



AGENDA
NEWTON TOWN COUNCIL
JULY 26, 2010
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- JULY 1, 2010 REORGANIZATION MEETING
- JULY 12, 2010 SPECIAL MEETING
- JULY 12, 2010 REGULAR MEETING
- JULY 12, 2010 EXECUTIVE MEETING

V. OPEN TO THE PUBLIC

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

VI. COUNCIL & MANAGER REPORTS

VII. ORDINANCES

a. INTRODUCTION

ORDINANCE 2010-8

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 12, HEALTH CODE, OF THE REVISED GENERAL ORDINANCES TO GUARD AGAINST DUMPSTER AND REFUSE CONTAINER EXPOSURE TO STORMWATER

ORDINANCE 2010-9

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 19B, STORMWATER CONTROL, OF THE REVISED GENERAL ORDINANCES TO PREVENT THE DISCHARGE OF SOLIDS AND FLOATABLES FROM PRIVATE PROPERTIES INTO MUNICIPAL SEPARATE STORM SEWER SYSTEMS

VIII. OLD BUSINESS

- a. RESOLUTION #113-2010 APPOINTMENT OF DANIEL FLYNN TO THE PLANNING BOARD
- b. RESOLUTION #114-2010 APPOINTMENT OF LUDMILLA MECAJ TO THE ADVISORY RECREATION COMMISSION

IX. CONSENT AGENDA

ALL ITEMS LISTED WITH AN ASTERISK (*) ARE CONSIDERED TO BE ROUTINE AND NON-CONTROVERSIAL BY THE TOWN COUNCIL AND WILL BE APPROVED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER SO REQUESTS, IN WHICH CASE THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.

- a. RESOLUTION #119-2010* APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE PARK PLACE AND HIGH STREET BEAUTIFICATION PROJECT
- b. RESOLUTION #120-2010* RESOLUTION CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO ENACT PROPERTY TAX REFORM WITH THE PASSAGE OF THE "MUNICIPAL TOOLKIT" AND OTHER MANDATES RELIEF
- c. RESOLUTION #121-2010* APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF SPRING STREET AND LOWER SPRING STREET
- d. RESOLUTION #122-2010* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- e. RESOLUTION #123-2010* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER
- f. RESOLUTION #124-2010* RESOLUTION PROVIDING FOR FINANCIAL SUPPORT TO THE MAIN STREET NEWTON, INC. ORGANIZATION FOR THE REMAINDER OF CALENDAR YEAR 2010
- g. RESOLUTION #125-2010* APPROVE BILLS AND VOUCHERS FOR PAYMENT

h. APPLICATIONS*

THREE APPLICATIONS FOR SPECIAL PERMITS FOR SOCIAL AFFAIRS:

1. SUSSEX COUNTY ARTS & HERITAGE COUNCIL, 133 SPRING STREET, NEWTON TO BE HELD ON SEPTEMBER 11, 2010 AT 3:00PM TO 8:00PM AT 33 SPRING STREET, NEWTON

2. NEWTON MOOSE LODGE #432, 4 DILLER AVENUE, NEWTON TO BE HELD ON AUGUST 21, 2010 FROM NOON TO 10:00PM AT THE NEWTON MOOSE LODGE

3. GREATER NEWTON CHAMBER OF COMMERCE, 61 SPRING STREET, SUITE 2A, NEWTON TO BE HELD ON SEPTEMBER 13, 2010 AT 7:00PM TO 10:00PM ON SPRING STREET (OUTDOOR EVENT)

X. INTERMISSION

XI. DISCUSSION

a. UTILITY ADVISORY BOARD APPEAL

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. EXECUTIVE SESSION

a. RESOLUTION #126-2010

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

(1) POTENTIAL LITIGATION

(2) CONTRACT NEGOTIATIONS

XV. ADJOURNMENT

TOWN OF NEWTON
Sussex County, New Jersey

ORDINANCE No. 2010-8

**AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 12, HEALTH CODE, OF THE REVISED GENERAL ORDINANCES
TO
GUARD AGAINST DUMPSTER AND REFUSE CONTAINER EXPOSURE TO
STORMWATER**

WHEREAS, the New Jersey Department of Environmental Protection requires that all Tier A municipalities take measures to prevent the discharge of liquids or solids from uncovered dumpsters and other refuse containers into municipal separate storm sewers systems. In order to comply with the requirements of the Town of Newton’s Municipal Stormwater General Permit, the Town Council wishes to amend the revised general ordinances to require that all dumpsters and other refuse containers exposed to stormwater be covered at all times.

