

January 7, 2008

The Special work session meeting of the Town Council of the Town of Newton was held on the above date at 7:00 p.m. Present were Mr. Elvidge, Mr. Diglio, Mr. Storm, Mr. Ricciardo, Mayor Unhoch and Town Manager, Ms. Eileen Kithcart.

Mayor Unhoch 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 26, 2007.

Redevelopment Information Hearing

Mrs. Andrea Kahn, Esq., of McManimon & Scotland, made a presentation providing an overview of the redevelopment process for the Town of Newton.

Mrs. Kahn explained that “redevelopment is a legal process undertaken by a municipality or other governmental body to help enhance, revitalize, rehabilitate or rebuild “areas in need of redevelopment, as defined in the redevelopment law. In New Jersey, each part of the process is regulated by the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”).

Mrs. Kahn outlined the three (3) steps which occur in order to designate an area in need of redevelopment.

- 1) The Town Council identifies an area that it thinks may meet the criteria in Section 5 of the Act, and by resolution, asks the Planning board to investigate it further.
- 2) The Planning Board, working with a planner, analyzes the area to determine whether any of the criteria are met. A report and map are prepared, and public hearings are held. Then the Planning Board makes recommendations to the Town.

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3) The Planning Board may recommend that the Town designate all or a part of the area, as an area in need of development, if it meets one or more of the conditions or criterias of the redevelopment law. Mrs. Kahn reviewed several conditions and criterias necessary to have an effective redevelopment area.

Mrs. Kahn outlined the requirements necessary in order to get a redevelopment plan adopted. The plan would require the municipality to adopt by ordinance, which required two readings and a public hearing prior to the passage of the ordinance. The Redevelopment Powers used to implement a redevelopment plan consists of Zoning powers; Contract powers; Eminent domain and the ability to provide financial incentives, such as grants and loans, five year tax abatements and exemption, long term tax exemption as well as the issuance of Redevelopment Area Bonds (RAB's), secured by payments made in lieu of taxes or local assessments". Mrs. Kahn concluded the presentation and will address the public.

At this time, Mayor Unhoch opened the meeting to the public.

Mrs. Marge McCabe, Chairperson of the Newton Planning Board, advised that potential developers who may look to purchase homes in these designated areas, are required to pay fair market value and noted that the Town is not involved with this process.

Mrs. Joanne Horvath, owner of the Station House Plaza, questioned her obligation with regard to a potential buyer and was advised that the best practice would to notify any interested party that the property is located in a redevelopment area.

Ms. Eileen Meyers, addressed Council on behalf of family members, and expressed her concerns due to the recently purchased home in the area in need of redevelopment.

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Several residents that reside in the designated neighborhoods which are declared an “area in need of redevelopment” addressed their concerns and was addressed by Mrs. Kahn and the Governing Body.

Mrs. Kahn advised that the “plan” is not developed nor is it complete, therefore, there will be several meetings and hearings which will take place prior the “plan” being adopted.

Mr. Neil Flaherty, 154 Sparta Avenue, Newton, questioned the difference between fair market value vs. assessment value and was addressed by Mrs. Kahn.

Mr. Thomas Lawler, 41 Condit Street, Newton, had several questions surrounding the entire process. Councilman Ricciardo advised that Redevelopment Plan gives the Town Council the tools and opportunity to create a design for the community. The Plan allows the Town to have “authority and power” over any developer.

Mrs. Tammy Westra, 5 Grand Avenue, Newton, questioned whether a home located in a “Redevelopment Area” would be valued less if on the market. After a brief discussion, the Governing Body feels that the sale would be positive, due to the redevelopment of that area. Mrs. Kahn advised that recent statistics show a positive outcome for home values.

Mr. Don Sharp, 50 Diller Avenue, Newton, questioned how long the Plan will take to complete and was advised that the Plan should take 6 months to a year.

Mr. Lou Baldini, 10 Barry Lane, Newton, suggested that a power-point presentation of the Vision Plan be placed in the local library for public view.

Mrs. Tara Pankz, 14 Woodside Avenue, Newton, questioned why Woodside Avenue is located in the “area of redevelopment”. Mrs. Kahn

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advised that the “designated” area would have to meet the necessary criteria’s, and advised Mrs. Pantz to call Ms. Kithcart, Town Manager, for more specific information.

Mr. Joseph Grather, Esq., 136 South Street, Morristown, addressed several questions which was addressed by Mrs. Kahn.

Ms. Donna Clouse, 66 Hicks Avenue, Newton, questioned whether the general public is informed when development is being planned and was advised that every property owner within 200 feet is notified when development is being planned.

Ms. Meg Penny, Sparta Avenue, questioned whether the Town of Newton has every had areas in need of redevelopment before and was advised that there are currently two other areas in need of redevelopment currently.

Mr. Dale Duckworth, 2 Stafford Court, Newton, questioned whether the process if the Plan is challenged and was advised that Plan “would not take effect immediately”.

There being no other public to be heard, Mayor Unhoch closed the hearing to the public.

Councilman Ricciardo addressed the public and advised that Town addressed “areas in need of redevelopment” after the vision plan was created. The Town’s intension is to better the community, develop under utilized property and increase the tax base, which will benefit everyone in the community. It is not the intention of the Town to take property by eminent domain. Redevelopment could be a tremendous assist to this community.

Councilman Diglio advised that “growth has come to Newton”. The whole intention is for the Town to take control of the development this will

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come to Newton, and allow the community to have their say in what is developed.

Mayor Unhoch thanked all in attendance and invited the community to attend the Newton Planning Board meeting on January 16, 2008 at 7:30 p.m. for their comment.

Councilman Elvidge outlined what has taken place to date and reiterated that the “Town’s intention is for the betterment of Newton”.

Councilman Storm concurred that eminent domain is not the idea of the Town, but only to make it better place.

Mrs. Andrea Kahn, advised that as Redevelopment Counsel, she intends to guide the Town with a “successful redevelopment plan” and concurred the this will make the Town a better place.

Upon motion of Mr. Ricciardo, seconded by Mayor Unhoch and carried, the Town Council went into executive session at 10:05 p.m.

EXECUTIVE SESSION

WHEREAS, the Town Council of the Town of Newton (hereinafter referred to as the “Town Council”), convened a meeting in full compliance with the New Jersey Open Public Meetings Act, set forth in N.J.S.A. 10:4-12, and

WHEREAS, N.J.S.A. 10:4-12 allows a public body to enter executive session during a public meeting to discuss certain matters, and

WHEREAS, it has become clear to the Town Council that there is a need to enter executive session to discuss one or more of the exceptions to the New Jersey Open Public Meetings Act, as set forth in N.J.S.A. 10:4-12, and

WHEREAS, this work session meeting of the Town Council will not reconvene;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it will enter executive session to discuss personnel issues and pending litigation issues;

BE IT FURTHER RESOLVED that the discussion conducted in executive session by the Newton Town Council shall be disclosed to the public as follows:

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PERSONNAL

Ms. Kithcart addressed some pending personnel issues.

LITIGATION

Ms. Kithcart and Mrs. Millikin addressed some potential litigation issues.

There being no further business in executive session, upon motion of Mr. Storm, seconded Mr. Ricciardo and carried, the Town Council left executive session at 11:05 p.m.

Mayor Unhoch declared the meeting opened to the public.

There being no one from the public to be heard, upon motion of Mr. Storm, seconded by Mr. Diglio and carried, the meeting was adjourned at 11:05 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk