

May 28, 2014

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

Mayor Ricciardo made the following declaration that "in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 31, 2013."

Mayor Ricciardo led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Mrs. Diglio, seconded by Mr. Flynn and carried, the minutes of April 28, 2014 Regular meeting were approved.

OPEN TO THE PUBLIC

Mayor Ricciardo read the following statement:

"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to limit their comments to 5 minutes. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes."

Wayne McCabe, 125 High Street, reprimanded Mayor Ricciardo for not allowing some of the speakers at the last Council meeting to voice their opinion on the Horton House and hopes the Mayor and Council discontinue that practice and allow the community to speak more fully.

Mayor Ricciardo felt the comments were repetitive and he needed to move the meeting forward.

Ed Fritsch, Head Representative of Historic Alliance, which is composed of 39 Historic Societies/Interest groups in Sussex County, addressed concern with the Town Council not supporting the recommendation of the Newton Historic Preservation Advisory Commission. The Commission recommended the Horton House be considered a Historic site and wished the Council would support same. Mayor Ricciardo advised Mr. Fritsch that the Ordinance will be introduced tonight and the public hearing will take place at the next Council meeting on June 9th.

Paul Wills, 32 Liberty Towers, requested the Town Council to consider adding an additional Senior Shuttle bus to the current schedule. He knows a new bus is on order

and hopes the old bus can still be used three (3) days a week. Mr. Wills noted a lot more residents are utilizing the bus and the wait time for pickup is sometimes three hours. Mayor Ricciardo directed the Town Manager to review the issue.

PRESENTATIONS

a.) CPR/AED Lifesaving Recognition

Police Chief Michael Richards made a presentation which recognized four (4) Newton Police Officers who will obtain their Life Saving Commendation Award. Chief Richards noted "that the work Police Officers do often involves many tasks that can be unpleasant, however the work we're recognizing tonight is some of our most rewarding experiences because we get to help someone survive and so tonight we're also celebrating life".

There were two separate Incidents: one occurred at the Brookside Terrace Apartments, 33 Mill Street, on the 8th Floor on Saturday, March 8, 2014 at 1:12 p.m. Sgt. Michael Monaco, Ptl. Kenneth Teets, and Ptl. Jose Morales responded to a call of a man, George Flatt, in the apartment that was not breathing and had no pulse. Upon arrival, the officers assessed the situation and began CPR and used an AED. After ten minutes of the officers working on him, Mr. Flatt began breathing on his own and had a pulse. Mr. Flatt was then transported to Newton Medical Center, having survived a massive heart attack, likely due to the quick response, assessment, and treatment by Officers and EMS/ALS with ability to provide CPR and defibrillation.

The second incident occurred at Kohl's Department Store in Newton on Saturday, March 29, 2014 at 2:11 p.m. Ptl. John Flanagan arrived on the scene after a 9-1-1 call reporting a female, Mary Sloth, having seizures in the store and assessed the situation. Noting that the woman's condition was rapidly deteriorating, he solicited help from paramedic Jack Negri, who happened to be in the store, off-duty. Mrs. Sloth was unresponsive and had no pulse; CPR was started with Mr. Negri performing compressions and Ptl. Flanagan performing rescue breathing. An AED was connected, but no shock was advised. The parties continued their care for several minutes, Mrs. Sloth's pulse restored, until care was taken over by members of the Newton First Aid Squad and MICU paramedics. Ptl. Flanagan followed the ambulance to NMC and observed Mrs. Sloth fully regain consciousness and speak with the staff. Mrs. Sloth

survived this incident likely due to the fast response, assessment and treatment by Officer Flanagan, assisted by Mr. Negri and EMS who provided CPR.

Mrs. Sloth and her husband were present and personally thanked Ptl. Flanagan, Mr. Negri, and EMS for saving her life.

COUNCIL & MANAGER REPORTS

A. Fund Balance Policy and Refunding of Bonds – Tom Ferry, Town Auditor

Tom Ferry, Town Auditor, made a brief presentation for promoting the Town to create a Fund Balance Policy. Mr. Ferry recommended a Fund Balance Policy be implemented and outlined reasons and guidelines of same.

Mr. Ferry also outlined the 2014 Refunding Analysis of Series 2004-2006 bonds and summarized the preliminary figures for the annual savings.

After a brief discussion, the Council agreed to proceed as recommended by the Town Auditor.

ORDINANCES

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

ORDINANCE #2014-8

ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, ESTABLISHING A SPECIAL IMPROVEMENT DISTRICT AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Mayor and Town Council of the Town of Newton (the "**Town**") regard the existence of a thriving business community as a vital economic and social force for the Town; and

WHEREAS, the Town commissioned a feasibility study to determine whether the creation of a special improvement district pursuant to *N.J.S.A. 40:56-65 et seq.* may aid in the development and support of the business community; and

WHEREAS, North Branch Associates, LLC delivered a report entitled "Town of Newton SID Feasibility Study" dated January 27, 2014 (the "**Report**"), which recommended the creation of a special improvement district and the designation of a non-profit corporation to administer said district; and

WHEREAS, the Town wishes to implement the recommendations of the Report,

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

Section 1. Definitions.

- a. "**District Management Corporation**" means "Special Improvement District for the Town of Newton, New Jersey, Inc." (also referred to as "**District Management Organization**"), an entity to be incorporated pursuant to Title

15A of the New Jersey Statutes, and designated by municipal ordinance to receive funds collected by a special assessment within the Special Improvement District, as authorized by this Ordinance and any amendatory or supplementary ordinances.

- b. **"SID Law"** means *N.J.S.A. 40:56-65 et seq.*, as the same may be amended and supplemented.
- c. **"Special Improvement District"** (sometimes also referred to as **"District"**) means an area within the Town of Newton, designated by this Ordinance, as an area in which special assessments on property within the District shall be imposed for the purposes of promoting the economic and general welfare of the District.

Section 2. Findings.

The Mayor and Town Council hereby find and declare:

- a. That the areas within the Town of Newton, as described by lot and block number, and by street addresses as set forth in Schedule A (with respect to Tier One properties) and Schedule B (with respect to Tier Two properties) of this Ordinance, will benefit from being designated as a Special Improvement District.
- b. That a District Management Corporation would provide administrative and other services to benefit the businesses, employees, residents and consumers in the Special Improvement District. These services shall be over and above the services already provided to the District by the Town.
- c. That a special assessment shall be imposed and collected by the Town with the regular property tax payment or payment in lieu of taxes or otherwise, and that all of these payments received by the Town shall be transferred to the District Management Corporation to effectuate the purposes of this ordinance and to exercise the powers given to it by this ordinance.
- d. That it is in the best interests of the municipality and the public to create a Special Improvement District and to designate a District Management Corporation.
- e. That the business community should be encouraged to provide self-help and self financing programs to meet local business needs, goals and objectives.
- f. That Tier One consists of the downtown core area and Tier Two consists of the expanded business area. Revitalization of the downtown core area and the expanded business area are each of vital importance to the Town.
- g. That including both the downtown core area and the expanded business area in the Special Improvement District reflects the interconnection of these areas and business types in the local economy, and allows for a comprehensive approach to local economic needs, goals and objectives.

Section 3. Creation of District.

- a. There is hereby created and designated within the Town of Newton a Special Improvement District to be known as the Town of Newton Special Improvement District consisting of the properties designated and listed on Schedule A for Tier One and Schedule B for Tier Two by tax lot and block number and street addresses. The Special Improvement District shall be subject to special assessments on all affected property within the District which assessment shall be imposed by the Town of Newton for the purposes of promoting the economic and general welfare of the District.
- b. All business properties within the Special Improvement District which are nonresidential assessed properties, as well as residential rental properties with five (5) or more units are deemed included in the assessing provisions of this ordinance and are expressly subject to a potential assessment made for Special Improvement District purposes.
- c. All properties within the Special Improvement District that are tax-exempt and do not otherwise make payments in lieu of taxes to the Town, or which are used exclusively for residential purposes not described in subsection (b)

above, are deemed excluded from the assessing provisions of this Ordinance and are expressly exempt from any assessment made for Special Improvement District purposes.

Section 4. Appeal of Property Owner from Inclusion in the District.

Any owner of property included within the Special Improvement District and subject to the assessing provisions of this ordinance may appeal to the Tax Assessor of the Town requesting to be excluded from the District and from any assessment provisions of this Ordinance. This appeal is only as to whether or not a property should be included within the District under the standards set forth in Section 3 of this Ordinance. It is not an appeal with regard to any taxes. Appeals with regard to taxes should be taken in the usual manner to the Sussex County Board of Taxation or to the Tax Court. This appeal seeking exclusion from the District and any assessing provisions of this Ordinance shall be in writing and specifically detail the factual basis for the appeal. The Assessor shall investigate the matter and conduct an informal hearing or conference within thirty (30) days of receipt of the appeal. Within ten (10) days after the conclusion of the informal hearing or conference, the Assessor shall file a report and recommendation with the Governing Body. The Governing Body shall review the matter and act within thirty (30) days upon receipt of the report and recommendation from the Assessor.

Section 5. Assessments.

- a. Operation and Maintenance of District. Annual operation and maintenance costs relating to services peculiar to the District, as distinguished from services normally provided by the Town, which will provide benefits primarily to the properties included within the District rather than to the Town as an entirety. These annual costs shall be assessed and billed to the benefited properties pursuant to the provisions of this Ordinance and the SID Law.
- b. Development, Construction or Acquisition Costs. All costs of development, construction and acquisition relating to improvements to the District shall be financed and assessed to properties especially benefited thereby. The municipality may, by separate ordinance, or by amendment to this ordinance, provide that improvements and facilities hereinafter acquired or developed shall be operated and maintained and the costs assessed to the benefited properties.

Section 6. The Designated District Management Corporation.

The non-profit corporation, Special Improvement District for the Town of Newton, New Jersey, Inc., is hereby designated as the District Management Corporation for the District, such designation to take effect immediately upon the incorporation of such body under Title 15A of the New Jersey Statutes. This management corporation shall conduct its business in accordance with the Open Public Meetings Act and the Open Public Records Act. This corporation shall have no power of condemnation or eminent domain. It shall regularly file copies of the minutes of its meetings with the Town Clerk so the minutes shall be conveniently available to the public for inspection. The District Management Corporation shall also file its bylaws or any amendments thereto, upon the adoption thereof, with the Town Clerk.

Section 7. Powers of the Designated District Management Corporation.

The District Management Corporation, in addition to acting as an advisory board to the Mayor and Council, shall have all powers and responsibilities necessary and requisite to effectuate the purposes of this Ordinance and the District, including, but not limited to the adoption of bylaws for the regulation of its affairs and the conduct of its business, and to prescribe rules, regulations and policies in connection with the performance of its functions and duties. The bylaws and other corporate documents shall provide that the corporation shall conduct its business in accordance with the

Open Public Meetings Act and the Open Public Records Act, shall conduct regular meetings no less than quarterly and that the Board of Directors shall consist of nine (9) members. As to the membership of the Board of Directors it shall provide that one member shall be the Mayor or the Mayor's designee, one member shall be the Town Manager or the Town Manager's designee, and one member shall be a member of the Governing Body selected by the Governing Body, or that member's designee.

The term of the Mayor or the Mayor's designee shall be concurrent with the Mayor's term of office, provided that, the Mayor may designate a new designee to the District Management Corporation in writing at any time.

The term of the Town Manager or the Town Manager's designee shall be concurrent with the Town Manager's employment, provided that, the Town Manager may designate a new designee to the District Management Corporation in writing at any time.

The member of the Governing Body shall be selected by a majority vote of the Governing Body at its annual reorganization meeting for a one year term commencing on the date of the Governing Body reorganization. The member of the Governing Body so selected, or his or her designee, shall serve for such one year term, provided that, the member of the Governing Body may designate a new designee to the District Management Corporation in writing at any time.

The remaining six (6) members of the Board of Directors shall consist of owners or occupants of properties subject to the special assessment in accordance herewith located within the District, with three (3) members from properties located in Tier One and three (3) members from properties located in Tier Two. The bylaws shall provide for an election to create the Board of Directors by owners and/or occupants of such properties included within the District, which election shall be held on or before the third month anniversary from the date of the adoption of the ordinance. Said elections will be for a term of three (3) years, except, however, at the first election one member from each Tier shall be elected for one (1) year; one member from each Tier shall be elected for two (2) years and one member from each Tier shall be elected for three (3) years. Any vacancies with regard to these elected members shall be filled by a majority vote of the Board members for the balance of the term.

In accordance with the SID Law, the corporation shall also have the following powers:

- a. Employ such persons as may be required, and fix and pay their compensation from funds available to the corporation.
- b. Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money.
- c. Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the corporation, including contracts with any person, firm, corporation, governmental agency or other entity.
- d. Administer and manage its own funds and accounts and pay its own obligations.
- e. Borrow money from private lenders for periods not to exceed 180 days and from governmental entities for that or longer periods.
- f. Fund the improvement for the exterior appearance of properties in the District through grants or loans. Standards for eligibility and standards for terms of such grants and loans shall be established by the Board of Directors.
- g. Fund the rehabilitation of properties in the District through grants or loans. Standards for eligibility and standards for terms of such grants and loans shall be established by the Board of Directors.
- h. Accept, purchase, rehabilitate, sell, lease or manage property in the District.
- i. Enforce the conditions of any loan, grant sale or lease made by the

- Corporation.
- j. Provide security, sanitation and other services to the District, supplemental to those provided normally by the municipality.
 - k. Undertake improvements designated to increase the safety or attractiveness of the District to businesses, which may wish to locate there or to visitors to the District including, but not limited to, litter cleanup, security and control, landscaping, parking areas and facilities, recreational and rest areas and facilities, pursuant to pertinent regulations of the Town of Newton.
 - l. Publicize the District and the businesses included within the District boundaries.
 - m. Recruit new businesses to fill vacancies in, and to balance the business mix of the District.
 - n. Organize special events in the District.
 - o. Provide special parking arrangements for the District.
 - p. Provide temporary decorative lighting in the District.

Section 8. Annual Budget, Hearing and Assessments.

- a. The fiscal year of the District and of the District Management Corporation shall be the calendar year. The first budget of the Corporation, on file in the office of the Town Clerk, is hereby approved and shall be prorated for the term August 1, 2014 to December 31, 2014. Hereafter, beginning December 1, 2014, the District Management Corporation shall submit no later than December 1 of each year a detailed annual budget for the following year for approval by the Mayor and Council. The budget shall be processed and adopted by the Town on or before April 1st of each year in accordance with the procedures set forth in the SID Law.
- b. The budget shall be submitted with a report, which explains how the budget contributes to goals and objectives for the Special Improvement District together with the following:
 - 1. The amount of such costs to be charged against the general funds of the municipality, if any.
 - 2. The amount of costs to be charged and assessed against properties benefited in the District in proportion to benefits which shall be the aggregate of costs of annual improvements to be made in the District during the year.
 - 3. The amount of costs, if any, to be specially assessed against properties in the District.
- c. Each year, when the Mayor and Council shall have acted on the estimated costs and/or on the budget, the Assessor shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the District. Descriptions of such properties, and the names of the then current owners of such properties, so far as names are available, shall be included in each annual assessment roll. The assessment roll, when so prepared, shall be filed in the office of the municipal clerk and be available for inspection. The Mayor and Council shall annually meet to consider objections to the amounts of such special assessments at least 10 days after a notice of hearing has been published once in the official newspaper and mailed to the named owners of all tracts, parcels and lots of property proposed to be assessed. The notice shall set forth the purpose of such meeting, but may refer to the assessment roll for further particulars. When the Governing Body shall have approved the amounts of the special assessments set forth therein, or as may be changed by it, the municipal clerk shall forthwith certify a copy of the assessment roll, with such changes, if any to the Sussex County Tax Board.
- d. For the purpose of this section, "annual improvements" shall mean and include any reconstruction, replacement or repair of trees and plantings and other facilities of the Special Improvement District and the furnishing of any other local improvement which benefits properties within the District. For the purpose of this act, "costs" shall, with respect to annual improvements to

and operation and maintenance of the Special Improvement District, mean costs of annual improvements; and all other costs, including planning costs, incurred or to be incurred in connection with annual improvements to and operation and maintenance of the District.

- e. Moneys appropriated and collected on account of annual improvement costs, and costs of operating and maintaining a Special Improvement District, shall be credited to a special account. The Mayor and Council may incur the annual costs of improving, operating and maintaining a Special Improvement District, during any fiscal year, though not specifically provided for by line item or other category in an approved estimate for such fiscal year, if in its discretion it shall be deemed necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year and so long as the total amount of the account as approved for that year is not exceeded by that expenditure. Any balances to the credit of the account and remaining unexpended at the end of the fiscal year shall be conserved and applied towards the financial requirements of the succeeding year.
- f. The Mayor and Council shall pay over funds to the District Management Corporation quarterly on the first day of March, June, September and December of each year.

Section 9. Annual Audit of District Management Corporation.

The District Management Corporation shall cause an annual independent audit of its books, accounts and financial transactions to be made and filed with the Mayor and Council and for that purpose the corporation shall employ an independent auditor who shall be a certified public accountant of New Jersey. The annual audit shall be completed and filed with the governing body within four months after the close of the fiscal year of the corporation, and a certified duplicate copy of the audit shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs within five days of filing the audit with the Mayor and Council.

Section 10. Annual Report to Municipality.

The District Management Corporation shall, within 30 days after the close of each fiscal year, make an annual report of its activities for the preceding fiscal year to the Mayor and Clerk for their approval. The District Management Corporation shall also present its annual audit and performance data to the municipality on an annual basis in accordance with the SID Law.

Section 11. Municipal Powers Retained.

Notwithstanding the creation of a Special Improvement District, the Town of Newton expressly retains all its powers and authority over the area designed as within the Special Improvement District. No improvements or modifications shall be made to any public property without the prior approval of the Governing Body.

Section 12. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions of the Ordinance and to this end the provisions of this Ordinance are severable.

Section 13. Effective Date.

This Ordinance shall take effect in accordance with law. This Ordinance shall expire five (5) years from the effective date hereof unless re-enacted by the Mayor and Council.

Schedule A

**Tier One
Properties**

	Block	Lot	Property Address	Zone District
1	5.01	11	20 Water St.	T-6
2	5.01	12	1 Mill St.	T-5
3	5.01	13	7 High St.	T-6
4	5.01	14	9 High St.	T-6
5	5.01	15	15 High St.	T-6
6	5.01	16	11 High St.	T-6
7	5.01	17	17 High St.	T-6
8	5.01	18	35 High St.	T-6
9	5.01	19	39 High St	T-6
10	5.01	20	49 High St	T-6
11	5.01	21	51 High St.	T-6
12	5.01	22	53 High St.	T-6
13	5.01	23	55-57 High St.	T-6
14	5.01	24	59 High St.	T-6
15	5.01	25	63 High St.	T-6
16	5.01	26	67 High St.	T-6
17	7.05	9	18 Church St.	T-6
18	7.05	10	22 Church St.	T-6
19	7.05	11	24-24 1/2 Church	T-6
20	7.05	12	26 Church St.	T-6
21	7.05	13	28 Church St.	T-6
22	7.05	14	64 High St.	T-6
23	7.05	15	66 High St.	T-6
24	7.05	16	68 High St.	T-6
25	7.06	4	86 Main St.	T-6
26	7.06	5	82 Main St.	T-6
27	7.06	6	4-6 Church St.	T-6
28	7.06	7	8-10 Church St.	T-6
29	7.06	8	12 Church Street	T-6
30	7.06	9	14-16 Church St.	T-6
31	8.01	1	54 High St.	T-6
32	8.01	4	4 Park Pl.	T-6
33	8.01	5	30 Park Pl.	T-6
34	8.01	6	40 Park Pl.	T-6
35	8.01	7	Main St.	T-6
36	8.01	8	62 Main St.	T-6
37	8.01	9	66 Main St.	T-6
38	8.01	10	19 Church St.	T-6
39	8.02	1	4 High Street	T-6
40	8.03	1	1 Spring St.	T-6
41	8.03	2	1 Legal Lane	T-6
42	8.03	3	Spring St. (Common Area)	T-6
43	8.03	3	83 Spring St. (C-101)	T-6
44	8.03	3	83 Spring St. (C-102)	T-6
45	8.03	3	83 Spring St. (C-103)	T-6
46	8.03	3	83 Spring St. (C-104)	T-6
47	8.03	3	83 Spring St. (C-201)	T-6
48	8.03	3	83 Spring St. (C-204)	T-6
49	8.03	3	83 Spring St. (C-301)	T-6

50	8.03	3	83 Spring St. (C-302)	T-6
51	8.03	3	83 Spring St. (C-303)	T-6
52	8.03	4	22 Trinity Street	T-6
53	8.03	5	1 Moran st.	T-6
54	8.03	6	9 Moran st.	T-6
55	8.03	7	111 Spring St.	T-6
56	8.03	8	115 Spring St.	T-6
57	8.03	9	103 Spring St.	T-6
58	8.03	10	93-95 Spring St.	T-6
59	8.03	11	71-75 Spring St.	T-6
60	8.03	12	65-67 Spring St.	T-6
61	8.03	13	57-61 Spring St.	T-6
62	8.04	6	185 Spring St.	T-6
63	8.04	7	181-183 Spring St.	T-6
64	8.04	8	179 Spring St.	T-6
65	8.04	9	173 Spring St.	T-6
66	8.04	10	169 Spring St.	T-6
67	8.04	11	163-165 Spring St.	T-6
68	8.04	12	155-157 Spring St.	T-6
69	8.04	13	149-153 Spring St.	T-6
70	8.04	14	141-143 Spring St.	T-6
71	8.04	15	137 Spring Street	T-6
72	8.04	16	131 Spring St.	T-6
73	8.04	17	127-129 Spring St.	T-6
74	8.04	18	123 Spring St.	T-6
75	8.05	1	189-191 Spring St.	T-6
76	8.05	9	Spring St.	T-6
77	8.05	10	223 Spring St.	T-6
78	8.05	11	221 Spring St.	T-6
79	8.05	12	219 Spring St.	T-6
80	8.05	13	211-213 Spring St.	T-6
81	8.05	14	201 Spring St.	T-6
82	8.06	4	1 Jefferson St.	T-6
83	8.06	5	214 Spring St.	T-6
84	8.06	6	216 Spring St.	T-6
85	8.06	7	218 Spring St.	T-6
86	8.06	8	220 Spring St.	T-6
87	8.06	10	234 Spring St.	T-6
88	8.08	3	85-87 Main Street	T-5
89	8.08	4	83 Main Street	T-5
90	8.08	5	81 Main Street	T-6
91	8.08	6	79 Main St.	T-6
92	8.08	7	75 Main St.	T-6
93	8.08	8	63 Main St.	T-6
94	8.08	9	59 Main St.	T-6
95	8.08	10	41-47 Main St.	T-5 & T-6
96	8.08	11	39 Main St.	T-6
97	8.08	12	21 Main St.	T-6

98	8.08	13	17 Main St.	T-6
99	8.08	14	9-11 Main St.	T-6
100	8.08	15	7 Main St.	T-6
101	8.08	16	3 Main St.	T-6
102	8.08	17	1 Main St.	T-6
103	8.08	18	108-110 Spring	T-6
104	8.08	19	112 Spring St.	T-6
105	8.08	20	116 Spring St.	T-6
106	8.08	21	112-120 Spring	T-6
107	8.08	22	124 Spring St.	T-6
108	8.08	23	132 Spring St.	T-6
109	8.08	24	144 Spring St.	T-6
110	8.08	25	150 Spring St.	T-6
111	8.08	26	156-160 Spring	T-6
112	8.08	27	166-168 Spring	T-6
113	8.08	28	170 Spring St.	T-6
114	8.08	29	1 Adams St.	T-6
115	8.08	30	3 Adams St.	T-6
116	8.08	31	11 Adams St.	T-6
117	8.09	4	4 Adams St.	T-6
118	8.09	5	180 Spring St.	T-6
119	8.09	6	188 Spring St.	T-6
120	8.09	7	196 Spring St.	T-6
121	8.09	8	200 Spring St.	T-6

Schedule B

Tier Two Properties

128	7.05	7	7 Division Street	T-5
129	7.05	17	70 High Street	T-5
130	7.06	1	5 Division Street	T-5
131	7.06	2	92 Main Street	T-5
132	7.06	3	90 Main Street	T-5
133	7.07	1	15 Liberty Street	T-5
134	7.07	2	4 Linwood Annex	T-5
135	7.07	3	6 Division Street	T-5
136	7.07	4	94 Main Street	T-5
137	7.07	5	96 Main Street	T-5
138	7.07	6	100 Main Street- Ft.	T-5
139	7.07	7	100 B Main Street	T-5
140	7.07	8	7 Liberty Street	T-5
141	7.07	9	9 Liberty Street	T-5
142	7.08	8	8 Linwood Avenue	T-5
143	7.08	9	4 Linwood Avenue	T-5
144	7.08	10	14 Liberty Street	T-5
145	7.08	11	8 Liberty Street	T-5
146	7.08	12	6 Liberty Street	T-5
147	7.08	13	110 Main Street	T-5
148	8.04	1	28 Trinity Street	T-5
149	8.04	2	32 Trinity Street	T-5
150	8.04	3	30 Trinity Street	T-5
151	8.04	4	40 Trinity Street	T-5
152	8.04	5	42-44 Trinity Street	T-5
153	8.05	2	46 Trinity Street	T-5
154	8.05	3	48 Trinity Street	T-5

155	8.05	4	50 Trinity Street	T-5
156	8.05	5	52 Trinity Street	T-5
157	8.05	6	54 Trinity Street	T-5
158	8.05	7	58 Trinity Street	T-5
159	8.05	8	5 Union Place	T-5
	8.06		7-7 1/2 Washington	
160		1	St	T-5
161	8.06	2	5 Jefferson Street	T-5
162	8.06	3	3 Jefferson Street	T-5
163	8.06	11	2 Madison Street	T-5
165	8.06	12	6 Madison Street	T-5
166	8.06	13	8 Madison Street	T-5
167	8.06	14	1-3 Washington St	T-5
168	8.06	15	5 Washington St	T-5
169	8.07	1	29 Halsted Street	T-5
170	8.07	2	19 Jefferson Street	T-5
	8.07		17A Jefferson	
171		3	Street	T-5
172	8.07	4	17 Jefferson Street	T-5
	8.07		15A Jefferson	
173		5	Street	T-5
174	8.07	6	15 Jefferson Street	T-5
	8.07		6 Washington	
175		7	Street	T-5
	8.07		4 Washington	
176		8	Street	T-5
177	8.07	9	10 Madison Street	T-5
178	8.07	10	12 Madison Street	T-5
179	8.07	11	14 Madison Street	T-5
180	8.07	12	16 Madison Street	T-5
181	8.07	13	18 Madison Street	T-5
182	8.07	14	20 Madison Street	T-5
183	8.07	15	22 Madison Street	T-5
184	8.07	16	24 Madison Street	T-5
185	8.07	17	35 Halsted Street	T-5
186	8.07	18	33 Halsted Street	T-5
187	8.07	19	31 Halsted Street	T-5
188	8.08	1	91 Main Street	T-5
189	8.08	2	89 Main Street	T-5
190	8.08	32	13 Adams Street	T-5
	8.08		18 Washington	
191		33	Street	T-5
	8.08		16 Washington	
192		34	Street	T-5
	8.08		14 Washington	
193		35	Street	T-5
	8.08		12 Washington	
194		36	Street	T-5
	8.08		10 Washington	
195		37	Street	T-5
196	8.08	38	Jefferson Street	T-5
197	8.08	39	20 Jefferson Street	T-5
198	8.08	40	15 Halsted Street	T-5
199	8.08	41	11 Halsted Street	T-5
200	8.08	42	9 Halsted Street	T-5
201	8.08	43	7 Halsted Street	T-5
202	8.08	44	Main Street Rear	T-5

203	8.08	45	Main Street Rear	T-5
	8.09		17 Washington	T-5
204		1	Street	
205	8.09	2	8 Adams Street	T-5
206	8.09	3	6 Adams Street	T-5
207	8.09	9	4 Jefferson Street	T-5
	8.09		9 Washington	T-5
208		10	Street	
	8.09		13 Washington	T-5
209		11	Street	
	8.09		15 Washington	T-5
210		12	Street	
211	9.01	1	45-47 Water Street	T-5
212	9.01	2	8 Hamilton Street	T-5
213	9.01	3	10 Hamilton Street	T-5
214	9.01	4	12-14 Hamilton St	T-5
215	9.01	5	16 Hamilton Street	T-5
216	9.01	6	18 Hamilton Street	T-5
217	9.01	7	22 Hamilton Street	T-5
218	9.01	8	30 Hamilton Street	T-5
219	9.01	9	32-34 Hamilton St	T-5
220	9.01	10	23-25 Moran Street	T-5
221	9.01	11	27 Trinity Street	T-5
222	9.01	12	25 Trinity Street	T-5
223	9.01	13	23 Trinity Street	T-5
224	9.01	14	15 Trinity Street	T-5
225	9.01	15	1 Trinity Street	T-5
226	9.02	1	63 Water Street	T-5
227	9.02	2	7 E. Clinton Street	T-5
228	9.02	3	15 E. Clinton Street	T-5
229	9.02	4	21 E. Clinton Street	T-5
223	9.02	5	31 Moran Street	T-5
231	9.02	6	29 Moran Street	T-5
232	9.02	7	27 Moran Street	T-5
233	9.02	8	33 Hamilton Street	T-5
234	9.02	9	31 Hamilton Street	T-5
235	9.02	10	29 Hamilton Street	T-5
236	9.02	11	27 Hamilton Street	T-5
237	9.02	12	25 Hamilton Street	T-5
239	9.02	13	23 Hamilton Street	T-5
239	9.02	14	19-21 Hamilton St	T-5
240	9.02	15	15 Hamilton Street	T-5
241	9.02	16	13 Hamilton Street	T-5
242	9.02	17	9 Hamilton Street	T-5
	9.02		7 - 7 1/2 Hamilton	T-5
243		18	St	
244	9.02	19	5 Hamilton Street	T-5
245	9.02	20	3 Water Street	T-5
246	9.03	1	61 Water Street	T-5
	9.03			T-4 &
247		2	67 Water Street	T-5
248	9.03	3	67-71 Water Street	T-4
249	9.03	4	Water Street	T-4
250	9.03	5	Water Street	T-4
251	9.03	6	83 Water Street	T-4
252	9.03	7	85 Water Street	T-4

253	9.03	8	87-1/2 Water Street	T-4
254	9.03	9	89 Water Street	T-4
255	9.03	10	99 Water Street	T-4
256	9.03	11	101 Water Street	SD-4
257	9.03	13	105 Water Street	SD-4
258	9.03	14	115 Water Street	SD-4
259	9.03	15	117 Water Street	SD-4
260	9.03	16	199 Water Street	SD-4
261	9.03	17	South Park Dr. Rear	SD-4
262	9.03	18	119 Water St. Rear	SD-4
263	9.03	19	119 Water St. Rear	SD-4
264	9.03	20	119 Water St. Rear	SD-4
265	9.03	21	119 Water St. Rear	SD-4
266	9.03	25	Moran Street	T-5
267	9.03	26	20 E. Clinton Street	T-5
268	9.03	27	2-10 E Clinton Street	T-5
269	9.04	1	36 E Clinton Street	T-5
270	9.04	2	30 E Clinton Street	T-5
271	9.04	3	28 E Clinton Street	T-5
272	9.04	4	22-24 E Clinton St	T-5
273	9.04	5	40 Moran	T-5
274	9.05	1	25 Townsend Street	T-5
275	9.05	2	27 Townsend Street	T-5
276	9.05	3	29 Townsend Street	T-5
277	9.06	1	29 Trinity Street	T-5
278	9.06	2	26-30 Moran Street	T-5
279	9.06	3	34 Moran Street	T-5
280	9.06	4	37 E Clinton Street	T-5
281	9.06	5	21 Townsend Street	T-5
282	9.06	6	19 Townsend Street	T-5
283	9.06	7	15-17 Townsend St	T-5
284	9.06	8	11 Townsend Street	T-5
285	9.06	9	9 Townsend Street	T-5
286	9.06	10	3 Townsend Street	T-5
287	9.06	11	45 Trinity Street	T-5
288	9.06	12	43 Trinity Street	T-5
289	9.06	13	39 Trinity Street	T-5
290	9.06	14	3 Trinity Street	T-5
291	10.01	3	10 South Park Drive	SD-4
292	10.01	4	121 Water Street	SD-4
293	10.01	5	125 Water Street	SD-4
294	10.01	6	5 South Park Drive	SD-4
295	10.01	7	11 South Park Drive	SD-4
296	14.01	5	113 Main Street	T-5
297	14.01	6	105 Main Street	T-5
298	14.01	7	4 Elm Street	T-5
299	14.01	8	6 Elm Street	T-5
300	14.01	9	8 Elm Street	T-5
301	14.01	10	10 Elm Street	T-5

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302	14.01	11	12 Elm Street	T-5
303	14.02	17	18 Elm Stet	T-5
304	14.02	18	22 Elm Street	T-5
305	14.02	19	26 Elm Street	T-5
306	14.02	20	48 Madison Avenue	T-5
307	14.03	1	101 Main Street	T-5
308	14.03	2	97 Main St. to Elm	T-5
309	14.03	3	93 Main Street	T-5
310	14.03	4	12 Halsted Street	T-5
311	14.03	5	14 Halsted Street	T-5
312	14.03	6	16 Halsted Street	T-5
313	14.03	7	20 Halsted Street	T-5
314	14.03	8	22 Halsted Street	T-5
315	14.03	9	28 Halsted Street	T-5
316	14.03	10	32 Halsted Street	T-5
317	14.03	11	36 Halsted Street	T-5
318	14.03	12	36 Halsted Street	T-5
319	14.03	13	23 Halsted Street	T-5
320	14.03	14	21 Elm Street	T-5
321	14.03	15	36 Halsted Street	T-5
322	14.03	16	11 Elm Street	T-5
323	14.03	17	9 Elm Street	T-5
324	14.03	18	3 Elm Street	T-5
325	14.03	19	Elm Street	T-5
326	14.04	39	35 Madison Avenue	T-5
327	14.04	40	43 Madison Street	T-5
328	14.04	41	41 Madison Avenue	T-5
329	14.04	42	39 Madison Street	T-5
330	14.04	43	37 Madison Avenue	T-5
331	14.04	44	6 1/2 Walker Street	T-5
332	14.04	45	6 Walker Street	T-5
333	14.05	47	35 Madison Street	T-5
334	14.05	48	33 Madison Street	T-5
335	14.05	49	38 Halsted Street	T-5
336	14.05	50	1 Walker Street	T-5
337	14.05	51	40 Halsted Street	T-5
338	14.05	52	42 Halsted Street	T-5
339	14.05	53	3 Walker Street	T-5
340	14.05	54	5 Walker Street	T-5
341	14.05	55	48 Halsted Street	T-5
342	14.05	56	7 Walker Street	T-5
343	14.05	57	50 Halsted Street	T-5
344	14.05	58	9 Walker Street	T-5
345	14.05	59	52 Halsted Street	T-5
346	14.05	60	54 Halsted Street	T-5
347	14.05	61	56 Halsted Street	T-5
348	14.05	62	58 Halsted Street	T-5
349	14.05	1	39 Madison Street	T-5
350	14.05	2	23 Madison Street	T-5
351	14.05	3	21 Madison Street	T-5
352	14.05	4	19 Madison Street	T-5
353	14.05	5	17-17 1/2 Madison	T-5
354	14.05	6	15 Madison Street	T-5
355	14.05	7	4 Cedar Street	T-5

