not necessarily limited to: overhangs, steps, porches, balconies, bay and box windows, decks, etc.

- Front yard encroachment: 6 feet max.
- Rear yard encroachment: 6 feet max.
- Side yard encroachment: 4 feet max.

Driveways/Aprons: Residential driveways shall be constructed of concrete, pavers, or similar materials. Access drives to commercial and multi-family structures may be asphalt.

At Section 6.3 Minimum and Maximum Height Regulations, page 50, this section shall be deleted and replaced with the following:

Maximum and minimum height requirements are expressed as a combination of stories and height in feet as follows:

- Residential: 3 stories and 40 feet max.
- Multi-family: 3 stories and 40 feet max.
- Mixed-use: 3 stories and 40 feet max.; 2 story minimum
- Commercial: 3 stories and 40 feet max.

At Section 6.4 Building Mass, page 51, the third paragraph shall be deleted and replaced with the following paragraph:

The development must address the provision of affordable housing units to meet NJ Council on Affordable Housing (COAH) regulations at the time of site plan approval. All COAH units must meet all COAH regulations.

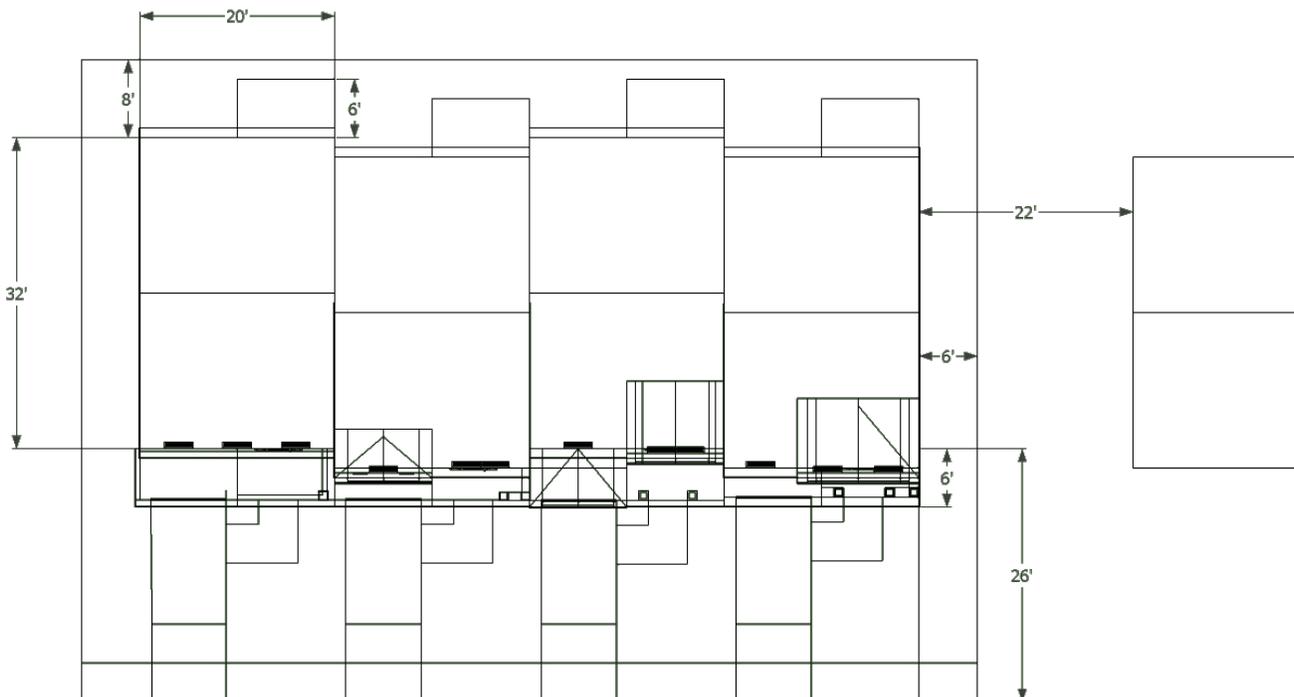
At Section 6.6 Building Typologies, page 55, add the following:

Townhouse E: 20x32 (garage in front)