BE IT ORDAINED by the Town of Newton Council that certain sections within Chapter 12, Health Code, of the Code of the Town of Newton be amended as follows:

SECTION 1. Chapter 12, Section 12-13, *Refuse Containers/Dumpsters* is created to include the following:

The purpose of this section is to require that all dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Town of Newton and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Subsections:

- 12-13.1 Definitions
- 12-13.2 Prohibited Conduct
- 12-13.3 Exceptions to Prohibition
- 12-13.4 Enforcement
- 12-13.5 Violations and Penalties
- 12-13.6 Severability

SECTION 2. Chapter 12, Section 12-13.1, *Definitions* is created to include the following:

For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular

number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SYSTEM (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Town of Newton or other public body, and is designed and used for collecting and conveying stormwater.

PERSON – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

REFUSE CONTAINER – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

STORMWATER – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

WATERS OF THE STATE – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION 3. Chapter 12, Section 12-13.2, *Prohibited Conduct* is created to include the following:

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Town of Newton.

SECTION 4. Chapter 12, Section 12-13.3, *Exceptions to Prohibition* is created to include the following:

- A. Permitted temporary demolition containers.
- B. Litter receptacles (other than dumpsters or other bulk containers).
- C. Individual homeowner trash and recycling containers.

- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

SECTION 5. Chapter 12, Section 12-13.4, *Enforcement* is created to include the following:

The Town Manager, through the Township Zoning Officer, shall enforce the provisions of this section. It shall be unlawful for any reason to violate any part of this ordinance adopted by the Town Council of the Town of Newton.

SECTION 6. Chapter 12, Section 12-13.5, *Violations and Penalties* is created to include the following:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be first notified of the violation and if the violation is not remediated within 30 days, that person(s) shall be liable to a penalty not to exceed \$500 for each day on which the violation exists beyond the 30 day limit.

SECTION 7. Chapter 12, Section 12-13.6, *Severability* is created to include the following:

It is the intention of the Town Council that every provision of this Section shall be considered separable and the invalidity of any article, clause or provision of this Section shall not affect the validity of any other portion of this Section or this Chapter.

SECTION 8. Effective date:

This ordinance shall take effect upon final adoption and will be published as required by law.

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on July 26, 2010. It will be considered for adoption, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on August 9, 2010 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON
Sussex County, New Jersey

ORDINANCE No. 2010-9

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 19B,
STORMWATER CONTROL, OF THE REVISED GENERAL ORDINANCES
TO
PREVENT THE DISCHARGE OF SOLIDS AND FLOATABLES FROM PRIVATE
PROPERTIES INTO MUNICIPAL SEPARATE STORM SEWER SYSTEMS**

WHEREAS, the New Jersey Department of Environmental Protection requires that all Tier A municipalities take measures to prevent the discharge of solids and floatables from private properties into municipal separate storm sewers systems. In order to comply with the requirements of the Town of Newton's Municipal Stormwater General Permit, the Town Council wishes to amend the revised general ordinances to require the retrofitting of existing storm drain inlets on privately owned properties.

BE IT ORDAINED by the Town of Newton Council that certain sections within Chapter 19B, Stormwater Control of the Code of the Town of Newton be amended as follows:

SECTION 1. Chapter 19B, Section 19B-18, *Private Storm Drain Inlet Retrofitting* is created to include the following:

The purpose of this section is to require the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Town of Newton so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Subsections:

- 12-18.1 Definitions
- 12-18.2 Prohibited Conduct
- 12-18.3 Design Standards
- 12-18.4 Enforcement
- 12-18.5 Violations and penalties
- 12-18.6 Severability

SECTION 2. Chapter 19B, Section 19B-18.1, *Definitions* is created to include the following:

For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular

number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by The Town of Newton or other public body, and is designed and used for collecting and conveying stormwater.

PERSON – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STORM DRAIN INLET – an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

WATERS OF THE STATE – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION 3. Chapter 19B, Section 19B-18.2, *Prohibited Conduct* is created to include the following:

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- A. Already meets the design standard below to control passage of solid and floatable materials; or
- B. Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.

SECTION 4. Chapter 19B, Section 19B-18.3, *Design Standards* is created to include the following:

Storm drain inlets shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 19B-18.3(3) below.

- A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- (1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
- (2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

C. This standard does not apply:

- (1) Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
- (2) Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.
- (3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
- (4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking

that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

SECTION 5. Chapter 19B, Section 19B-18.4, *Enforcement* is created to include the following:

The Town Manager, through the Public Works Supervisor, shall enforce the provisions of this section. It shall be unlawful for any reason to violate any part of this ordinance adopted by the Town Council of the Town of Newton.

SECTION 6. Chapter 19B, Section 19B-18.5, *Violations and Penalties* is created to include the following:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be first notified of the violation and if the violation is not remediated within 30 days, that person(s) shall be liable to a penalty not to exceed \$500 for each day on which the violation exists beyond the 30 day limit.

