



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**OCTOBER 13, 2010**  
**7:00 P.M.**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. OPEN PUBLIC MEETINGS ACT STATEMENT**

**IV. APPROVAL OF MINUTES**

SEPTEMBER 27, 2010 REGULAR MEETING  
SEPTEMBER 27, 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. 2<sup>ND</sup> READING AND PUBLIC HEARING**

ORDINANCE 2010-18

AN ORDINANCE AMENDING CHAPTER 3 OF THE  
NEWTON REVISED GENERAL ORDINANCES

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

ORDINANCE 2010-19

A FULLY FUNDED WATER SEWER CAPITAL  
IMPROVEMENT ORDINANCE IN THE AMOUNT OF  
\$14,400 FOR THE ACQUISITION OF A HOT BOX FOR  
THE TOWN OF NEWTON

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

ORDINANCE 2010-20

A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$14,400 FOR THE ACQUISITION OF A HOT BOX FOR THE TOWN OF NEWTON

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

ORDINANCE 2010-21

AN ORDINANCE TO AMEND CHAPTER XXI, FEES AND COSTS, OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF NEWTON

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

ORDINANCE 2010-22

AN ORDINANCE AUTHORIZING SALE BY PUBLIC AUCTION OF MUNICIPAL LANDS NOT NEEDED FOR PUBLIC USE

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

ORDINANCE 2010-23

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION FOR THE PREPARATION AND IMPLEMENTATION OF A REASSESSMENT OF ALL REAL PROPERTY WITHIN THE TOWN OF NEWTON (N.J.S.A. 40A: 4-53)

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

**b. INTRODUCTION**

ORDINANCE 2010-24

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, ADOPTING AMENDMENTS TO THE SPARTA AVENUE REDEVELOPMENT PLAN

**VIII. OLD BUSINESS**

## **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 #176-2010\* AUTHORIZATION TO PROVIDE FOR THE PURCHASE OF ROAD SALT FOR THE DEPARTMENT OF PUBLIC WORKS FOR THE TOWN OF NEWTON
- b. RESOLUTION #177-2010\* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER
- c. RESOLUTION #178-2010\* APPROVE CHANGE ORDER NO. 2 AND CHANGE ORDER NO. 3 OF THE ALLEY SEWER REPLACEMENT PROJECT
- d. RESOLUTION #179-2010\* AUTHORIZE A CONTRACTURAL AGREEMENT WITH APPRAISAL SYSTEMS, INC., FOR A COMPLETE REASSESSMENT OF ALL REAL PROPERTY
- e. RESOLUTION #180-2010\* AWARD BID FOR PURCHASE OF SEWER TELEVISIONING EQUIPMENT
- f. RESOLUTION #181-2010\* APPROVAL OF AN INITIAL APPLICATION FOR TAXICAB DRIVER'S LICENSE
- g. RESOLUTION #182-2010\* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- h. APPLICATIONS\* AN OFF-PREMISE RAFFLE FROM ST. JOSEPH RC CHURCH, 17 ELM STREET, NEWTON TO BE HELD ON DECEMBER 10, 2010 AT 4:30PM AT ST. JOSEPH CHURCH, 17 ELM STREET, NEWTON.

## **X. INTERMISSION**

## **XI. DISCUSSION**

- a. TECHNICAL REVIEW COMMITTEE

## **XII. OPEN TO THE PUBLIC**

## **XIII. COUNCIL & MANAGER COMMENTS**

**XIV. EXECUTIVE SESSION - 9:00 P.M.**

**a.** RESOLUTION #183-2010

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) PERSONNEL

(2) CONTRACT NEGOTIATIONS

**XV. ADJOURNMENT**

**TOWN OF NEWTON**

**ORDINANCE NO. 2010-18**

**AN ORDINANCE AMENDING CHAPTER 3 OF THE  
NEWTON REVISED GENERAL ORDINANCES**

BE IT ORDAINED by the Town Council of the Town of Newton as follows:

I. Chapter 3 of the Newton Revised General Ordinances shall be amended as follows:

1. The asterisked language to the title to Chapter 3, "Police Department\*," shall be amended to read:

\* The establishment, maintenance, regulation and control of the municipal police department are provided for in N.J.S. 40A:14-118, et seq.

2. The provisions of Chapter 3-1 are hereby deleted and replaced with the following language:

**3-1 Department Established; Composition.**

The police department of the Town of Newton is hereby established and shall consist of a chief of police, a maximum of two (2) police lieutenants, a maximum of five (5) police sergeants, and such other patrol officers, probationary officers, traffic officers, school crossing guards, special police officers and employees that the town manager shall from time to time appoint.

3. There shall be two new subsections of Chapter 3-4, "Appointment of Officers," as follows:

**3-4.5 Police Officer.**

a. No person shall be given or accept a permanent appointment as a police officer in the Town unless such person has first been given a probationary or temporary assignment to such office for a period of not longer than one year, and has successfully completed a police training course at a school approved and authorized by the Police Training Commission.

b. Except as otherwise provided by law, no person shall be appointed as a member of the police department and force, unless he:

- (1) is a citizen of the United States;
- (2) is sound in body and of good health sufficient to satisfy the board of trustees of the police and firemen's retirement system of New Jersey as to his eligibility for membership in the retirement system;
- (3) is able to read, write and speak the English language well and intelligently;
- (4) is of good moral character, and has not been convicted of any criminal offense involving moral turpitude;
- (5) has successfully undergone psychological testing that is required of all full-time police officers in the Town of Newton and approved by the Police Training Commission.

c. No person shall be appointed to the police department as a regular or probationary member unless he shall at the time of making application be between the age of 21 and 35 years, except as provided by law in the case of veterans.

#### **3-4.6 Special Police Officer.**

a. Special Police Officers may be appointed for terms not to exceed one year. Nothing herein shall be construed to require reappointment upon the expiration of the term.

b. There shall be two classifications for special police officers. The classifications shall be based upon the duties to be performed by the special police officer as follows:

1. Class One: Officers of this class shall be authorized to perform routine traffic detail, spectator control and similar duties. Class One officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances and violations of Title 39 of the Revised Statutes. The use of a firearm by an officer of this class shall be strictly prohibited and no Class One officer shall be assigned any duties which may require the carrying or use of a firearm.

2. Class Two: Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. The use of a firearm by an officer of this class may be authorized only after the officer has been fully certified as

successfully completing training as prescribed by the Police Training Commission.

c. No person shall be appointed as a Special Police Officer unless the person:

(1) is a resident of the State during the term of appointment;

(2) is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent;

(3) is sound in body and of good health and good moral character;

(4) has not been convicted of any offense involving dishonesty, or which would make him unfit to perform the duties of his office;

(5) has successfully undergone the same psychological testing that is required of all full-time police officers in the Town of Newton and approved by the Police Training Commission.

c. No person shall commence his duties as Special Police Officer unless he/she has successfully completed a training course approved by the Police Training Commission. No Special Police Officer may be issued a firearm unless he has successfully completed the basic firearms course approved by the commission.