356	14.05	11	262 Spring Street	T-5
357	14.05	14	45 Halsted Street	T-5
358	14.05	15	41 Halsted Street	T-5
359	14.06	1	11 Madison Street	T-5
340	14.06	2	9 Madison Street	T-5
341	14.06	3	7 Madison Street	T-5
342	14.06	4	236 Spring Street	T-5
343	14.06	5	238 Spring Street	T-5
344	14.06	6	244 Spring Street	T-5
345	14.06	7	246 Spring Street	T-5
346	14.06	8	248 Spring Street	T-5
347	14.06	9	250 Spring Street	T-5
348	14.06	10	252 Spring Street	T-5
349	14.06	11	256 Spring Street	T-5
350	14.06	12	9 Cedar Street	T-5
351	14.06	13	7 Cedar Street	T-5
352	14.06	14	5 Cedar Street	T-5
353	14.06	15	1-3 Cedar Street	T-5
354	15.01	1	51 Trinity Street	T-5
355	15.01	2	49 Trinity Street	T-5
356	15.01	3	4 Townsend Street	T-5
357	15.01	4	2 Townsend Street	T-5
358	15.01	5	8 Townsend Street	T-5
	15.01		10 Townsend	
359		6	Street	T-5
	15.01		16 Townsend	
360		7	Street	T-5
	15.01		20 Townsend	
361		8	Street	T-5
	15.01		22 Townsend	
362		9	Street	T-5
	15.01		24 Townsend	
363		10	Street	T-5
	15.01		26 Townsend	
364		11	Street	T-5
	15.01		28 Townsend	
365		12	Street	T-5
	15.01		32 Townsend	
366		13	Street	T-5
	15.01		36 Townsend	
367		14	Street	T-5
368	15.01	15	Townsend Street	T-5
369	15.01	16	Union Place	T-5
	15.01		71 Trinity Street-	
370		17	Rear	T-5
371	15.01	19	95 Trinity Street	T-5
372	15.01	20	93 Trinity Street	T-5
373	15.01	21	89 Trinity Street	T-5
374	15.01	22	91 Trinity Street	T-5
375	15.01	23	87 Trinity Street	T-5
376	15.01	24	81 Trinity Street	T-5
377	15.01	25	79 Trinity Street	T-5
378	15.01	26	75 Trinity Street	T-5
379	15.01	27	71 Trinity Street	T-5
380	15.01	28	69 Trinity Street	T-5
381	15.01	29	67 Trinity Street	T-5
382	15.01	30	65 Trinity Street	T-5

383	15.01	31	63 Trinity Street	T-5
384	15.01	32	59 Trinity Street	T-5
385	15.01	33	16 Union Place	T-5
386	15.01	34	18 Union Place	T-5
387	15.01	35	20 Union Place	T-5
388	15.01	36	22 Union Place	T-5
389	15.01	37	24 Union Place	T-5
390	15.01	38	26 Union Place	T-5
391	15.01	39	28 Union Place	T-5
392	15.01	40	32 Union Place	T-5
393	15.01	41	37 Union Place	T-5
394	15.01	42	35 Union Place	T-5
395	15.01	43	31 Union Place	T-5
396	15.01	44	29 Union Place	T-5
397	15.01	45	25 Union Place	T-5
398	15.01	46	23 Union Place	T-5
399	15.01	47	21 Union Place	T-5
400	15.01	48	19 Union Place	T-5
401	15.01	49	17 Union Place	T-5
402	15.01	50	15 Union Place	T-5
403	15.01	51	57 Trinity Street	T-5
404	15.01	52	57 Trinity Street	T-5
405	15.01	53	55 Trinity Street	T-5
406	15.02	1	9 Kelsey Avenue	T-5
407	15.02	2	7 Kelsey Avenue	T-5
408	15.02	3	5 Kelsey Avenue	T-5
409	15.02	4	3 Kelsey Avenue	T-5
410	15.02	5	1 Kelsey Avenue	T-5
411	15.02	6	98 Trinity Street	T-5
412	15.02	7	96 Trinity Street	T-5
413	15.02	8	94 Trinity Street	T-5
414	15.02	9	92 Trinity Street	T-5
415	15.02	10	90 Trinity Street	T-5
416	15.02	11	88 Trinity Street	T-5
417	15.02	12	84 Trinity Street	T-5
418	15.02	13	20 Hampton Street	T-5
419	15.02	14	18 Hampton Street	T-5
420	15.02	15	16 Hampton Street	T-5
421	15.02	16	14 Hampton Street	T-5
422	15.02	17	12 Hampton Street	T-5
423	15.02	18	8 Hampton Street	T-5
424	15.02	19	4 Hampton Street	T-5
425	15.02	20	2 Hampton Street	T-5
426	15.02	21	267 Spring Street	T-5
427	15.02	23	271 Spring Street	T-5
428	15.02	24	275 Spring Street	T-5
429	15.02	25	277 Spring Street	T-5
430	15.02	26	21 Kelsey Avenue	T-5
431	15.03	1	237 Spring Street	T-5
432	15.03	2	4 Union Pl	T-5
433	15.03	3	8 Union Pl	T-5
434	15.03	4	10 Union Pl	T-5
435	15.03	5	64 Trinity Street	T-5
436	15.03	6	70 Trinity Street	T-5
437	15.03	7	74 Trinity St - Rear	T-5

438	15.03	8	74-A Trinity Street	T-5
439	15.03	9	76 Trinity Street	T-5
440	15.03	10	80 Trinity Street	T-5
441	15.03	11	19 Hampton Street	T-5
442	15.03	12	17 Hampton Street	T-5
443	15.03	13	15 Hampton Street	T-5
444	15.03	14	257 Spring Street	T-5
445	15.03	15	255 Spring Street	T-5
446	15.03	16	249 Spring Street	T-5
447	15.03	17	245 Spring Street	T-5
448	15.03	18	241 Spring Street	T-5
449	18.01	2	40 Sparta Avenue	T-5
	18.01		18-18 1/2	
450		3	Woodside	T-5
451	18.01	4	10 Woodside Ave.	T-5
452	18.01	5	14 Woodside Ave.	T-4
453	18.01	6	16 Woodside Ave.	T-4
454	18.01	7	18 Woodside Ave.	T-4
455	18.01	8	20 Woodside Ave.	T-4
456	18.01	9	22 Woodside Ave.	T-4
457	18.01	10	24 Woodside Ave.	T-4
458	18.02	1	274 Spring Street	T-4
459	18.02	1	274 Spring Street	T-4
460	18.02	2	278 Spring Street	T-4
461	18.02	3	4 Diller Avenue	T-4
462	18.02	4	20-26 Diller Avenue	T-4
463	18.02	5	28 Diller Avenue	T-4
464	18.02	6	34 Diller Avenue	T-4
465	18.02	7	36 Diller Avenue	T-4
466	18.02	8	38 Diller Avenue	T-4
467	18.02	9	44 Diller Avenue	T-4
468	18.02	10	46 Diller Avenue	T-4
469	18.02	11	48 Diller Avenue	T-4
470	18.02	12	50 Diller Avenue	T-4
471	18.02	14	75 Sparta Avenue	T-4
472	18.02	15	69 Sparta Avenue	T-4
473	18.02	16	65 Sparta Avenue	T-4
474	18.02	17	53 Sparta Avenue	T-4
475	18.02	18	51 Sparta Avenue	T-4
476	18.02	19	47 Sparta Avenue	T-4
477	18.02	20	43 Sparta Avenue	T-4
478	18.02	21	41 Sparta Avenue	T-4
479	18.02	22	37 Sparta Avenue	T-4
480	18.02	23	33 Sparta Avenue	T-4
481	18.02	24	31 Sparta Avenue	T-4
482	18.02	25	29 Sparta Avenue	T-4
483	18.02	26	27 Sparta Avenue	T-4
484	18.02	27	25 Sparta Avenue	T-4
485	18.02	28	23 Sparta Avenue	T-4
486	18.02	29	21 Sparta Avenue	T-4
487	18.02	30	19 Sparta Avenue	T-4
488	18.02	31	280 Spring Street	T-4
489	18.02	32	39 Sparta Avenue	T-4
490	18.03	1	23 Woodside Ave	T-4
491	18.03	2	21 Woodside Ave	T-4

492	18.03	3	19 Woodside Ave	T-4
	18.03		7 Woodside	T-4
493		6	Avenue	
	18.03		5 Woodside	T-4
494		7	Avenue	
495	18.03	8	46 Sparta Avenue	T-5
496	18.03	9	54 Sparta Avenue	T-5
497	18.03	10	65 Sparta Avenue	T-5
498	18.03	11	56 Sparta Avenue	SD-5
499	18.03	11	56 Sparta Avenue	SD-5
500	19.01	1	281 Spring Street	T-5
501	22.02	8	72-74 Sparta Ave.	T-4
502	22.02	9	78 Sparta Ave.	T-4
503	22.02	10	80 Sparta Ave.	T-4
504	22.04	1	81 Sparta Ave.	T-4
505	22.04	2	59 Diller Ave.	T-4
506	22.04	3	55 Diller Ave.	T-4
507	22.04	4	55 Diller Ave.	T-4
508	22.04	12	95 Sparta Ave.	T-4
509	22.04	13	91 Sparta Ave.	T-4
510	22.04	14	87-89 Sparta Ave.	T-4
511	22.04	15	83 Sparta Ave.	T-4

Mayor Ricciardo opened the hearing to the public.

Dr. Seth Grossman, Ph.D., Director of Institute of Business Districts and Expert on SID's in New Jersey, summarized the Special Improvement District (SID) works as a public-private partnership. The SID is a professionally managed commercial and specifically defined area focused on the creation of economic and employment growth of that area. This organization would allow businesses and property owners to organize and focus on actions that strengthen the economic vitality of the commercial community. It's a collective and community approach to managing common economic needs, assets and value. Dr. Grossman provided the statistics on the number of SID's in the State as well as the number of successful SID's. Dr. Grossman outlined the important aspects of a successful SID. Dr. Grossman was asked to stay to address any questions of the audience.

John McChesney, owner of 14-16 Church Street, addressed his opposition to the SID program. Mr. McChesney addressed several reasons for opposing the Ordinance and believes that parking is the biggest issue with Newton and asked the Council to address the parking.

Jonathan Rose, 14 Bank Street, Sussex, and business owner at 19 Sparta Avenue, read from a prepared statement:

May 28, 2014

"Dear Mayor and Council,

My name is Jonathan Rose. I own a commercial property located at 19 Sparta Avenue in your town, a computer consulting business known as Farious Net Solutions, and I am the Mayor of Sussex Borough. I am speaking for myself and my companies only and not for any other entity or body, public or private.

I have reviewed your proposed ordinance (hereinafter "Ordinance") that would establish a Special Improvement District (hereinafter "SID") as well as a report entitled, "Town of Newton SID Feasibility Study," (hereinafter "Study") prepared by North Branch Associates, LLC. After a careful review of all of the materials available to me, and consultation with other business owners in the proposed SID, I must respectfully disagree with and oppose the goals, implementation and cost of the SID.

In the Study, it states, "SIDs provide targeted services that could include security, landscaping, façade improvements, advertising or marketing, sanitation services, publicity for the district and the businesses, recruitment of new businesses to fill vacancies and to balance the business mix, organize special events in the district, provide special parking arrangements for the district, provide temporary decorative lighting in the district and acquire and construct improvements for the special improvement district." All of these things appear to be items that are currently handled by the private market or are general functions of government. Further, there appears to be no concrete, articulable goals in either the Study or the Ordinance. As such, there is no way to tell whether the proposed SID is operating according to plan or is a failure, and thus this Ordinance should not be enacted.

The Study states that, "...SIDs chosen for their similarity to Newton's town center in massing and historic built environment, business center size and make up and location...are at least double the SID budget proposed for the Town of Newton." It is reasonable to infer that the SID budget will need to be increased in the near future. Already, the burden of the special assessment within the SID will be painful. If it is doubled, it will almost certainly begin crowding out private investment in the area. By way of example, the parking lot at 19 Sparta Avenue needs to be redone. The cost will be approximately \$4000, with an expected lifetime of about 10 years, making the depreciation cost around \$400 per year. The SID will cost that building about that much in additional taxes. The parking lot project is a concrete example of an investment that will beautify the area, help the building and enhance the neighborhood. If this Ordinance is passed, this and many other projects will likely be canceled or scaled back to pay for the large tax increase. The large tax increase, which will fund non-concrete projects with fuzzy goals, will gobble up capital while the concrete, real projects local business and property owners want to implement will languish due to the loss of available monies. Due to this, the Ordinance should not be enacted.

Finally, it is important to note that this SID could, and indeed should, be implemented as a private charity or private corporation. There should be no need to forcibly take monies through the taxation process if the SID is a good idea. The free market can and will solve the problems that the SID seeks to remedy, and the costs of general government services should not be borne by the few to benefit the many. Because the SID and its enabling Ordinance does not do anything that could be better done by a private, consensual business arrangement or by the actions of the local government in providing for the general welfare, the Ordinance **should not** be implemented.

Thank you for taking the time to review this letter. If you have any further questions, please contact me at the number or address listed in the header.

Sincerely, Jonathan M. Rose, President, 19 Sparta Avenue, LLC."

Ken Syberg, property owner on 49 Trinity Street, noted he is opposed to the Ordinance. Mr. Syberg stated this SID assessment would be in addition to their property taxes and properties will never sell with the added assessment.

Ken Delush, Spring Street and local Realtor, is opposed to this Ordinance and noted the added assessment to commercial properties will just allow interested parties to move to other communities.

Theresa Iliff, business owner of 280 Spring Street, addressed Council and advised she currently pays approximately \$49,000.00 in property taxes and inquired what benefits she would get with the SID program. Mrs. Iliff advised she does not have any benefits at her location of 280 Spring Street, i.e. no light posts, no wreaths, no banners. Prior to an adoption of this proposed Ordinance, Mrs. Iliff would like to have a clear understanding of what the benefits would be to her property at 280 Spring Street.

John Halk, Blairstown, partner/owner of Darrington Complex on Mill Street, advised Council his building is currently taxed at \$103,000.00 a year. Mr. Halk disagrees that this SID is a partnership as partnerships can be dissolved. Mr. Halk is opposed to the SID and feels the additional assessment will not help his property.

Eric Wood, owner of 51 High Street, believes the business people have spoken and are opposed to this proposed special assessment to their property. Mr. Wood feels there is no plan generated with the proposed Ordinance and is opposed to the proposed SID Ordinance.

Mark Gruber, Esq., 49 High Street, believes that only those businesses that benefit the SID should be charged a special assessment. Mr. Gruber objects to the assessment because there is no benefit to his property.

Rutie Solar, owner of a business on Jefferson Street, is opposed to this Ordinance and suggested this proposal be put on a ballot for the people to decide.

Karen Hardin-Kitchel, 58 West End Avenue, believes the residents have to get back to having "pride" for their properties. She questioned whether a resident can sit on the proposed nine member board which was addressed by Jen Credidio, Esq., Special Counsel.

Kevin Shaw, property owner of 94-96 High Street and 38 Liberty Street, addressed some observations on Spring Street and noted the 35% vacancy on the street. He has a

shared interest in promoting the downtown merchants, but does not believe this is the way to proceed. Mr. Shaw suggested the Governing Body to move cautiously with this Ordinance.

Rich Arcurrio, property owner of Spring Street and Woodside Avenue, feels there is no tangible plan and is opposed to the proposed Ordinance.

Johnathan Andrews, owner of the Spring Board Shoppes, is in support of the SID, but stated there were valid points brought up this evening. Mr. Andrews outlined some points of concern regarding Spring Street.

Anwar Qarmout, 45 Woodside Avenue, addressed questions regarding the SID which were addressed by Dr. Grossman. Mr. Qarmout agrees the SID should only affect those properties that benefit from same. Business owners can make their own decisions regarding property improvements and he is opposed to the Ordinance.

John Nuss, 55 High Street, Realtor in Newton, addressed his concerns with the economics in Newton and in New Jersey and believes another tax is not the answer. Mr. Nuss is opposed to the Ordinance.

James Castimore, partner/owner of Darrington Complex on Mill Street, questioned the property maintenance issues in Town and asked the Town to enforce their ordinances, put liens on the property when not in compliance. Mr. Castimore does not want an additional tax that will not help his property and is opposed to the Ordinance.

Donald Scott, VP of the Dennis Library, stated that the library is a great business in Town. The building is maintained and there is plenty of parking, Mr. Scott concluded.

Bill Lungren, owner of BB Automotive, 72 Mill Street, (for past 31 Years) stated the Town has spent a lot of money on Spring Street through the years (i.e. studies and improvements). Mr. Lungren believes the major problems are the absentee landlords and parking. Mr. Lungren is opposed to the proposed Ordinance.

Kate McChesney, owner of Church Street (Tier 1 District), read from a prepared statement:

“Good Evening,

My name is Kate McChesney. My husband and I own an office building and a two family house in Newton. We run our business out of the office building, so we are usually in Newton six days a week.

May 28, 2014

I am here to address the proposed ordinance establishing a special improvement district in Newton. As the owner of an office building in the tier one district, I am directly impacted by the ordinance. I appreciate the effort put forth by the mayor, town council and manager regarding exploring ways to improve Newton. It is a lovely town in need of gentrification. It appears we are on the cusp of enhancement of the town. The renovation of buildings is a positive sign.

A major concern of the Feasibility Study by North Branch Associates is in regards to the successes of SID districts in other towns. There is a list of similar towns with SIDs but nothing in the report details a town with a successful SID. It sounds like a SID is nice to have just because everyone else has one. There are no success stories outlined in the study or discussed at prior town council meetings. During a Town Council meeting, Ms. Gina Thomas, Community Resource Partner, only stated which municipalities succeeded and which did not. There was no information provided showing how the towns were improved as a direct result of a Special Improvement District. More importantly, she stated the municipalities that failed, did so because there was not enough money in the budget (a budget which is similar to the one proposed by Newton.)

Another concern regards the fees to be assessed to the properties in the SID. The report states on page 6 that the budgets for the three SIDs used as comparison to Newton are at least double the SID budget proposed for Newton. Without complete information on the true cost, the council members or the property owners cannot know the financial impact this will have on businesses. If the fees suggested in the feasibility study are put forth as what the fees will be, many property owners will make decisions on the cost benefit of the proposal based on misinformation. If the actual costs are double what is proposed, the cost benefit may not be so positive. As proposed, the average assessment for the Tier 1 properties would be \$627 or \$3,135 over 5 years. If the tax was doubled, as the study alluded to, the payment would be \$1,254/year or \$6,270 over 5 years. That is a large amount of money to spend for something that did not have data to support the idea that these districts are successful.

I take issue with paying for services over and above the services already provided by the town, especially security and sanitation. The taxes I currently pay go to security. I appreciate the police patrols in the area. I feel safer in town at night, especially when the police are on bicycles or walking the beat. I question why I, as a business owner, need to pay more for this service which is already included in the municipal tax. It is patently unfair that only the business owners would have to pay for an extra level of security. Wouldn't everyone feel safer with more security? Whether it is based on fact or not, many people do not feel safe in Newton. An added tax for extra police patrols should not be assessed only on the business owners.

I disagree with who would be allowed to be a member of the Board of Directors. The ordinance states owners and occupants of properties in the SID can be a member of the board. Essentially, this allows tenants to be members of the board even though they may not typically pay the assessment. It does not seem fair to the owners of the property that a tenant be involved in determining the assessment the owner would pay.

The feasibility study ignores the pink elephant sitting in the middle of Newton. The problem with paid parking is not addressed anywhere in the report. Parking is tight throughout Newton. Potential customers have to search for parking then pay for the privilege to park. If parking were free, a major part of the problem would be solved. Newton cannot compete with towns that have free parking. All types of tenants, whether they are retail, office and residential, avoid Newton because of the parking problem. The feasibility study indicates a condo market would improve the area. However, young professionals and senior citizens need accessible parking. And they do not want to pay extra for it. Upscale tenants have upscale cars. Please address the parking issue instead of establishing a SID and then assessing a small portion of town for it. Throwing the business community's money at a problem will not work.

May 28, 2014

Newton has the potential of becoming a wonderful place to work, live and play. An added tax to a small portion of the community would be a hindrance to that potential. Thank you."

Stan Walowski, 28 Townsend Street, questioned whether his single-family home would be assessed and was advised by Mr. Russo he will not be assessed. Only commercial and residential properties with 5 or more rental units would be assessed.

Mike Malone, 59 Trinity Street, stated he believes everyone will be taxed due to the in-kind contribution by the Town (office space if available). Mr. Malone reminded the Council the major concerns addressed in the survey including the safety of Spring Street. Mr. Malone would like Council to reconsider the proposed SID Ordinance.

Greg Cole, 19 Jefferson Street, resident and owner, suggested this is not the right direction for Newton.

Janet Scrowcroft, a long-time resident of Newton, made several suggestions for improvements "like the old days" and suggested a survey be sent to the residents to see what they want.

Neil Flaherty, 154 Sparta Avenue, believes the SID could be helpful to the merchants. Mr. Flaherty also had a few suggestions surrounding the business plan of the SID as well as the timeframe for reporting.

Thierry Darche, owner of 214 Spring Street (Sparta Resident), is supportive of any programs that would assist the merchants. Mr. Darche noted he was a supporter of Main Street Newton (MSN). Mr. Darche suggested the Town tackle the small items first. He would support the SID but suggests the Town outline the plan and review the plan as a business venture with the all the merchants prior to adoption.

Daniel Hayek, owner of Hayek Market, 1 Mill Street, is opposed to the SID Ordinance. Mr. Hayek recently expanded his business and will now be paying approximately double the taxes he was paying before. He indicated he was not eligible for the tax abatement program but falls in Tier 1 of the SID program. Mr. Hayek feels this additional tax will not benefit his business and would truly be a burden.

Councilman Flynn thanked all those in attendance. He advised Hackettstown has a BID which is very successful and a SID could help our community. Mr. Flynn noted he heard those in attendance this evening.

Councilwoman Diglio advised that she was initially in favor of the SID, but has heard the community this evening. Mrs. Diglio clarified some of the statements addressed this evening and wished those in attendance this evening had attended the many hearings on the SID prior to tonight.

Councilwoman Becker reiterated several points she heard this evening and has additional questions regarding the SID. She believes the SID could be a positive element to Spring Street but has heard the comments this evening.