SECTION 7. Chapter 19B, Section 19B-18.6, *Severability* is created to include the following:

It is the intention of the Town Council that every provision of this Section shall be considered separable and the invalidity of any article, clause or provision of this Section shall not affect the validity of any other portion of this Section or this Chapter.

SECTION 8. Effective date:

This ordinance shall take effect upon final adoption and will be published as required by law.

NOTICE

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #113-2010

July 26, 2010

**“Appointment of Daniel Flynn to
the Planning Board”**

WHEREAS, there is currently a vacancy for a Regular Member on the Town of Newton Planning Board; and

WHEREAS, Mr. Daniel Flynn has expressed interest in serving on the Board;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Daniel Flynn is hereby appointed to an unexpired four-year term as a Regular Member of the Planning Board, effective immediately with said term continuing to December 31, 2011.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 26, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #114-2010

July 26, 2010

**"Appointment of Ludmilla Mecaj to
the Advisory Recreation Commission"**

WHEREAS, there is currently a vacancy for a Regular Member on the Town of Newton Advisory Recreation Commission; and

WHEREAS, Ludmilla Mecaj has expressed interest in serving on the Commission;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Ludmilla Mecaj is hereby appointed to an unexpired five-year term as a Regular Member of the Advisory Recreation Commission, effective immediately with said term continuing to December 31, 2010.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 26, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #119-2010

July 26, 2010

“Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the Park Place and High Street Beautification Project”

WHEREAS, the Town of Newton is applying for funding in the amount of \$283,980.00 to complete the Park Place and High Street Beautification Project under the NJDOT Centers of Place Program; and

WHEREAS, this project will enhance and beautify the Town, and will also help to promote a pedestrian friendly environment; and

WHEREAS, the Town of Newton will assume the responsibility for maintenance of the proposed sidewalks, pavers and lights associated with this beautification project except for the removal of ice and snow from the sidewalks, due to the fact that local Ordinances place that responsibility with each individual property owner;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton formally approves the grant application for the above stated project; and

BE IT FUTHER RESOLVED, that the Mayor, Town Manager, and Clerk are hereby authorized to submit an electronic grant application identified as COP-2011-NewtonTown-00005 to the New Jersey Department of Transportation on behalf of the Town of Newton; and

BE IT FURTHER RESOLVED, that the Mayor, Town Manager, and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Newton and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approval of same.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 26, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #120-2010

July 26, 2010

“Resolution Calling on the State Legislature and the Governor to Enact Property Tax Reform with the Passage of the “Municipal Toolkit” and other Mandates Relief”

WHEREAS, difficult times demand difficult choices, and facing an unprecedented revenue gap this year, Governor Christie introduced, and the Legislature passed, a budget that cut municipal property tax relief funding by about \$450 million, from last year's already reduced totals; and

WHEREAS, realizing that a 20% cut in revenue replacement funding, instead of the statutorily required increase, would present a serious challenge to local budget makers, Governor Christie intended to provide local officials with meaningful tools to limit the, otherwise devastating, impact of the cuts; and

WHEREAS, the Governor's "Tool Kit to Meet Today's Fiscal Challenges" was supposed to accomplish six objectives: collective bargaining reform; pension and benefits reform; civil service reform; management reform; a constitutional cap on increases in spending for direct State government services; and a constitutional cap on property tax increases; and

WHEREAS, Governor Christopher Christie and the State Legislature have agreed on and enacted a 2% statutory cap for annual property tax levy increases; and

WHEREAS, the Governor was correct when he said, "New caps without the toolkit are unworkable"; and

WHEREAS, with the cuts assured in the State's new budget and with bi-partisan agreement reached on new property tax caps, New Jersey Mayors - from municipalities, large and small, and from all around our Garden State – still wait for Trenton policy makers to enact meaningful local government cost containment reforms;

NOW, THEREFORE BE IT RESOLVED, by Town Council of the Town of Newton for immediate passage of the "Toolkit" reforms and mandates relief, including, but not limited to interest arbitration reform, civil service reforms, public employee pension and benefits, disciplinary procedures, school and special district elections, reforms to the Fair Housing Act and the Council on Affordable Housing and mandates relief; and

BE IT FURTHER RESOLVED, that statutory arbitration reforms must limit the full economic impact of awards to conform to the 2% cap; and

BE IT FURTHER RESOLVED, that statutory Health benefit reforms must conform future health benefit costs to the 2% cap; and

BE IT FURTHER RESOLVED, that municipal revenues, such as the Energy Tax, which are now collected by, and diverted to, the State, but which are legally intended for municipal property tax relief, must be constitutionally dedicated for their original purpose; or in the alternative, those taxes should be reformed to allow collection directly by municipalities; and