4. The provisions of Chapter 3-6 are hereby deleted.

5. The provisions of Chapter 3-7.1(d) are hereby deleted and replaced with the following language:

d. All applicants to be classified within Class 1 must be residents of the Town of Newton as of the date of application and must maintain continuous residence within the Town of Newton through the examination process, up to and including the date of appointment.

6. The provisions of Chapter 3-7.1(e) are hereby deleted and replaced with the following language:

e. The provisions of this section shall apply only to the initial appointments and not to promotional appointments of persons already members of the police department.

7. The provisions of Chapter 3-7.2(a) are hereby deleted and replaced with the following language:

a. The town manager of the Town of Newton shall first appoint to membership in the police department of the Town of Newton persons qualifying in Class 1 provided in the preceding section herein, and then those in each succeeding Class in the order listed in the said foregoing section, and shall appoint a person or persons in any such Class only to a vacancy or vacancies remaining after all qualified applicants in the preceding Class or Classes have been appointed or have declined an offer of appointment.

8. The subsections of Chapter 3-9, "Powers and Duties," shall be re-organized as follows:

Subsections:

- 3-9.1 Chief of Police
- 3-9.2 Police Lieutenant
- 3-9.3 Police Sergeant
- 3-9.4 Police Officer
- 3-9.5 Special Police Officer
- 3-9.6 Duties of Department

9. The provisions of Chapter 3-9.1(c) are hereby deleted and replaced with the following language:

c. The chief of police shall recommend to the town manager from time to time the purchase of new equipment or the repair or rearrangement of such old equipment as will increase the efficiency of the department. He shall have full charge and control of all apparatus and equipment of the department and its assignment and use, and shall be held responsible for its care, cleanliness and safekeeping.

10. The provisions of Chapter 3-9.3(b) (to become Chapter 3-9.2(b)) are hereby deleted and replaced with the following language:

b. The Lieutenant gives suitable police assignments and instruction to sergeants and police officers; provides them with needed advice and assistance when difficult problems or maneuvers arise; and checks their work to see that the proper procedures are followed, reasonable standards

of workmanship, conduct, and output are maintained, and desired police objectives are achieved.

11. The provisions of Chapter 3-9.3.1(a) (to become Chapter 3-9.3(a)) are hereby deleted and replaced with the following language:

a. Under supervision of a Police Lieutenant during an assigned tour of duty, a Police Sergeant has charge of police activities intended to provide assistance and protection for persons, to safeguard property, to assure observance of the laws, and to apprehend law-breakers; and does related supervisory work as required.

12. The provisions of Chapter 3-9.3.1(e) (to become Chapter 3-9.3(e)) are hereby deleted and replaced with the following language:

e. Sees that needed police protection is provided when there are fires, outbreaks, and other conditions which may result in disorder, and when large numbers of people congregate for any reason.

13. As part of the re-organization of Chapter 3-9.3.1 into Chapter 3-9.3, there shall be a new Chapter 3-9.3(g), as follows:

g. Directs criminal and non-criminal investigations and sees that appropriate police action is taken.

14. The provisions of Chapter 3-9.3.2(a) (to become Chapter 3-9.4) are hereby deleted and replaced with the following language:

**3-9.4 Police Officer.**

During an assigned tour of duty, on foot, bike or in an automobile, patrols a designated area to provide assistance and protection for persons, to safeguard property, to assure observance of the law, to apprehend law-breakers; and does related work as required or assigned.

15. There shall be a new Chapter 3-9.5, as follows:

**3-9.5 Special Police Officer.**

During an assigned tour of duty, on foot, bike or in an automobile, patrols a designated area to provide assistance and protection for persons, to safeguard property, to assure observance of the law, to apprehend law-breakers, and does related work as required.

16. The provisions of Chapter 3-10 are hereby deleted.

17. The provisions of Chapter 3-11 are hereby deleted and replaced with the following language:

**3-11 Hours of Employment.**

The hours of employment of uniformed members of the police department shall not exceed twelve (12) consecutive hours in one day, nor eighty-four (84) hours in any one pay period; provided that in the case of an emergency the officer, board or other official having charge or control of the police department or the police system shall have full authorization to summon and keep on duty any and all such members during the period of emergency.

18. The provisions of Chapter 3-12 are hereby deleted and replaced with the following language:

**3-12 Removal and Suspension.**

Each regular police officer shall hold office and continue employment during good behavior and efficiency, and no person shall be removed from office or employment for any causes other than incapacity, misconduct, neglect of duty, conduct unbecoming a police officer, disobedience of the rules and regulations established or hereafter established for the department, or absence from duty without just cause for five days or more.

Any member of the department may be suspended, removed, fined, or reduced in rank for just cause upon due notice and service of written charges and a hearing if requested by the member.

19. The provisions of Chapter 3-13 are hereby deleted and replaced with the following language:

**3-13 Uniforms and Equipment.**

Duty firearms, holsters, and magazine holders for members of the police department authorized to have such equipment shall be furnished by the Town and remain its property. The expense of obtaining all other required uniforms and equipment shall be borne by each officer. Only Special Officers shall be furnished uniforms and related equipment by the Town, to be issued by the chief of police. Upon issuance of property to a member of the department the chief of police shall take a receipt from the member obtaining the property. Members receiving property from the

department shall be held responsible for the same and upon leaving the service for any cause shall turn in to the chief of police all property belonging to the Town. The reasonable value of any property including uniforms and equipment not returned shall be deducted from the amount of salary or wages due each member.

The members of the police department shall, when on duty, wear such uniforms and equipment as shall be prescribed from time to time by the chief of police and shall at all times present a neat, clean, and respectable appearance.

20. The provisions of Chapter 3-14.1(a) are hereby deleted and replaced with the following language:

a. Members of the Police Department shall be permitted to accept police-related employment from private employers or school districts only during off-duty hours and at such times as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Town.

II. This Ordinance shall take effect January 1, 2011.

#### NOTICE

TAKE NOTICE that the above-entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton on September 27, 2010, and said Ordinance was adopted after public hearing at a regular meeting of the Town Council of the Town of Newton held in the Council Chambers, 39 Trinity Street, Newton, New Jersey, on October 13, 2010.

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

**TOWN OF NEWTON**

**ORDINANCE #2010-19**

**A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$14,400 FOR ACQUISITION OF A HOT BOX FOR THE TOWN OF NEWTON**

**BE IT ORDAINED** by the Town Council of the Town of Newton, in the County of Sussex, as follows:

**Section 1.** \$14,400 is hereby appropriated from the Water Sewer Capital – Capital Improvement Fund for the following purpose in the Town of Newton, including all costs necessary therefore or incidental thereto:

**Acquisition of a Hot Box** – A hot box is a piece of equipment which keeps the asphalt hot while repaving roads for general road improvements and road improvements required due to improving watermain projects. The Town expects to save money through this purchase since road repairs adhere better, have a longer life due to road materials being applied at a hotter temperature, millings dug up from the road being repaired can be recycled thereby saving disposal costs and costs to purchase new asphalt.

**\$14,400.00**

A similar ordinance is being adopted in the General Capital Fund in the amount of \$14,400.00, to cover the total cost of \$28,800.00.