Regulation	Feet
Front Yard Setback	26 min.
Side Yard Setback	6 min. / 22 between buildings
Rear Yard Setback	8 min. / 22 between buildings
Front & Rear Encroachment	6 min.
Side Encroachment	4 min.
Primary Building Footprint	20 x 32*
Accessory Structure Footprint	N/A
Lot Width	Varies
Lot Depth	Varies
Building Height	40 / 3 floors

*Building footprint size may vary provided that other bulk standards can be met

Townhouse E: 20 x 32





Architectural Style and Colors are Illustrative and May Change Subject to Planning Board Approval

The Multi-Family and Mixed-Use building typologies shall also be changed to encompass commercial use buildings by changing the titles to Multi-Family/Commercial and Mixed-Use/Commercial

At Section 6.7.1 Architectural Style: Townhouse, page 57, the following photos shall be added:



At Section 6.8 Façade Regulations, page 60, delete and replace Item 1 and delete Item 13 as shown below.

1. To create individuality within a proposed residential development, there must be a minimum of three distinct façade designs for single family or townhouse building types, when multiple units are proposed. The three or more façade designs should be alternated within each building to provide for individuality of units and break-up long buildings. Façade colors, materials and accents should be alternated throughout the development.
- ~~13. Ground level retail/commercial facades fronting along Sparta Avenue and/or Hicks Avenue must be of at least 60% void area (windows and other openings).~~

At Section 6.10 Building Entrance, Balcony, and Porch Regulations, page 62, delete Items 2 and 5 shown below:

- ~~2. Every unit shall have a usable front porch and/or a second floor balcony. Porch steps must match the materials used in the porch.~~
- ~~5. The finished floor of the ground level of buildings shall be raised a minimum of 2 feet and a maximum of 3 feet above the grade of the front plain of each primary structure. Porches and stairs shall connect the building to walkway.~~

At Section 6.11 Building Signage and Lighting Standards, page 64, delete the second paragraph and add the following:

All proposed signs within the redevelopment area shall conform to the sign regulations of the Town's Form-Based Code for the T-4 Neighborhood Services Zone.

At Section 6.12 Building Parking Standards, page 64, the second paragraph shall be replaced with the following:

6. Garages: Garages may be built to accommodate one or two cars and may be built with a second floor or loft above.

At Section 6.13 Green Building Standards, page 66, delete Item 4 and replace with the following:

Stormwater Detention and Reuse: In order to mitigate the impact of stormwater on the existing infrastructure and limited potable water resources, new development is encouraged to create a Potable Water Conservation Program using stormwater detention, collection and re-use for non-potable uses such as irrigation, washing cars and flushing toilets, thereby reducing demands on potable water.

At Section 7.2 General Requirements, page 71, delete Item 4 and Item 7 and replace with the following:

4. All yard spaces shall be landscaped with trees, shrubs, perennials and ground cover.
7. All landscaped area must be well maintained, cleared, clipped and pruned to provide a positive healthy visual character.

At Section 7.3 Streetscape Requirements, page 73, delete Item 4 and replace with the following:

4. If a planter strip is provided between the sidewalk and the curb, it shall be a minimum of 1'6" wide and shall contain plantings or textured pavers. Alternatively, sidewalks may be installed flush with the curb and street trees planted on the yard side of the sidewalks.

At Section 7.3 Streetscape Requirements, page 73, delete Item 5 shown below:

- ~~5. The area between the curb and ROW edge together must equal a combined minimum width of eight (8) feet. The remaining width of two (2) feet will be between the sidewalk and ROW edge, in effect lengthening the front yards of properties. Street trees are to be planted within this area. Street trees may also be planted in bumpouts.~~

At Section 7.3 Streetscape Requirements, page 73, add Item 11 as follows:

11. Where rear residential yards abut an exterior street, an evergreen buffer shall be planted along the street side of the units, in a staggered pattern to provide year-round buffering for the residences. The buffer width, design and tree species shall be subject to Planning Board approval.

At Section 7.4 Yard Landscape Requirements, page 74, Items 2 and 9 shall be deleted and replaced as follows:

2. Every building shall have direct access from the access drive, driveway or sidewalk to the primary pedestrian ingress and egress of a building by way of a walkway. Materials of the walkway shall compliment the color and design of the building and the sidewalks.
9. Yards must have a minimum number of landscape features:
 - Two (2) canopy trees per building (in addition to street trees); and
 - Foundation shrubs: five (5) per building (or unit for townhouses) along the front façade.