BE IT FURTHER RESOLVED, that the Administration and Legislature must advance immediate mandates relief initiatives to assist municipalities in managing within the 2% cap; and

BE IT FURTHER RESOLVED, that the Administration and Legislature must advance reforms to the Fair Housing Act and the Council on Affordable Housing (COAH); and

BE IT FURTHER RESOLVED, that a cap exception for the costs associated with tax appeals should be included, and costs mandated by the Administrative Office of the Courts (AOC) should be excepted from the 2% cap or the costs of new AOC mandates should be capped at 2%; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 26, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #121-2010

July 26, 2010

“Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the Resurfacing of Spring Street and Lower Spring Street”

WHEREAS, the Town of Newton is applying for funding in the amount of \$210,854.00 to resurface Spring Street and Lower Spring Street under the NJDOT Local Aid Program;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED, that the Mayor, Town Manager, and Clerk are hereby authorized to submit an electronic grant application identified as MA-2011-NewtonTown-00055 to the New Jersey Department of Transportation on behalf of the Town of Newton; and

BE IT FURTHER RESOLVED, that the Mayor, Town Manager, and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Newton and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approval of the execution of same.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 26, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #122-2010

July 26, 2010

"Authorize Credits Due Water and Sewer Utility Accounts"

WHEREAS, the Water and Sewer Collector has determined that 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 reasons stated:

Utility Board recommends waiver of portion of 2nd quarter sewer charge:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
13779	24 Pine Street	\$76.63

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 26, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #123-2010

July 26, 2010

“Authorize Refund of Redemption Monies to Outside Lienholder”

WHEREAS, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 401, Lot 35, also known as 40 Mill Street, for 2009 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1323, was sold to Another Lien LLC for a 0% redemption fee; and

WHEREAS, Matthew C. Johnston, Esq., attorney, has effected redemption of Certificate #1323 in the amount of \$ 232.42;

NOW THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Another Lien LLC, is entitled to a refund in the amount of \$ 232.42; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$232.42, payable to Another Lien LLC, 1 Vista Drive, Sparta, NJ 07871 for the redemption of Tax Sale Certificate # 1323.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 26, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #124-2010

July 26, 2010

“Resolution Providing for Financial Support to the Main Street Newton, Inc. Organization for Calendar Year 2010”

WHEREAS, the Town of Newton recognizes the importance of the downtown as it relates to the economic health and quality of life of the entire community; and

WHEREAS, the continued improvement, revitalization and development of the downtown is a critical municipal goal; and

WHEREAS, a local Main Street Program organization, known as Main Street Newton, Inc., comprised of private and public community leaders, has been formed to stimulate economic development and preservation of the downtown, thereby lessening the burden of municipal government; and

WHEREAS, the Town Council of the Town of Newton had originally committed, through Resolution 5-2007, a matching fund amount, not to exceed \$40,000 per year, for four successive years beginning in 2007; and

WHEREAS, the Town Council of the Town of Newton acknowledges that a significant downturn in the economy of New Jersey and the United States creates an even greater need this year for the success of the Main Street Newton, Inc. organization and program; and

WHEREAS, the Town Council of the Town of Newton committed to providing financial support in the municipal budget to the Main Street Newton, Inc. organization for calendar year 2010, without the matching fund restriction, in a total amount not to exceed \$20,000; and

WHEREAS, partial funding in the amount of \$10,000 was provided to the Main Street Newton, Inc. organization via Resolution 35-2010; and

WHEREAS, the Town Council of the Town of Newton endeavors to continue the Town's support of Main Street Newton, Inc. after adoption of this Resolution for purposes restricted to the payment of salary of the Main Street Newton, Inc.'s Executive Director; and

WHEREAS, it is expected that the Executive Director will keep the Town Council informed of the progress being made by the organization as it relates to meeting their 2010 fundraising and programmatic goals.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Newton:

1. Agrees to reaffirm its support of the Main Street Newton, Inc. organization by immediately releasing the final \$10,000 payment of the total 2010 appropriation of \$20,000 as approved in the adopted Town of Newton 2010 budget. This support does not have any matching fund restriction.
2. Agrees that these funds are to be solely utilized for the purposes of the Executive Director's salary.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 26, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #125-2010

July 26, 2010

“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 2009 and 2010 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 25, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #126-2010

July 26, 2010

“A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12”

WHEREAS, the Town Council of the Town of Newton is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specific purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Town Council of the Town of Newton to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- (1) Potential Litigation
- (2) Contract Negotiations

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on July 26, 2010, that an Executive Session closed to the public shall be held on July 26, 2010, at _____ PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific item designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Town Council that the public interest will no longer be served by such confidentiality.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a public meeting of said Governing Body conducted on, July 26, 2010.

Lorraine A. Read, RMC
Municipal Clerk