**Section 2.** The Water Sewer Capital Budget of the Town of Newton is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 3.** This ordinance shall take effect as provided by the law.

**TAKE NOTICE** that the above entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton held on September 27, 2010. It was adopted, after public hearing and final reading thereon, at a regular meeting of said Governing Body conducted on October 13, 2010, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk

**TOWN OF NEWTON**

**ORDINANCE #2010-20**

**A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$14,400 FOR ACQUISITION OF A HOT BOX FOR THE TOWN OF NEWTON**

**BE IT ORDAINED** by the Town Council of the Town of Newton, in the County of Sussex, as follows:

**Section 1.** \$14,400 is hereby appropriated from the General Capital - Capital Improvement Fund for the following improvement in the Town of Newton, including all costs necessary therefore or incidental thereto:

**Acquisition of a Hot Box** – A hot box is a piece of equipment which keeps the asphalt hot while repaving roads for general road improvements and road improvements required due to improving watermain projects. The Town expects to save money through this purchase since road repairs adhere better, have a longer life due to road materials being applied at a hotter temperature, millings dug up from the road being repaired can be recycled thereby saving disposal costs and costs to purchase new asphalt.

**\$14,400.00**

A similar ordinance is being adopted in the Water Sewer Capital Fund in the amount of \$14,400.00, to cover the total cost of \$28,800.00.

**Section 2.** The General Capital Budget of the Town of Newton is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 3.** This ordinance shall take effect as provided by the law.

**TAKE NOTICE** that the above entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton held on September 27, 2010. It was adopted, after public hearing and final reading thereon, at a regular meeting of said Governing Body conducted on October 13, 2010, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk

# TOWN OF NEWTON

## ORDINANCE # 2010-21

### AN ORDINANCE TO AMEND CHAPTER XXI, FEES AND COSTS, OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF NEWTON

**BE IT ORDAINED**, by the Town Council of the Town of Newton, that Chapter XXI, Fees and Costs, be amended as follows:

#### 21-1.1 Licensing General (Relating to Chapter VI)

n. Trailer court operations (6-13.4)

- |                   |                 |
|-------------------|-----------------|
| 1. Monthly charge | \$50.00/trailer |
| 3. Delete         |                 |

#### 21-1.5 Traffic (Relating to Chapter X).

- |   |          |
|---|----------|
| 1. Overnight Parking Pass Monthly Fee   |          |
| a. Central Plaza (Lot #4), Western Plaza (Lot #3), and the Adams Street Lot (Lot #1) (residents and business night shift employees) | \$15.00* |
| b. Tractor Trailer/Box Truck Parking - Annually   | \$25.00* |
| c. Park & Ride (10-13B.2-b)   | Free     |
- \*plus applicable NJ State Sales Tax

#### 21-1.15 Miscellaneous Fees and Charges

c. Miscellaneous Fees:

14. Delete (duplication of 21-1.1(o)).

g. Copying fees:

- |   |              |
|---|--------------|
| 1. 8 ½" x 11" copies:<br>or smaller                       | .05 per page |
| 2. 8 ½" x 14" copies:                                     | .07 per page |
| 3. 11" x 17" copies:                                      | .07 per page |
| 4. 3" x 5" photographs, per print from<br>negative        | actual cost  |
| 5. 3" x 5" photographs, per print through<br>reproduction | actual cost  |

6. Blueprint reproductions and computerized technological electronic information:

All unusual copy sizes such as 18" x 24", 24" x 36" and 36" x 48" including plans and tax maps that cannot be reproduced by ordinary document copying equipment in ordinary business sizes (8 1/2" x 11", 8 1/2" x 14" or 11" x 17") will be charged in accordance with the amounts charged to the town for having such copies made.

Paper copies shall be provided by the Town of Newton. In the event that requests are made for records to be copied onto medium not routinely maintained by the Town of Newton or which require a substantial amount of manipulation, programming or transfer of electronic or information technology records, then in addition to the per copy cost, the town may also charge the actual cost to contract a professional to provide the service of copying or transferring such records to computer diskettes, CDs, DVDs, etc. Such reasonable fee shall be equal to the actual cost incurred by the town for recording medium such as diskettes, CDs, or DVDs, plus programming, copying and transferring records to medium other than paper.

### NOTICE

**TAKE NOTICE** that the above-entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton on September 27, 2010, and said Ordinance was adopted after public hearing at the regular meeting of the Town Council of the Town of Newton held in the Council Chambers, 39 Trinity Street, Newton, New Jersey, on October 13, 2010, and shall take effect according to law.

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

**TOWN OF NEWTON**

**ORDINANCE NO. 2010-22**

**AN ORDINANCE AUTHORIZING SALE BY PUBLIC AUCTION  
OF MUNICIPAL LANDS NOT NEEDED FOR PUBLIC USE**

**WHEREAS**, the Town of Newton has title to certain parcels of real property which are Lots 42.02 and 42.03 in Block 902 as shown on the Newton Tax Map, which parcels are not needed for public use; and

**WHEREAS**, the governing body has determined that said parcels should be sold separately at public auction to the highest bidder subject to the terms and conditions hereinafter set forth pursuant to N.J.S.A. 40A:12-13;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY AS FOLLOWS:**

1. That Block 902, Lots 42.02 and 42.03, as shown on the Town of Newton Tax Map, be offered separately for sale at public auction to the highest bidder with a minimum bid required for Lot 42.02 of Thirty-Four Thousand and no/100 (\$34,000.00) Dollars, and for Lot 42.03 of Thirty-Five Thousand and no/100 (\$35,000.00) Dollars pursuant to N.J.S.A. 40A:12-13.
2. The sales shall be conducted in the Municipal Building of the Town of Newton, 39 Trinity Street, Newton, New Jersey, on November 22, 2010 at 10:00 a.m.
3. The governing body hereby appoints and designates the Newton Town Manager or such other person as the governing body shall designate, to conduct the separate

sales of Block 902, Lots 42.02 and 42.03 on behalf of the governing body.

4. The parcels placed for sale in this auction shall be auctioned with reservation. No bid shall be accepted in an amount less than Thirty-Four Thousand and no/100 (\$34,000.00) Dollars for Lot 42.02 and Thirty-Five Thousand and no/100 (\$35,000.00) Dollars for Lot 42.03 . The auctioneer shall commence the bidding for each lot at the minimum required bid. The Town of Newton reserves the right, in its sole discretion, to either accept or reject any bid it deems in the Town of Newton's best interests. The Town, in its sole discretion, may accept a lower bid for any reason it deems in the Town's best interests. No bid shall be considered finally accepted until the passage of a Resolution by the Town Council of the Town of Newton as set forth in Paragraph 9 hereof.

5. The higher bidder for each lot shall execute separate Offers to Purchase in the form attached hereto at the conclusion of the bidding and pay a deposit by cash, bank check or cashier's check or attorney's trust account check in an amount equal to ten (10%) percent of the highest bid for each lot. The balance of the monies due for each lot pursuant to the highest bid and Offer to Purchase shall be paid in cash or certified check on delivery of the Deed, which shall be no later than December 30, 2010 at the offices of the Municipal Attorney, Hollander Strelzik Pasculli Pasculli Hinkes Gacquin Vandenberg & Hontz, LLC, 40 Park Place, Newton, NJ 07860, or at such other location as mutually agreed upon.