Mayor Ricciardo stated he believes there is not enough information submitted on the SID program. He suggested the Ordinance be tabled until more information is supplied. Mayor Ricciardo would prefer the Town review the Ordinance further and have a plan in place prior to adoption.

After a brief discussion, upon motion of Mrs. Becker, seconded by Mrs. Diglio and unanimously carried, the hearing was closed.

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

Mrs. Diglio	No	Mrs. Becker	No
Deputy Mayor Elvidge	Absent	Mr. Flynn	No
Mayor Ricciardo		No	

The Clerk will advertise the above Ordinance according to law.

INTERMISSION (9:37 pm - 9:49 pm)

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

ORDINANCE #2014-9

AN ORDINANCE AMENDING CHAPTER 204 ENTITLED "LAND SUBDIVISION AND SITE PLAN REVIEW: AND CHAPTER 320 ENTITLED "ZONING: FORM-BASED CODE" OF THE CODE 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 additions 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, field entrance 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.

Ursula Leo, Esq. addressed the concerns of the Newton Planning Board therefore, if approved, as amended, the Ordinance would be re-advertised and adopted on June 9, 2014.

Mayor Ricciardo opened the hearing to the public.

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

The aforementioned **ORDINANCE, will be amended and renoticed**, was offered by Mayor Ricciardo seconded by Mrs. Diglio and roll call resulted as follows:

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

The Clerk will renotify the amended Ordinance for 2nd reading and public hearing on June 9, 2014.

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

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 on each unit to which the variance applies 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.

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 Land Use 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.

Ursula Leo, Esq. addressed the Newton Planning Board requested amendments to the Ordinance prior to adoption.

Jessica Caldwell, Town Planner, provided clarification on the amendments to the Ordinance.

Mayor Ricciardo opened the hearing to the public.

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

The aforementioned **ORDINANCE, will be amended and renoticed**, offered by Mrs. Becker, who moved its adoption, seconded by Mrs. Diglio and roll call resulted as follows:

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

May 28, 2014

The Clerk will renote the amended Ordinance for 2nd reading and public hearing on June 9, 2014.

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

ORDINANCE #2014-11

AN ORDINANCE OF THE TOWN OF NEWTON REJECTING THE RECOMMENDATIONS OF THE TOWN OF NEWTON HISTORIC PRESERVATION ADVISORY COMMISSION TO DESIGNATE HORTON MANSION AS A LOCAL HISTORICAL LANDMARK PURSUANT TO NEWTON TOWN CODE SECTION 139-9

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

Mrs. Diglio	No	Mrs. Becker	Yes
Deputy Mayor Elvidge	Absent	Mr. Flynn	Yes
Mayor Ricciardo		Yes	

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on June 23, 2014.

OLD BUSINESS

There was no Old Business to be discussed.

CONSENT AGENDA

Mayor Ricciardo read the following statement:

"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."*

Mr. Russo reviewed the consent agenda with the Town Council.

RESOLUTION #82-2014*

TOWN OF NEWTON CERTIFICATION OF ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation that the Governing Body of each municipality shall, by resolution, certify to

the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the Governing Body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the section of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, the Chief Financial Officer has prepared, distributed and filed the Corrective Action Plan in accordance with Federal and State Guidelines; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey a order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more that one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton hereby states it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION #83-2014*

**INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2014 TOWN OF NEWTON BUDGET
PURSUANT TO NJSA 40A:4-87 (C. 159, PL 1948)
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.
Year

Signature, Chief Financial Officer
Resolution Number: #83-2014

May 28, 2014

Date of Adoption: May 28, 2014

Revenue Title: **Pub & Priv Revenue Offset w/Approp: TDR Grant** Amount: **\$40,000.00**

Appropriation Title: **Pub & Priv Program Offset by Revenue: TDR Grant**
Amount: **\$40,000.00**

Local Match - Source: None Amount: \$ **-0-**

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

RESOLUTION #84-2014*

APPROVE FIREWORKS DISPLAY AT MEMORY PARK FOR NEWTON DAY 2014

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

WHEREAS, Garden State Fireworks of Millington, New Jersey has submitted a proposal for a fireworks display with a copy of the permit application, certificate of insurance, a site diagram and other pertinent information, in conjunction with a fireworks display that will take place at Memory Park on Saturday, June 14, 2014 as part of the annual "Newton Day" celebration with a rain-date of June 21, 2014; and

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Greater Newton Chamber of Commerce is granted permission for a fireworks display during the "Newton Day" celebration to take place on Saturday, June 14, 2014, with a rain-date of June 21, 2014 and that said fireworks display will be provided by Garden State Fireworks of Millington, NJ; and

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

RESOLUTION #85-2014*

TRANSFER OF SCHOOL MONIES FOR THE PERIOD OF JULY 1, 2014 TO DECEMBER 31, 2014

BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Treasurer be authorized to turn over to the Treasurer of School Monies, as monies become available, \$6,068,529.00 to meet the obligations of the Newton Board of Education, exclusive of Debt Service, in accordance with the Statutes and the request of the Board of Education of Newton;

Amount of Tax Voted (Exclusive of Debt Service)	\$12,137,057.00
Amount Received to Date	0.00
Amount of This Request	<u>6,068,529.00</u>
Balance Due Board of Education	6,068,528.00

RESOLUTION #86-2014*

RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

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

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

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

- 1) The sale of surplus property shall be conducted through GovDeals pursuant to NJ State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available in the Clerk's Office of the Town of Newton.
- 2) The sale will be conducted online and the address of the auction site is govdeals.com.
- 3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- 4) A list of the surplus property to be sold is as follows:
 1. Pelco LB100 VCR Lock Boxes (w/keylock)
Qty: Four (4)
Condition: Good
- 5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- 6) The Town of Newton reserves the right to accept or reject any bids submitted.

RESOLUTION #87-2014*

APPROVING THE EXECUTION OF AN AMENDED AND RESTATED WATERLINE RELOCATION AGREEMENT BETWEEN THE TOWN OF NEWTON AND 85 SPARTA, LLC

WHEREAS, the Town of Newton has easements and water transmission mains that cross property in the Township of Sparta shown as Lot 16, Block 35 on the Sparta Township Tax Map with a street address of 85 Sparta Avenue (the "Property"); and

WHEREAS, 85 Sparta, LLC is in the process of developing the Property, which development will require the crossing of the Newton easements and waterlines; and

WHEREAS, 85 Sparta, LLC and the Town of Newton wish to amend and restate the existing Newton easements and relocate the existing Newton waterlines;

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

1. The Mayor and the Clerk are hereby authorized to execute the Amended and Restated Waterline Easement and the Waterline Relocation Agreement in the forms attached hereto as Schedules A and B, which will be delivered and exchanged by Newton's attorney for said Amended and Restated Waterline Easement and Waterline Relocation Agreement executed by 85 Sparta, LLC.
2. The Mayor and the Clerk are hereby authorized to execute and deliver such other documentation, and take such further actions as may be reasonably required to consummate the execution of said Agreements on behalf of the Town of Newton.

May 28, 2014

RESOLUTION #88-2014*

APPROVE PURCHASE OF 2015 POLICE INTERCEPTOR SEDAN AWD

WHEREAS, Beyer Ford has supplied a quote under MCCPC Contract #15A Item #1 to the Newton Police Department for the purchase of a 2015 Police Interceptor Sedan AWD in the amount of \$28,359.00; and

WHEREAS, the Purchasing Agent and the Chief of Police have recommended the purchase of the 2015 Police Interceptor Sedan AWD in the amount of \$28,359.00; and

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the 2015 Police Interceptor Sedan AWD be purchased from Beyer Ford, Morristown, NJ through MCCPC Contract #15A Item #1 in the amount of \$28,359.00.

RESOLUTION #89-2014*

RESOLUTION AUTHORIZING PARTICIPATION IN THE MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION (NEW JERSEY STATE APPROVED COOPERATIVE PRICING SYSTEM #65MCESCCPS) FOR THE LEASE OF A POLICE VEHICLE

Exhibit C

RESOLUTION AUTHORIZING PARTICIPATION IN THE MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION (New Jersey State Approved Cooperative Pricing System #65MCESCCPS)

"SMALL TICKET LEASE PROGRAM"

(Middlesex Regional Educational Services Commission Bid No. 13/14-23)

Lessee: **Town of Newton**

Principal Amount Expected To Be Financed: \$37,662.00

WHEREAS, the Lessee named above (the "Lessee") is a political subdivision of the State of New Jersey (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State; and

WHEREAS, pursuant to applicable law, the Lessee acting through its Governing Body (the "Governing Body") is authorized to acquire and lease personal property necessary to the functions or operations of the Lessee; and

WHEREAS, the Governing Body hereby finds and determines the execution of one or more lease-purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above (the "Principal Amount") for the purpose of acquiring the Equipment described generally below (the "Equipment") and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee; and

Brief Description of Equipment:
2014 Police Interceptor Utility Vehicle

WHEREAS, FIRST HOPE BANK, a National Banking Association, (the "Lessor") is expected to act as the Lessor under the Equipment Leases; and

WHEREAS, the Lessee may pay certain capital expenditures in connection with the Equipment prior to its receipt of proceeds of the Equipment Leases ("Lease

Purchase Proceeds") for such expenditures, and such expenditures are not expected to exceed the Principal Amount; and

WHEREAS, the Lessee hereby declares its official intent to be reimbursed for any capital expenditures made for the Equipment after adoption of this resolution but prior to the issuance of the Equipment Leases from the Lease Purchase Proceeds.

NOW, THEREFORE, Be It Resolved by the Governing Body of the Lessee as follows:

Section 1. The Lessee hereby determines that it has critically evaluated the financing alternatives and that entering into the Equipment Leases and financing the acquisition of the Equipment thereby is in the best interests of the Lessee.

Section 2. The Lessee is hereby authorized to acquire and install the Equipment and is hereby authorized to finance the Equipment by entering into the Equipment Leases. Any action taken by the Lessee in connection therewith is hereby ratified and confirmed.

Section 3. Either Thomas S. Russo, Jr., Town Manager or Dawn Babcock, CFO (each an "Authorized Representative") acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other agreement or documents relating to the Equipment Leases (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate.

Section 4. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

Section 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 6. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease, and the Lessee's obligations under the Equipment Leases shall not constitute indebtedness of the Lessee under the laws of the State.

Section 7. It is hereby determined that the acquisition of the Equipment is permitted under the laws governing the Lessee and is essential to the efficient operation of the Lessee.

Section 8. The Governing Body of the Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Equipment following adoption of this resolution but prior to the receipt of the Lease Purchase Proceeds for the Equipment. The Governing Body of the Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for such Equipment expenditures. This section of the resolution is adopted by the Governing Body of the Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of this resolution does not bind the Lessee to make any expenditure, incur any obligation, or proceed with the acquisition of the Equipment.

Section 9. The Lessee covenants that it will comply with all requirements of the Internal Revenue Code of 1986, as amended, (the "Code") necessary to ensure that the interest portion of rental payments due under the Equipment Leases will be

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excluded from gross income under Section 103(a) of the Code. [The Lessee reasonably expects it will not issue more than \$10,000,000 of tax-exempt obligations (other than "private activity bonds" that are not "qualified 501(c)(3) bonds") during the calendar year in which each of the Equipment Leases is issued and hereby designates each Equipment Lease as a qualified tax-exempt obligation for purposes of Section 265(b) of the Code.] The Authorized Representative is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest portion of the rental payments due on the Equipment Leases authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103(a) of the Code.

Section 10. This resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED on this 28th day of May, 2014.