At Section 7.5 Signage Requirements, page 75, the section shall be deleted and replaced with the following:

All proposed signs within the redevelopment area shall conform to the sign regulations of the Town's Form-Based Code for the T-4 Neighborhood Services Zone.

At Section 8.2 General Utilities Requirements, page 83, delete Item 3 and Item 7 and replace with the following:

3. Stormwater Management in accordance with Residential Site Improvement Standards, N.J.A.C. 5:21-6 and the Town of Newton Stormwater Control Ordinance, Chapter 258 of the Code of the Town of Newton.
7. Snow Removal: Adequate facilities shall be provided for the removal of snow from the common areas.

Section 8.3 Stormwater Management, page 84, the following paragraph shall be deleted as shown below:

~~A Potable Water Conservation Program must be developed as part of the Plan (see page 25). Sustainable techniques to address and utilize stormwater runoff must be included in the Plan (unless the developer receives a waiver from the Planning Board). These techniques would include the construction of green roofs, water cisterns and the use of stored water for irrigation and other non-potable uses. Such techniques would mitigate the effects of stormwater runoff and lessen the volume needed in stormwater detention facilities, but as significantly, would mitigate the demands on the allocation of limited potable water resources from the Town.~~

At Section 9.2 Plan Consistency Review, page 88, the following shall be added to the final paragraph:

The Plan Amendment is determined to not be in conflict with the Master Plans of Andover Township, Fredon Township or Hampton Township.

At Section 9.3 Redevelopment Plan Implementation, page 90, Item 5 shall be deleted and replaced with the following:

5. Once a property has been redeveloped in accordance with the Redevelopment Plan, it may not be converted to any use not expressly permitted in this Redevelopment Plan. Pre-existing residential uses on individual lots shall be deemed to be conforming as they exist at the time of the adoption of this Plan Amendment and be re-constructed within the same building footprint on the existing lot. Future additions or redevelopment of those lots must conform to the standards of this Redevelopment Plan. Except as previously noted, a use or structure not conforming to the requirements of this Redevelopment Plan may not be reconstructed in the event of its destruction. The Planning Board shall determine the issue of whether the non-conforming use or building has been “destroyed”.

At Section 9.4 Schedule and Duration of the Plan, page 91, under the title “Phasing”, Items A and B shall be deleted and replaced with the following:

Phasing Plan: Any applicant seeking to develop properties located within this Redevelopment Plan that is planning on phasing the development must submit a Phasing Plan for review and approval by the Newton Planning Board.

At Section 9.4 Schedule and Duration of the Plan, page 91, under the title “Certificates of Completion and Compliance”, shall be deleted and replaced with the following:

Upon the inspection of the verification the Redevelopment Entity that the redevelopment of a parcel has been completed pursuant to the Redevelopment Agreement, a Certificate of Completion and Compliance shall be issued to the Redeveloper as such parcel shall be deemed no longer in need of redevelopment.

The Redevelopment Plan, as it may be amended from time to time, shall be in full force and effect upon its adoption by ordinance by the Town Council of the Town of Newton.

At Section 9.5 Affordable Housing, page 92, paragraph 2 titled Affordable Housing shall be deleted and replaced with the following:

Affordable Housing

Any redeveloper constructing more than three (3) residential units shall provide 10 percent of the total residential units redeveloped on the site as affordable units pursuant to COAH regulations. Alternatively, the developer may construct, rehabilitate or otherwise create an equivalent number of affordable units off-site within the municipality. Finally, a developer may, at the discretion and determination of the Town Council, provide a payment in lieu of construction for each unit, or portion thereof, not constructed on the site. The fee shall be based on the projected cost to develop an equivalent number of affordable units elsewhere in the Town.

(Paragraphs 3, 4 and 5 under Affordable Housing shall remain).



TOWN OF NEWTON

RESOLUTION #109-2014

June 9, 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, June 9, 2014.

Lorraine A. Read, RMC
Municipal Clerk