6. The municipality expressly disclaims any and all implied warranties of habitability or usability with respect to each of these properties. The highest bidder for each lot shall purchase the property in an "as is" condition, having had an ample and sufficient opportunity to inspect said premises, examine its title, and review municipal ordinances and laws effectuating said premises, and that no representations regarding the value, character, quality,

habitability or condition thereof, including environmental conditions, have been made to Buyer on behalf of the Town of Newton, prior to making a bid. The highest bidder for each lot, after closing, shall be responsible for all present and future defects of any kind in any part of the property. This agreement shall survive the closing of title.

7. The parcels offered for sale in this auction are the same lands and premises which the Town of Newton took title to by virtue of a certain Final Judgment of the Superior Court of New Jersey, Docket No. F-63920-02, dated May 4, 2010, and recorded in the Sussex County Clerk's Office in Deed Book 3249, Page 231&c. A copy of Judgment is attached hereto as **Schedule A**. The Town of Newton shall use in the deed of conveyance the description set forth in **Schedule A**. The highest bidder for each lot shall have the right, at its sole cost and expense, to obtain a new survey of that lot. Provided such survey depicts the lot and is certified to be correct to the Town of Newton, the Town of Newton shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Town of Newton not less than one week prior to the date set for closing of title.

8. The conveyance of each lot shall be by Bargain and Sale Deed, and each lot shall be sold subject to covenants, restrictions, conditions, reservations of record, easements established of record, or by prescription, including but not limited to, Deed Book 383, Page 73&c., Deed Book 1537, Page 63&c., Deed Book 1578, Page 89&c., Deed Book 2235, Page 12&c., and Deed Book 2332, Page 108&c., laws, municipal ordinances, water and sewer connection fees, if any, and such state of facts as an accurate survey or inspection of the premises may disclose.

9. The highest bid for each lot shall be separately accepted or rejected by a

8  
+2

PELLEGRINO & FELDSTEIN, L.L.C.  
290 Route 46 West  
Denville, NJ 07834  
973-586-2300  
File No. 11326-09  
Attorneys for Plaintiff(s) TOWN OF NEWTON

FILED  
SUPERIOR COURT OF NJ  
MAY 04 2010

TOWN OF NEWTON,  
Plaintiff,  
v.  
Sch-1  
Block 902, Lot 42.02  
Assessed to ANNE M. BADUINI  
Sch-2  
Block 902, Lot 42.03  
Assessed to ANNE M. BADUINI

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
SUSSEX COUNTY

DOCKET NO.: F-63920-09

  
20100517010095010 1/3  
05/17/2010 02:17:54 PM FIN-J  
Bk: 3249 Pg: 231  
Erma Gormley, County Clerk  
Sussex County, NJ

CIVIL ACTION

FINAL JUDGMENT

The cause being opened to the Court by Michael G. Pellegrino, Esq., attorney for plaintiff, and it appearing that plaintiff filed its complaint pursuant to the provisions of N.J.S.A. 54:5-104.29 et seq., as amended and the rules of this court governing such practice and procedure to foreclose in rem, certain Tax Sale Certificates as follows:

NEWTON TAX FORECLOSURE LIST

Sch No.	Tax Sale Block/Lot Cert. No	Owner on Last Tax Duplicate	Date Cert. Recorded	Mortgage Book & Page
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Please see attached Schedule A.

and that notice of this foreclosure suit in the form prescribed by said statute and the rules of this court was published once in the Herald, a newspaper circulating in Newton and the County of Sussex, the municipality wherein the lands to be affected are located, and it further appearing that no answer has been filed in this cause by any persons having or claiming to have a right, title or interest in or to, or lien upon any parcel of land described in the complaint filed herein within the time fixed by said statute, and it appearing that the plaintiff has filed a copy of the complaint and all amendments thereto, in the Office of the Tax Collector of Newton of Sussex County and in the Office of the Register of the County of Sussex, and in the Office of

Read that to

the Attorney General of the State of New Jersey, and the court having read and considered the verified complaint filed herein, together with the proofs of publication, mailing and posting of said notice of foreclosure, and the affidavit showing that there has been no redemption of any of the Tax Sale Certificates; and the court being satisfied and having determined that there has been a compliance with said statute;

IT IS thereupon, and this 4<sup>th</sup>, day of May, 2010;

ORDERED AND ADJUDGED that all persons having a vested or contingent title or interest in or lien or claim upon or against said lands, including the State of New Jersey, and any agency and political subdivision thereof, and their heirs, devisees, executors, administrators, grantees, assigns or successors in right, title or interest, be barred of the right of redemption and be foreclosed of all prior or subsequent alienation and descents of said lands and encumbrances thereon, and that an absolute and indefeasible estate of inheritance in fee simple in said lands be vested in the plaintiff, Newton, a Municipal Corporation in the County of Sussex and State of New Jersey.

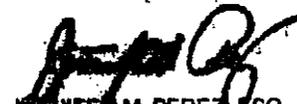
**LAST TRANSFERENCE OF RECORD SCHEDULE**

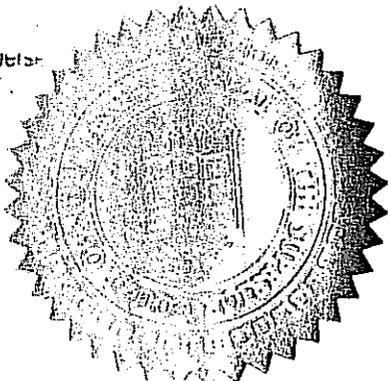
Sched No.	Transferee or Purchase of Title	Deed Dated	Date Recorded	Book & Page Number
1.	ANNE M. BADUINI	10/26/1998	11/24/1998	2332&108
2.	ANNE M. BADUINI	10/26/1998	11/24/1998	2332&108

Respectfully recommended  
 \_\_\_\_\_  
 MARY C. JACOBSON, P.J.Ch.  
 OFFICE OF FORECLOSURE

I, Jennifer M. Perez, Esq., Acting Clerk of the Superior Court of New Jersey, the same being a Court of Record, do hereby certify that the foregoing is a true copy of the FINAL JUDGMENT now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Trenton, this 4<sup>th</sup> day of May Two Thousand 10