RESOLUTION #90-2014*

AUTHORIZING THE TOWN OF NEWTON TO ENTER INTO AN ELECTRONICS RECYCLING COLLECTION AGREEMENT WITH VINTAGE TECH, LLC

WHEREAS, the Newton Town Council, in a continuing effort to be green, desires to recycle all electronic equipment; and

WHEREAS, the Town of Newton wishes to enter into an Agreement with Vintage Tech, LLC, whereby Vintage Tech will accept, process, transport and market electronic equipment collected by the Town through its commercial recycling program; and

WHEREAS, said Electronic Recycling Collection Agreement is attached hereto and made part of this resolution;

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 Electronics Recycling Collection Agreement with Vintage Tech, LLC.

RESOLUTION #91-2014*

APPROVE PURCHASE OF INFO-COP E-TICKETING SYSTEM THROUGH MCCPC CONTRACT #41

WHEREAS, Gold Type Business Machines (GTBM) has supplied a quote under MCCPC Contract #41 to the Newton Police Department for the purchase of the Info-Cop E-Ticketing System in the amount of \$18,947.00; and

WHEREAS, the Purchasing Agent and the Chief of Police have recommended the purchase of the Info-Cop E-Ticketing System in the amount of \$18,947.00; and

WHEREAS, the Chief Financial Officer has certified that 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 the Info-Cop E-Ticketing System be purchased through Gold Type Business Machines, East Rutherford, NJ through MCCPC Contract #41 in the amount of \$18,947.00.

RESOLUTION #92-2014*

APPROVE PURCHASE OF SEVEN (7) SCBA PACKS FOR THE NEWTON FIRE DEPARTMENT

WHEREAS, FF1 Professional Safety Services has supplied a quote under NJ State Contract #A80953 to the Newton Fire Department for the purchase of seven (7) SCBA

Packs through a FEMA Grant in the amount of \$44,534.00; and

WHEREAS, the Purchasing Agent and the Chief of the Fire Department have recommended the purchase of seven (7) SCBA Packs in the amount of \$44,534.00; 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 the seven (7) SCBA packs be purchased through FF1 Professional Safety Services, Sparta, NJ through NJ State Contract #A80953 in the amount of \$44,534.00.

RESOLUTION #93-2014*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

WHEREAS, the Water and Sewer Collector has determined the following Water and Sewer Utility Accounts are due credits for the reasons stated;

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

DELINQUENT PENALTY ERRONEOUSLY CHARGED:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
16160	100 -104 Merriam Ave.	\$26.38

METER READ INCORRECTLY LAST QUARTER:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
9821	19 Plainfield Ave.	\$340.00

RESOLUTION #94-2014*

AUTHORIZE CHANGE ORDER NO. 1 TO COTHERY CONSTRUCTION COMPANY, INC., FOR THE REPLACEMENT OF THE MECHANICAL BAR SCREEN AT THE WASTEWATER TREATMENT PLANT

WHEREAS, on August 12, 2013 the Newton Town Council adopted Resolution #144-2013, awarding a contract to Cothery Construction Company, Inc., for the Replacement of the Mechanical Bar Screen at the Wastewater Treatment Plant; and

WHEREAS, the Wastewater Engineer, John Scheri, recommends in his memo dated May 20, 2014 approving Change Order No. 1, for the Replacement of the Mechanical Bar Screen at the Wastewater Treatment Plant, which will increase the total contract amount by \$1,847.01 for a new contract total of \$189,017.01; and

WHEREAS, the Chief Financial Officer, Dawn L. Babcock has certified that funds are available based on the attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby concurs with the Town Wastewater Engineer's recommendation and accepts Change Order No. 1 for the Replacement of the Mechanical Bar Screen at the Wastewater Treatment Plant; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Cothery Construction Company, Inc., and the Town's Wastewater Engineer.

RESOLUTION #95-2014*

TO CANCEL CAPITAL APPROPRIATION BALANCES IN THE GENERAL CAPITAL FUND

WHEREAS, the Town of Newton adopted Resolution #180-2013 on October 28, 2013 in the amount of \$7,800 to establish Preliminary Engineering Costs for the Pool Filtration System Improvements from the General Capital – Capital Improvement Fund; and

WHEREAS, all preliminary expenditures have been charged against the General Capital Bond Ordinance #2014-3 for Pool Improvements, adopted on March 10, 2014 in the amount of \$135,000; and

WHEREAS, it is necessary to formally cancel said balances so the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Fund Balance, and unused debt authorizations may be cancelled.

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that the following unexpended and dedicated balances of the General Capital appropriations totaling \$7,800.00 be cancelled:

<u>Resolution Number</u>	<u>Date Auth.</u>	<u>Project Description</u>	<u>Amount Cancelled</u>	
			<u>Funded</u>	<u>Unfunded</u>
180-2013	10/28/13	Preliminary Engineering Pool	\$7,800.00	

RESOLUTION #96-2014*

TO ESTABLISH PRELIMINARY ENGINEERING COSTS FOR A LIGHTING STUDY

WHEREAS, the Town Council of the Town of Newton hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking. The purpose of these preliminary costs are for engineering costs related to a lighting study to be conducted in the Spring Street area and adjacent town parking lots and parking areas and that the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A.

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that the amount appropriated for preliminary costs shall not exceed \$6,213.00 and the Chief Financial Officer is authorized to set up a reserve for preliminary expenses out of the Capital Improvement Fund of the General Capital Fund. The effective date of this resolution is the date of passage.

RESOLUTION #97-2014*

APPOINTMENT OF LKM CONSULTING, LLC FOR A FEASIBILITY STUDY FOR THE POTENTIAL REGIONALIZATION OF THE NEWTON DPW

WHEREAS, the Town of Newton advertised a Request for Proposals for the services of a qualified consultant to complete a Feasibility Study for the potential regionalization of the DPW Department and received several responses; and

WHEREAS, LKM Consulting, LLC has submitted a proposal outlining the services to be provided; and

WHEREAS, after review of all submitted proposals by the RFP Review Committee, the Governing Body has determined that LKM Consulting, LLC is the best candidate for the study; and

WHEREAS, the Chief Financial Officer, Dawn L. Babcock has certified that funds are available based on the attached certification;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with LKM Consulting, LLC, Morristown, NJ to complete a Feasibility Study for the potential regionalization of

the DPW Department in the amount of \$17,750.00; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to LKM Consulting, LLC; and

BE IT FURTHER RESOLVED, that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal Clerk's office.

RESOLUTION #98-2014*

REFUND OF MONIES FOR TAXES, DUE TO A STATE TAX COURT JUDGMENT FOR BLOCK 16.03, LOT 7

WHEREAS, Kates Nussman Rapone Ellis and Farhi, LLP, the attorney representing Janel Newton Ventures, LLC (56 Paterson Avenue) owner of Block 16.03 Lot 7 also known as 56 Paterson Avenue, filed a State Tax Court Appeal to lower the 2012 and 2013 assessment on said block and lot; and

WHEREAS, the Tax Office received, on April 17, 2014, a Judgment which has been issued by the State Tax Court ordering a reduction in assessment for the tax years 2012 and 2013. This order has resulted in a refund of monies in the total amount of \$43,049.25;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Kates Nussman Rapone Ellis and Farhi, LLP attorney representing Janel Newton Ventures, LLC (56 Paterson Avenue) is entitled to a refund in the amount of \$43,049.25; and

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$43,049.25 to Kates Nussman Rapone Ellis and Farhi, LLP, the attorney representing Janel Newton Ventures, LLC (56 Paterson Avenue) 190 Moore Street, Suite 306, Hackensack, NJ 07601-7418.

RESOLUTION #99-2014*

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.

TOWN BILLS

1,798.55	E.A. Morse & Company, Inc.	33545
3,418.00	Printing Center, Inc.	33546
30.00	Pellow, Harold & Asso, Inc.	33547
80.00	ABCCode Security Inc.	33548
110.50	Sussex Car Wash Inc.	33549
1,856.80	Elizabethtown Gas	33550
361.00	New Jersey Herald, Inc.	33551
2,229.59	SCMUA	33552
25.00	Centurylink Communications, Inc.	33553
314.19	Centurylink Communications, Inc.	33554
2,992.22	Centurylink Communications, Inc.	33555
126.00	Hollander, Strelzik, Pasculli, Hinkes	33556
150.00	Newton Board of Education	33557
76.17	Campbell's Small Engine Inc.	33558
148.75	D & E Service Center, Inc.	33559

300.00	Fire Fighters Equipment Co. Inc.	33560
599.54	Timmerman Company, Inc.	33561
40.74	Hayek's Market Inc.	33562
100.00	First United Methodist Church	33563
7,260.00	Ferraioli, Cerullo & CUVA	33564
527.22	Willco, Inc.	33565
33.33	Sloan, James P, P.C., Inc.	33566
250.00	Treasurer, Petty Cash Fund	33567
35.00	NJ Police Traffic Officers	33568
649.95	J & D Sales & Service, LLC.	33569
575.00	Minisink Press Inc.	33570
1,848.96	Good Year, Inc.	33571
184.00	Microsystems-NJ Com, LLC.	33572
26.00	R & R Radar, Inc.	33573
121.01	Weis Markets, Inc.	33574
692.40	Dempsey Uniform & Supply Inc.	33575
175.72	Airgas East	33576
1,293.81	Boonton Tire Supply Inc.	33577
122.90	McGuire, Inc.	33578
2,082.27	Verizon Wireless, Inc.	33579
431.00	Accurate Door, Inc.	33580
315.00	Medtronic Physio-Contrl Corp	33581
76.30	Mr. John, Inc.	33582
536.95	Gold Type Business Machines	33583
140.00	Wildflowers With Tami	33584
67.36	Teresa Ann Oswin	33585
360.00	Vogel, Chait, Collins, Schneider, PC	33586
385.54	Home Depot, Inc.	33587
368.00	Treasurer, State of NJ	33588
1,037.44	Sussex County Mailing Service	33589
23.40	Seely Brothers, Inc.	33590
781.93	Staples Business Advantage, Inc.	33591
63.47	Staples Business Advantage, Inc.	33592
80.63	Lowe's, Inc.	33593
716.00	Screen Creation Plus	33594
383.50	Spectrum Communications, Inc.	33595
75.00	Marge McCabe	33596
312.15	Dominick's Pizza LLC	33597
115.00	Stalker Radar Inc.	33598
400.00	Black Lagoon	33599
4,314.62	Hampton Body Works, Inc.	33600
3,384.00	Pinnacle Wireless FBO Unitek Global	33601
7,587.61	Rachles/ Michele's Oil Company, Inc.	33602
4,741.70	Taylor Oil Co., Inc.	33603
2,250.00	Laddey, Clark & Ryan, LLP	33604
960.00	Laddey, Clark & Ryan, LLP	33605
5,360.00	Laddey, Clark & Ryan, LLP	33606
5,952.00	County of Sussex	33607
105.00	Gramco Business Communications Inc.	33608
1,074.00	Tire King, Inc.	33609
847.15	Jersey Central Power & Light, Inc.	33610
1,110.00	Trimboli & Prusinowski, LLC.	33611
564.75	Penteledata	33612
1,770.00	Chelbus Cleaning Co., Inc.	33613
110.34	Custom Products Corp.	33614
75.00	Maksim Mazuryk	33615
87.50	Linn Clouse	33616
75.00	Lona L Grisi	33617
75.00	Barbara E Schwarz	33618
87.50	Roy C Orcutt	33619
87.50	Janien N Roberts	33620