  
 JENNIFER M. PEREZ, ESQ.  
 Acting Clerk of Superior Court



**OFFER TO PURCHASE  
BLOCK 902, LOT 42.02**

1. The Undersigned hereby irrevocably offers to purchase from the Town of Newton, Lot 42.02 in Block 902 as shown on the Town of Newton Tax Map and as further described on **Schedule A** attached hereto and made a part hereof, for the sum of \_\_\_\_\_.
2. A bank check, certified check, attorney trust account check or cash for ten percent (10%) of the purchase price, payable to the "Town of Newton", is attached hereto, and shall be held in escrow in the trust account of the law firm of Hollander Strelzik, et al., and disbursed in accord with this Offer.
3. The balance of the purchase price shall be paid at the closing and upon delivery of the Deed, in cash, certified check, or bank check.
4. The closing will take place by December 30, 2010, at the offices of the municipal attorney, Hollander Strelzik, et al., 40 Park Place, Newton, New Jersey, or at such other location as is mutually agreed upon.
5. The conveyance of each lot shall be by Bargain and Sale Deed, and each lot shall be sold subject to covenants, restrictions, conditions, reservations of record, easements established of record, or by prescription, including but not limited to, Deed Book 383, Page 73&c., Deed Book 1537, Page 63&c., Deed Book 1578, Page 89&c., Deed Book 2235, Page 12&c., and Deed Book 2332, Page 108&c., laws, municipal ordinances, water and sewer connection fees, if any, and such state of facts as an accurate survey or inspection of the premises may disclose.
6. The Town of Newton will use in the deed of conveyance the premises described on **Schedule A** attached hereto. The Buyer shall have the right, at its sole cost and expense, to obtain a new survey of the property. Provided such survey depicts the property and is certified to be correct to the Town of Newton, the Town of Newton shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the undersigned bidder provides such legal description and a copy of the certified survey to the Town of Newton not less than one week prior to the date set for closing of title.
7. This Offer shall not be deemed accepted until the adoption of a Resolution by the Newton Town Council, which shall take place no later than its second regular meeting following the date hereof. This Offer may not be withdrawn prior to such Resolution.
8. The Buyer has executed this Offer to Purchase with full knowledge as to the value

of the land, buildings and improvements thereon, which buildings and improvements thereon, if any, are sold in an "as is" condition. The Buyer, by the execution of this Offer to Purchase, acknowledges that they have had the opportunity and have inspected the premises, examined its title, reviewed municipal ordinances and laws affecting the premises, and that no representations regarding the value, character, quality, habitability or condition thereof (including environmental conditions) have been made by or on behalf of the Town of Newton. The Buyer further acknowledges that the municipality has expressly and does expressly disclaim any and all implied warranties of habitability or usability with respect to this property. The Buyer agrees that by the execution of this Offer to Purchase to be responsible, after closing, for all present and future defects of any kind in any part of the property and to indemnify and hold harmless the Town of Newton regarding such present and future defects. This agreement shall survive the closing of title.

9. In the event that time shall be made of the essence in regard to this Offer, such Notice shall be sufficient and reasonable if mailed by ordinary mail to the address of the Undersigned as set forth herein, if such Notice making time of the essence shall direct the closing to be held at the time and place provided therein on a date not less than ten (10) days from the date of mailing of such Notice.
10. The Buyer represents that this is a non-contingent offer and that the Buyer has sufficient cash which will enable the Buyer to fully consummate this transaction without the requirement of approval by any lending institution.
11. In the event the Undersigned does not close title on or before December 30, 2010, or any extended closing date agreed upon in writing by the municipality, or if the Undersigned defaults hereunder, the Undersigned agrees that it would be impossible to accurately ascertain the actual damages the municipality would suffer, this Agreement may be deemed terminated by the Town of Newton and the Town of Newton shall be entitled to retain all sums paid by the Undersigned hereunder, as liquidated damages, and not in the nature of a penalty, and thereupon neither the Undersigned nor the municipality shall have any further rights against or obligations to the other hereunder.
12. THE THREE DAY ATTORNEY REVIEW PERIOD DOES NOT APPLY TO THIS TRANSACTION. By the execution of this Offer, the Undersigned acknowledges that they have had the opportunity to consult and have consulted with separate and independent counsel of their own choice in regard to the rights and obligations hereunder.

DATED: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Full Name(s) Above

\_\_\_\_\_  
Address

\_\_\_\_\_  
Town, State, Zip

\_\_\_\_\_  
Telephone Number

Buyer's Legal Representation:

\_\_\_\_\_  
Name of Attorney

\_\_\_\_\_  
Name of Firm

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Town, State, Zip

\_\_\_\_\_  
Telephone Number

Resolution of the Governing Body no later than the second regular meeting of the Governing Body following the date of such auction sale. No bid may be withdrawn prior to such Resolution.

10. This notice of the auction sale of said lots shall be advertised in the New Jersey Herald at least once a week during two consecutive weeks, the last publication being no earlier than seven days prior to the date of such sale.

**TAKE NOTICE** that the above-entitled Ordinance was introduced on the first reading by the Town Council by the Town of Newton, Sussex County, New Jersey, at a Regular Meeting of said Council, held on September 27, 2010, and that it was adopted after a public hearing held on October 13, 2010, at the Municipal Building, 39 Trinity Street, Newton, New Jersey at 7:00 p.m., and shall take effect according to law.

---

Kristen S. Becker

Mayor

---

Lorraine A. Read, RMC    Municipal Clerk

**OFFER TO PURCHASE  
BLOCK 902, LOT 42.03**

1. The Undersigned hereby irrevocably offers to purchase from the Town of Newton, Lot 42.03 in Block 902 as shown on the Town of Newton Tax Map and as further described on **Schedule A** attached hereto and made a part hereof, for the sum of \_\_\_\_\_.
2. A bank check, certified check, attorney trust account check or cash for ten percent (10%) of the purchase price, payable to the "Town of Newton", is attached hereto, and shall be held in escrow in the trust account of the law firm of Hollander Strelzik, et al., and disbursed in accord with this Offer.
3. The balance of the purchase price shall be paid at the closing and upon delivery of the Deed, in cash, certified check, or bank check.
4. The closing will take place by December 30, 2010, at the offices of the municipal attorney, Hollander Strelzik, et al., 40 Park Place, Newton, New Jersey, or at such other location as is mutually agreed upon.
5. The conveyance of each lot shall be by Bargain and Sale Deed, and each lot shall be sold subject to covenants, restrictions, conditions, reservations of record, easements established of record, or by prescription, including but not limited to, Deed Book 383, Page 73&c., Deed Book 1537, Page 63&c., Deed Book 1578, Page 89&c., Deed Book 2235, Page 12&c., and Deed Book 2332, Page 108&c., laws, municipal ordinances, water and sewer connection fees, if any, and such state of facts as an accurate survey or inspection of the premises may disclose.
6. The Town of Newton will use in the deed of conveyance the premises described on **Schedule A** attached hereto. The Buyer shall have the right, at its sole cost and expense, to obtain a new survey of the property. Provided such survey depicts the property and is certified to be correct to the Town of Newton, the Town of Newton shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the undersigned bidder provides such legal description and a copy of the certified survey to the Town of Newton not less than one week prior to the date set for closing of title.
7. This Offer shall not be deemed accepted until the adoption of a Resolution by the Newton Town Council, which shall take place no later than its second regular meeting following the date hereof. This Offer may not be withdrawn prior to such Resolution.

8. The Buyer has executed this Offer to Purchase with full knowledge as to the value of the land, buildings and improvements thereon, which buildings and improvements thereon, if any, are sold in an "as is" condition. The Buyer, by the execution of this Offer to Purchase, acknowledges that they have had the opportunity and have inspected the premises, examined its title, reviewed municipal ordinances and laws affecting the premises, and that no representations regarding the value, character, quality, habitability or condition thereof (including environmental conditions) have been made by or on behalf of the Town of Newton. The Buyer further acknowledges that the municipality has expressly and does expressly disclaim any and all implied warranties of habitability or usability with respect to this property. The Buyer agrees that by the execution of this Offer to Purchase to be responsible, after closing, for all present and future defects of any kind in any part of the property and to indemnify and hold harmless the Town of Newton regarding such present and future defects. This agreement shall survive the closing of title.
9. In the event that time shall be made of the essence in regard to this Offer, such Notice shall be sufficient and reasonable if mailed by ordinary mail to the address of the Undersigned as set forth herein, if such Notice making time of the essence shall direct the closing to be held at the time and place provided therein on a date not less than ten (10) days from the date of mailing of such Notice.
10. The Buyer represents that this is a non-contingent offer and that the Buyer has sufficient cash which will enable the Buyer to fully consummate this transaction without the requirement of approval by any lending institution.
11. In the event the Undersigned does not close title on or before December 30, 2010, or any extended closing date agreed upon in writing by the municipality, or if the Undersigned defaults hereunder, the Undersigned agrees that it would be impossible to accurately ascertain the actual damages the municipality would suffer, this Agreement may be deemed terminated by the Town of Newton and the Town of Newton shall be entitled to retain all sums paid by the Undersigned hereunder, as liquidated damages, and not in the nature of a penalty, and thereupon neither the Undersigned nor the municipality shall have any further rights against or obligations to the other hereunder.
12. THE THREE DAY ATTORNEY REVIEW PERIOD DOES NOT APPLY TO THIS TRANSACTION. By the execution of this Offer, the Undersigned acknowledges that they have had the opportunity to consult and have consulted with separate and independent counsel of their own choice in regard to the rights and obligations hereunder.

DATED: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Full Name(s) Above

\_\_\_\_\_  
Address

\_\_\_\_\_  
Town, State, Zip

\_\_\_\_\_  
Telephone Number

Buyer's Legal Representation:

\_\_\_\_\_  
Name of Attorney

\_\_\_\_\_  
Name of Firm

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Town, State, Zip

\_\_\_\_\_  
Telephone Number

**TOWN OF NEWTON**

**ORDINANCE # 2010-23**

**AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY  
APPROPRIATION FOR THE PREPARATION AND IMPLEMENTATION OF A  
REASSESSMENT OF ALL REAL PROPERTY WITHIN THE TOWN OF NEWTON  
(N.J.S.A. 40A: 4-53b)**

**WHEREAS**, the Sussex County Board of Taxation has requested that the Director of the New Jersey Division of Taxation approve an Order mandating that the Town of Newton conduct a Reassessment of all real property within the corporate boundaries of said municipality; and

**WHEREAS**, the Division of Taxation had previously approved an Order for Revaluation on April 12, 2006; and

**WHEREAS**, a complete revaluation was completed and implemented on the 2008 Tax Book; and

**WHEREAS**, due to the sharp decline in property values over the past 2 years, the Town's true assessment ratio is well in excess of 100%. Since the New Jersey Constitution does not permit any property owner to be assessed at a ratio greater than 100%, the Town of Newton needs to reassess all properties within the Town for the purpose of establishing an equitable distribution of the municipal tax base in accordance with the law;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton, in the County of Sussex, State of New Jersey, that pursuant to NJSA 40A:4-53b, the sum of Sixty Thousand Dollars (\$60,000.00) is hereby appropriated for the preparation and implementation of a complete program of Reassessment of all real property within the Town of Newton. This action shall be deemed a "Special Emergency Appropriation" as defined and provided for in NJSA 40A:4-53b; and

**BE IT FURTHER ORDAINED**, that such appropriation and "special emergency notes" authorized to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least one-fifth (1/5) of the amount authorized pursuant to this act.

**TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, September 27, 2010. It was adopted, after public hearing and final reading thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on Wednesday, October 13, 2010 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk

**TOWN OF NEWTON**  
**ORDINANCE 2010-24**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE  
TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY,  
ADOPTING AMENDMENTS TO THE SPARTA AVENUE  
REDEVELOPMENT PLAN**

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

**WHEREAS**, to determine whether certain areas within the Town of Newton, in the County of Sussex, New Jersey (the "Town") constitute areas in need of redevelopment, the Town Council, by way of Resolution 56-2004 adopted April 26, 2004, authorized and directed the Planning Board (the "Planning Board") of the Town of Newton to conduct a preliminary investigation and public hearing to determine whether Block 1104, Lot 21 in the Town (the "Study Area" or the "Area") met the criteria set forth in *N.J.S.A. 40A:12A-5* and should be designated as an area in need of redevelopment; and

**WHEREAS**, on April 25, 2005, after review of the findings of the Planning Board in accordance with the Act, the Town designated Block 1104, Lot 21 as an "area in need of redevelopment" under the Act (the "Redevelopment Area"); and

**WHEREAS**, on April 23, 2007, the Town designated a portion of the Town, including the public streets and rights-of-way of Sparta Avenue, Merriam Avenue and Pine Street adjacent to the Redevelopment Area as an "area in need of rehabilitation" in accordance with the Act (the "Rehabilitation Area", and together with the Redevelopment Area, the "Plan Area"); and

**WHEREAS**, on March 23, 2009, after the review and comment of the Planning Board in accordance with the Act, the Town finally adopted Ordinance 2009-6 implementing a redevelopment plan for the Plan Area (the "Initial Redevelopment Plan"); and

**WHEREAS**, on January 11, 2010, after the review and comment of the Planning Board in accordance with the Act, the Town finally adopted Ordinance 2009-33 implementing amendments to the Initial Redevelopment Plan (as amended, the "Redevelopment Plan"); and

**WHEREAS**, by Resolution 232-2009 adopted November 9, 2009, the Town designated Thorlabs, Inc. ("Thorlabs") as Redeveloper for the Plan Area and authorized the execution of a redevelopment agreement (the "Redevelopment Agreement") with respect to the development of a mixed-use facility within the Plan Area, incorporating research and development, office space, manufacturing, ancillary parking, and infrastructure improvements (collectively, the "Project"); and

**WHEREAS**, the Redeveloper requested certain amendments to the Redevelopment Plan (the "Proposed Amendments"), which are attached hereto as Exhibit A; and

**WHEREAS**, by Resolution 159-2010 adopted September 15, 2010, the Town requested that the Planning Board review and comment on the Proposed Amendments to the Redevelopment Plan; and

**WHEREAS**, at a duly noticed and constituted public meeting of the Planning Board held on September 22, 2010, the Planning Board considered the Proposed Amendments; and

**WHEREAS**, after due consideration of the Proposed Amendments, the Planning Board unanimously recommended to the Town Council that it adopt the Proposed Amendments, as evidenced by correspondence from the Secretary to the Planning Board delineating the vote on the measure, a copy of which is attached hereto as Exhibit B (the "Planning Board Correspondence"); and

**WHEREAS**, the Planning Board Correspondence constitutes the Planning Board's Report for the purposes of Section 7 of the Act;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, AS FOLLOWS:**

Section 1. The Town hereby finds the Proposed Amendments to be consistent with the Town's Master Plan.