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75.00	Suzanne M Kimble	33621
75.00	Irene E Blauvelt	33622
81.25	Diane P Bell	33623
1,583.04	Woodruff Energy US, Inc.	33624
1,225.90	Apple, Inc.	33625
330.00	Mulch Concepts, LLC.	33626
800.00	IACP NET/ Login, Inc.	33627
198.65	Thyssenkrupp Elevator Corp.	33628
220.00	Sparta Postmaster	33629
36.00	Kerry Deckert	33630
475.00	D. Lovenberg's Portable Toilet Rent	33631
75.00	Dewitt T Budd	33632
81.25	Yolanda Casta	33633
81.25	Colleen A Russell	33634
87.50	Mikhail Mazuryk	33635
75.00	Denise Chambliss	33636
75.00	Kathleen M Talmadge	33637
1,466.25	J. Caldwell & Associates, LLC.	33638
264.10	Tracy Villaverde	33639
345.00	Language Works, Inc.	33640
125.16	United Telephone/ Century Link	33641
178.00	Team Life, Inc.	33642
162.00	Prime Lube, Inc.	33643
458.99	Sunlight General	33644
205.00	USA HoistCO., Inc.	33645
2,150.00	Safety Down Under, Inc.	33646
133.50	Some's World-Wide Uniforms	33647
35.00	NJLM Educational Foundation	33648
200.00	Sussex County Sheriff's Crimestoppers	33649
150.00	Child Passenger Safety Conference	33650
43,049.25	Kates Nussman Rapone Ellis & Farhi	33651
75.00	Carly Griffiths	33652
75.00	John Ashworth	33653
75.00	Evelyn Gould	33654
75.00	Robert F Ford Jr	33655
75.00	Adriana P Ellsworth	33656
75.00	Richard Deeble	33657
81.25	Guilene Ham	33658
75.00	Wanda Fontaine	33659
192,780.65	Payroll Account	141036
336.50	Newton Postmaster	33544
28,773.14	International Salt, Inc.	33543
136,308.50	NJMEBF	33542
125.82	United Telephone/ Century Link	33541
125.85	Centurylink Communications, Inc.	33540
2,929.81	Greater Newton Chmbr of Comm.	33539
3,832.45	County of Sussex	33538
51,010.95	County of Sussex	33537
21,389.82	County of Sussex	33536
762,613.69	County of Sussex	33535
7,100.12	JCP&L	33534
7,269.58	Court Square Realty Assoc's And	33533
14,000.00	SUI Account	141035
48.96	Elavon (merchant svc)	141034
111.96	Elavon (merchant svc)	141033
575.00	Resolutions	33532
530.43	District Connect, LLC.	33531
330.00	American Society of Composers	33530
3.00	Payroll Account	141032
192,142.82	Payroll Account	141032
679.88	Payroll Account	141032

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-230.09	Sirius XM, Inc.	32961
717.00	Mobileshred (DBA Intellishred)	33529
270.00	NJEPA	33528
320.00	Tropicana Atlantic City Corp	33527
-370.00	Tropicana Atlantic City Corp	33525
7,875.00	BNY Mellon	141031
153,745.00	BNY Mellon	141030
28,362.50	Chase Bank	141029
110,000.00	Chase Bank	141028
981,859.17	Newton Board of Education	141027

CAPITAL

216.24	New Jersey Herald, Inc.	8275
6,251.25	McManimon, Scotland & Baumann, LLC.	8276
992.00	Laddey, Clark & Ryan, LLP	8277
1,054.96	W.B. Mason, Inc.	8278
2,752.50	J. Caldwell & Associates, LLC.	8279
750.00	Wade Associates	8280
795.00	Environmental Health Investigations	8281
38,656.10	Cypreco Industries, Inc.	8282
3,112.50	A-Better Fence Co Inc.	8266
6,811.00	Cypreco Industries, Inc.	8265

Total TOWN BILLS \$2,900,595.35

WATER AND SEWER ACCOUNT

48.64	Montague Tool & Supply, Inc.	14221
262.39	Schmidt's Wholesale, Inc.	14222
156.97	Hach Company	14223
668.62	Elizabethtown Gas	14224
325.00	New Jersey Herald, Inc.	14225
1,014.00	Pumping Services, Inc.	14226
741.75	SCMUA	14227
34.48	Sussex County P & H, Inc.	14228
13,828.97	Coyne Chemical Corp., Inc.	14229
36.34	Centurylink Communications, Inc.	14230
1,254.62	Centurylink Communications, Inc.	14231
1,191.81	Campbell's Small Engine Inc.	14232
31.00	Allied Meter Service Inc.	14233
19.81	Hayek's Market Inc.	14234
6,480.00	Ferraioli, Cerullo & Cuva	14235
435.00	Minisink Press Inc.	14236
24.00	Carr, Joseph	14237
322.69	Dempsey Uniform & Supply Inc.	14238
210.29	Airgas East	14239
479.97	JCI Jones Chemicals, Inc.	14240
157.71	Verizon Wireless, Inc.	14241
768.00	Univar USA Inc.	14242
9,440.00	Passaic Valley Sewerage Comm.	14243
1,250.00	Smalley, John	14244
58.17	Advance Auto Parts	14245
528.78	Home Depot, Inc.	14246
1,923.32	Suburban Propane, LP.	14247
2,935.00	Process Tech Sales and Service	14248
64.23	Staples Business Advantage, Inc.	14249
80.00	Eric Tompkins	14250
7,475.05	Accurate Waste Removal Inc.	14251
119.90	Penteledata	14252
2,500.00	Envirosight	14253

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32.00	Dustin McGarry	14254
2,889.60	Dave Heiner Associates, Inc.	14255
199.97	Tractor Supply Co	14256
226.30	One Call Concepts, Inc.	14257
557.13	Woodruff Energy US, Inc.	14258
321.50	Capitol Supply Const Products, Inc.	14259
220.00	Sparta Postmaster	14260
2,521.00	Hatch Mott Macdonald	14261
2,500.00	Community Resource Partners, LLC	14262
472.08	Toyota Motor Credit Corp.	14263
855.24	Sunlight General	14264
1,458.01	Morris Asphalt Co.	14265
197.29	Cintas Fire Protection	14266
575.00	Resolutions	14267
623.70	Miracle Chemical Co	14268
34,011.69	Payroll Account	146018
26,135.50	NJMEBF	14220
13,711.48	JCP&L	14219
85,000.00	Water & Sewer Capital Account	146017
1,600.30	District Connect, LLC.	14218
32,235.58	Payroll Account	146016
157,106.25	Chase Bank	146015
190,404.50	Chase Bank	146014

CAPITAL

73.80	New Jersey Herald, Inc.	2344
600.00	McManimon, Scotland & Baumann, LLC	2345
64.00	Laddey, Clark & Ryan, LLP	2346
32,653.60	Cothery Construction Company, Inc.	2347
50,000.00	Water & Sewer Operating Acct	146101

Total WATER & SEWER BILLS \$695,112.05

TRUST ACCOUNT

257.00	Pellow, Harold & Asso, Inc.	3241
504.00	Hollander, Strelzik, Pasculli, Hinkes	3242
1,300.00	Sloan, James P, P.C., Inc.	3243
1,700.00	Zion Grove Trout Hatchery	3244
330.00	Vogel, Chait, Collins, Schneider, PC	3245
150.00	Center for Prevention & Counseling	3246
64.00	Laddey, Clark & Ryan, LLP	3247
3,093.75	J. Caldwell & Associates, LLC.	3248
900.00	Iron Temple of Martial Law	3249
281.00	Payroll Account	147110
1,525.00	Kloss Fun Food Supply	3240
491.76	Payroll Account	147109

Total TRUST ACCOUNT BILLS \$10,596.51

DEVELOPERS ESCROW ACCOUNT

18.70	Federal Express	1179
465.00	Vogel, Chait, Collins, Schneider, PC	1180
700.00	Edward J Buzak	1181

Total DEV. ESCROW BILLS \$1,183.70

FEDERAL/ STATE GRANTS

240.00	Draeger Safety Diagnostics Inc.	1202
1,500.00	Center for Prevention and Counseling	1203
70.00	Villa Capri Pizza	1204
250.00	Payroll Account	141104

Total FEDERAL/ STATE GRANTS \$2,060.00

RESOLUTION #100-2014*

REAPPOINTMENT OF CAROLE LEONARDO TO THE NEWTON HOUSING AUTHORITY

BE IT RESOLVED, by the Town Council of the Town of Newton, that Carole Leonardo is hereby reappointed to a full five-year term on the Newton Housing Authority, effective May 1, 2014 and continuing through April 30, 2019 based on the recommendation of the Housing Authority Executive Director, Dr. Kimberly Iozzi.

The Clerk presented an application for an off-premise raffle (50-50 and Raffle) from HSA Camp Auxilium Learning Center, 14 Old Swartswood Road, Newton to be held on Friday, July 18, 2014 from 8:00 a.m. to 10:00 a.m. at Applebee's, Rt. 206, Newton. It was noted the application was in order and accompanied by the prescribed fees.

The Clerk presented an application for a permit for a social affair from the Newton VFW Post 5360-Men's Auxiliary to be held on Saturday, June 21, 2014 from 4:00 p.m. to 7:00 p.m. at 85 Mill Street, Newton. It was noted the application was in order, signed by the Chief of Police, and accompanied by the prescribed fee.

The Clerk presented an application for membership into the Newton Fire Department from Alfredo Sanchez, 244 Spring Street, Newton. It was noted the applications were in order and signed by the Fire Chief.

The Clerk presented an application for an on-premise raffle (50-50 and Raffle) from the Sussex County Community College Foundation, One College Hill Road, Newton to be held on Thursday, July 3, 2014, Thursday, July 10, 2014, Thursday, July 17, 2014, Thursday, July 24, 2014, and Thursday, July 31, 2014 from 6:00 p.m. to 9:00 p.m. at One College Hill Road, Newton. It was noted the application was in order and accompanied by the prescribed fees.

A motion was made by Mrs. Becker to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Mrs. Diglio and roll call resulted as follows:

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

DISCUSSION

Mayor Ricciardo addressed Council and expressed his opinion the Newton Historic Commission should be abolished and all applications be sent to the Newton Planning Board. He addressed several areas of concern and noted all appeals are already sent to the Planning Board for approval.

Councilman Flynn would be in favor of abolishing the Newton Historic Commission for the reasons stated.

Councilwoman Diglio indicated this issue was addressed before and the result showed it to be very costly.

Mr. Russo agreed it would be quite costly and he would not have it in the budget this year.

Councilwoman Becker would not be opposed to the elimination for the purpose of streamlining the process but would like to review the cost prior to deciding.

After a brief discussion, Mr. Russo will get the cost estimates to abolish the Historic Commission and roll the process into the Newton Planning Board.

OPEN TO THE PUBLIC

John McChesney, property owner Church Street/Mt. View, thanked the Council for listening and defeating the SID Ordinance tonight. He also addressed the parking issues and requested Council to eliminate paid parking in Town. He believes it would be a positive impact which you will see immediately.

Wayne Levante, 5 East Stuart Street, agrees parking is an issue and asked Council to re-evaluate Spring Street and make it a one-way street with angled parking on both sides.

Ralph Porter, Pine Street, advised Council his handicap requires him to walk. He addressed several areas of concern with the sidewalks and cross-walks throughout Town. After a brief discussion, Mr. Russo noted he has met with Mr. Porter and is addressing areas of concern.

May 28, 2014

COUNCIL & MANAGER COMMENTS

Councilman Flynn addressed the property maintenance concerns of the residents. Mr. Russo noted the resources are limited but can verify the work is being done. Mr. Russo advised that Council can revisit the resource funding during the budget process next year.

Mr. Russo advised Council he received notification from Bill Hinkes, Esq. that the Town has won appeal at the Appellate Division for the Abelour matter. The verdict will result in Abelour paying the water/sewer fees as well as the COAH fees.

There being no further business to be conducted, upon motion of Mrs. Diglio, seconded by Mr. Flynn and unanimously carried, the meeting was adjourned at 10:28 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lorraine A. Read".

Lorraine A. Read, RMC
Municipal Clerk