Section 2. The Proposed Amendments, as filed in the Office of the Town Clerk, and attached hereto as Exhibit A, are hereby approved. All other provisions of the Redevelopment Plan not expressly amended by the Proposed Amendments shall remain intact and in full force and effect.

Section 3. The zoning map and the zoning code of the Town of Newton are hereby amended to incorporate the provisions of the Proposed Amendments.

Section 4. This ordinance shall take effect as provided in law.

**TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Wednesday, October 13, 2010. It will be considered for adoption, after public hearing and final reading thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday, October 25, 2010 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk

EXHIBIT A

PROPOSED AMENDMENTS

1. Section 6.3: The requirement for a minimum of 2.0 floors for Office/R&D/Manufacturing to be deleted.
2. Section 6.4.5: This subsection shall be amended to read in its entirety: "Story Heights: Floor heights shall vary."

EXHIBIT B

PLANNING BOARD CORRESPONDENCE

*Mayor*  
Kristen S. Becker

*Deputy Mayor*  
Helen R. Le Frois

*Council Members*  
E. Kevin Elvidge  
Joseph A. Ricciardo  
Sandra Lee Diglio



*Town Manager*  
Thomas S. Russo, Jr.

*Town Clerk*  
Lorraine A. Read

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Telephone: (973) 383-3521  
Facsimile: (973) 383-8961  
39 Trinity Street  
Newton, NJ 07860

October 8, 2010

Jennifer Credidio, Esq.  
McManimom & Scotland, L.L.C.  
1037 Raymond Blvd., Suite 400  
Newark, NJ 07102

Dear Ms. Credidio,

At the September 22, 2010 Planning Board meeting the Amendments to the Sparta Avenue Redevelopment Plan for Block 1104, Lot 21 in the Town were reviewed and approved by the Planning Board as it is consistent with the Master Plan.

The following members voted in the affirmative: Mrs. Becker, Mr. Flaherty, Mr. Flynn, Mr. Le Frois, Mrs. Le Frois, and Mrs. McCabe.

Sincerely,

A handwritten signature in cursive script that reads "Katherine Citterbart".

Katherine Citterbart  
Administrator  
Planning Board



## TOWN OF NEWTON

### RESOLUTION # 176-2010

October 13, 2010      **"Authorization to Provide for the Purchase of Road Salt for the Department of Public Works for the Town of Newton"**

**WHEREAS**, the County of Sussex advertised and received bids for road salt; and

**WHEREAS**, the bids received allowed for vendors to extend their pricing to municipalities within the County of Sussex through a State regulated County Contract Purchasing System Identification Number CK03-SXC; and

**WHEREAS**, the following vendor was awarded a contract for road salt and has extended their pricing to municipalities, thereby affording the Town of Newton the opportunity of direct purchase without competitive bidding:

International Salt Co., Inc.  
655 Northern Blvd.  
Clark Summit, PA 18411

**WHEREAS**, the manufacturer has been awarded the County contract at the price of \$55.66 per tonnage of road salt, with such price good through May 2011; and

**WHEREAS**, that certified funds are available in the 2010 Town of Newton operating budget to award this contract for the 2010 portion of the contract up to \$10,000, with the balance subject to adequate funds being appropriated in the 2011 operating budget;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Newton does hereby award a contract for the purchase of road salt from International Salt Co., Inc., at the Sussex County price of \$55.66 per ton through May 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 Wednesday, October 13, 2010.

---

Lorraine A. Read, RMC  
Municipal Clerk



TOWN OF NEWTON

CERTIFICATION OF THE AVAILABILITY OF FUNDS  
(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq)

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 176-2010

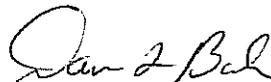
APPROVING: INTERNATIONAL SALT COMPANY

FOR THE PURPOSE OF: PURCHASE OF ROAD SALT AT \$55.66 PER  
TON THROUGH A STATE REGULATED COUNTY CONTRACT  
PURCHASING SYSTEM ID#CK03-SXC

IN THE AMOUNT OF: \$10,000.00

APPROPRIATED BY: CURRENT FUND -  
SNOW REMOVAL, OTHER EXPENSES #1081239 \$10,000.00

DATED THIS 13<sup>th</sup> DAY OF OCTOBER, 2010

BY 

DAWN L. BABCOCK  
CHIEF FINANCIAL OFFICER



## TOWN OF NEWTON

### RESOLUTION #177-2010

October 13, 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 403, Lot 36, also known as 12-14 Harrison Street, for 2009 delinquent Real Estate Taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1324, was sold to Robert Rothman for a 0% redemption fee with a \$1,800.00 premium; and

**WHEREAS**, F. Terrance Perna, Attorney, representing the buyer of said property, has effected redemption of Certificate #1324 in the amount of \$5,398.86;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that Robert Rothman is entitled to a refund in the amount of \$5,398.86 as well as a refund of the premium in the amount of \$1,800.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector is hereby authorized to issue a check in the amount of \$5,398.86 for the redemption of Certificate #1324 and a separate check for the refund of the premium in the amount of \$1,800.00, payable to Robert Rothman, 411 Grand Avenue, Englewood, NJ 07631.

### 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 Wednesday, October 13, 2010.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #178-2010

October 13, 2010

**"Approve Change Order No. 2 and  
Change Order No. 3 of the Alley Sewer  
Replacement Project"**

**WHEREAS**, the Town Council of the Town of Newton awarded a contract for the Alley Sewer Replacement Project to Earth-Tech Associates, Inc. in the amount of \$72,758.00 by Resolution #195-2009 adopted on September 28, 2009; and

**WHEREAS**, the Town Council approved Change Order No. 1 which reduced the contract amount by \$7,700.44 to adjust the contract total to \$65,057.56 by Resolution #22-2010 adopted on February 8, 2010; and

**WHEREAS**, Harold E. Pellow and Associates, Inc., the Project Engineer, has recommended approval of Change Order No. 2 to reflect final as-built quantities, and removal of dense aggregate installed and re-grade and compact, and increase in asphalt price; and

**WHEREAS**, Change Order No. 2 will increase the contract amount by \$2,502.88 to the adjusted contract total of \$67,560.44; and

**WHEREAS**, Harold E. Pellow and Associates, Inc., the Project Engineer, has also recommended approval of Change Order No. 3 to reflect the quantities utilized to address the cracked apron and curb; and

**WHEREAS**, Change Order No. 3 will increase the contract amount by \$5,142.00 to the adjusted contract total of \$72,702.44; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds to support the above change order;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton hereby approves Change Order No. 2 and Change Order No. 3 for the Alley Sewer Replacement Project and hereby affirm that the Town Manager is authorized to execute said Change Order No. 2 and Change Order No. 3 on behalf of the Town, thereby increasing the contract amount to \$72,702.44.

### 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 Wednesday, October 13, 2010.

---

Lorraine A. Read, RMC  
Municipal Clerk



TOWN OF NEWTON

CERTIFICATION OF THE AVAILABILITY OF FUNDS  
(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq)

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 178 -2010

APPROVING: EARTH-TEC ASSOCIATES, INC.

FOR THE PURPOSE OF: CO#2 & CO#3 – ALLEY SEWER REPLACEMENT

IN THE AMOUNTS OF: \$2,502.88 + \$5,142.00 = \$7,644.88

APPROPRIATED BY: WATER/SEWER CAPITAL – ORD.#2008-9  
SEWER MAIN ALLEYWAY #6190810

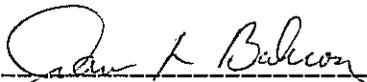
Original Contract \$72,758.00 originally certified against General Capital #2008-7 Central Business District Alleyway #3090877 (PO#33948 9/30/09) being recertified against Water Sewer Capital #2008-9 Sewer Main Alleyway #6190810.

CO#1 for a reduction of \$7,700.44 previously not certified because it was a reduction, is hereby certified against W/S Capital #6190810.

CO#2 for an increase of \$2,502.88 hereby being certified against W/S Capital, Ordinance #2008-9 Sewer Main Alleyway #6190810

CO#3 for an increase of \$5,142.00 hereby being certified against W/S Capital, Ordinance #2008-9 Sewer Main Alleyway #6190810

DATED THIS 13TH DAY OF OCTOBER, 2010

BY   
DAWN L. BABCOCK, CFO



## TOWN OF NEWTON

### RESOLUTION #179-2010

October 13, 2010

**"Authorize a Contractual Agreement  
with Appraisal Systems, Inc., for a  
Complete Reassessment of All Real  
Property"**

**WHEREAS**, the Sussex County Board of Taxation has requested that the Director of the New Jersey Division of Taxation approve an Order mandating that the Town of Newton conduct a Reassessment of all real property within the corporate boundaries of said municipality; and

**WHEREAS**, the Division of Taxation had previously approved an Order for Revaluation on April 12, 2006; and

**WHEREAS**, a complete revaluation was completed and implemented on the 2008 Tax Book; and

**WHEREAS**, due to the sharp decline in property values over the past 2 years, the Town's true assessment ratio is well in excess of 100%. Since the New Jersey Constitution does not permit any property owner to be assessed at a ratio greater than 100%, the Town of Newton needs to reassess all properties within the Town for the purpose of establishing an equitable distribution of the municipal tax base in accordance with the law; and

**WHEREAS**, Appraisal Systems, Inc. of Morristown, New Jersey has submitted a proposal in the amount of \$43,400 for appraisal services; and

**WHEREAS**, said proposal was recommended for acceptance by the Newton Tax Assessor and was subsequently reviewed by the Town Attorney; and

**WHEREAS**, the Chief Financial Officer of the Town of Newton has certified that funds are available to support this agreement;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby authorizes an agreement with Appraisal Systems, Inc., for the complete assessment of all real property within the Town of Newton in the amount of \$43,400; and

**BE IT FURTHER RESOLVED**, that said contractual agreement is contingent upon the approval of the Director of the Division of Taxation of the State of New Jersey; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to Appraisal Systems, Inc., of Morristown, NJ, the Sussex County Board of Taxation and the State Division of Taxation and that a notice of this agreement be published in the newspaper of record in accordance with Local Public Contracts Law.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, October 13, 2010.

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Lorraine A. Read, RMC  
Municipal Clerk



TOWN OF NEWTON

CERTIFICATION OF THE AVAILABILITY OF FUNDS  
(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq)

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 179-2010

APPROVING: APPRAISAL SYSTEMS, INC.

FOR THE PURPOSE OF: COMPLETE REASSESSMENT OF ALL REAL  
PROPERTY IN THE TOWN OF NEWTON

IN THE AMOUNT OF: \$43,400.00

APPROPRIATED BY: 2010 CURRENT FUND - SPECIAL EMERGENCY  
APPROPRIATION - REASSESSMENT OF ALL REAL PROPERTY WITHIN THE TOWN OF  
NEWTON, #1055300. This certification is contingent upon approval from the  
Division of Local Government Services of Ordinance #2010-23 introduced  
September 27, 2010 and scheduled for adoption October 13, 2010; and  
becomes effective as per Local Bond Law.

DATED THIS 13<sup>th</sup> DAY OF OCTOBER , 2010

BY  \_\_\_\_\_

DAWN L. BABCOCK  
CHIEF FINANCIAL OFFICER



## TOWN OF NEWTON

### RESOLUTION #180-2010

October 13, 2010

"Award Bid for Purchase of Sewer  
Televising Equipment"

**WHEREAS**, the Town of Newton publicly opened and read bids for the Purchase of Sewer Televising Equipment on Wednesday, October 6, 2010 at 11:00am as follows:

**Name and Address of Bidder**

**Bid Price**

Envirosight  
111 Canfield Avenue, Unit B3  
Randolph, NJ 07869

\$77,857.05

**WHEREAS**, the Town Manager and the Water Sewer Supervisor recommend the award of the bid for the Purchase of Sewer Televising Equipment in the amount of \$77,857.05, to Envirosight; and

**WHEREAS**, the Chief Financial Officer has certified funds are available based on the attached certification;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the bid submitted for the Purchase of Sewer Televising Equipment is to be awarded to Envirosight, 11 Canfield Avenue, Unit B3, Randolph, NJ in the amount of \$77,857.05.

#### **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 Wednesday, October 13, 2010.

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Lorraine A. Read, RMC  
Municipal Clerk



TOWN OF NEWTON

CERTIFICATION OF THE AVAILABILITY OF FUNDS  
(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq)

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 180-2010

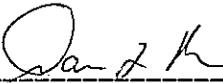
APPROVING: ENVIROSIGHT

FOR THE PURPOSE OF: PURCHASE SEWER TELEVISIONING EQUIP

IN THE AMOUNT OF: \$77,857.05

APPROPRIATED BY: WATER SEWER OPERATING - CIF -  
#6089314 ENVIROSIGHT INSPECTION \$77,857.05

DATED THIS 13<sup>th</sup> DAY OF OCTOBER 2010

BY  \_\_\_\_\_

DAWN L. BABCOCK  
CHIEF FINANCIAL OFFICER



## TOWN OF NEWTON

### RESOLUTION #181-2010

October 13, 2010

"Approval of an Initial Application for  
Taxicab Driver's License"

**WHEREAS**, the Newton General Revised Ordinances require that under **9-2, License Required**. "No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police"; and

**WHEREAS**, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the initial Taxicab Driver's license application is complete and accurate;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that it hereby approves the application for an initial Taxicab Driver's License, submitted by Barbara Fitzmaurice, 220 Route 519, Sussex, New Jersey 07461, representing D.A.D.S. Taxi & Limo, which shall expire on October 13, 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 meeting of said Governing Body conducted on Wednesday, October 13, 2010.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #182-2010

October 13, 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 Wednesday, October 13, 2010.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #183-2010

October 13, 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) Personnel
- (2) Contract Negotiations

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton, assembled in public session on September 27, 2010, that an Executive Session closed to the public shall be held on September 27, 2010, at 9:00PM 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 Wednesday, October 13, 2010.

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Lorraine A. Read, RMC  
Municipal Clerk