



AGENDA
NEWTON TOWN COUNCIL
MAY 9, 2011
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- APRIL 25, 2011 REGULAR MEETING
- APRIL 25, 2011 EXECUTIVE SESSION

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. 2ND READING AND PUBLIC HEARING

ORDINANCE 2011-7

AN ORDINANCE REDUCING THE SPEED LIMIT FOR NORTH PARK DRIVE WITHIN THE TOWN OF NEWTON

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

ORDINANCE 2011-8

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$234,000.00 FOR MERRIAM AVENUE WATERMAIN UPGRADES IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY

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

b. INTRODUCTION

ORDINANCE 2011-9

AN ORDINANCE TO AMEND CHAPTER 10, TRAFFIC, CHAPTER 11, BUILDINGS AND HOUSING, CHAPTER 13, FIRE PREVENTION AND CHAPTER XXI, FEES AND COSTS, OF THE REVISED GENERAL ORDINANCES FOR THE TOWN OF NEWTON

VIII. OLD BUSINESS

a. UTILITY BOARD APPEAL – MAUTONE

b. UTILITY BOARD APPEAL – ORICCHIO

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 #82-2011*

USE OF RECYCLING TONAGE GRANT FUNDS TO BE USED FOR THE FUNDING OF THE ACQUISITION OF A RECYCLING TRUCK

b. RESOLUTION #83-2011*

SUPPORT SUBMISSION OF NJ HISTORIC PRESERVATION FUND CERTIFIED LOCAL GOVERNMENT GRANT-IN-AID APPLICATION ON NOTES

c. RESOLUTION #84-2011*

CANCEL WATER SEWER ACCRUED INTEREST ON NOTES

d. RESOLUTION #85-2011*

AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH AUTHORIZE.NET TO PROVIDE GATEWAY SERVICES FOR THE TOWN OF NEWTON

e. RESOLUTION #86-2011*

TOWN OF NEWTON CERTIFICATION OF ANNUAL AUDIT

f. RESOLUTION #87-2011*

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 1216, LOT 6

g. RESOLUTION #88-2011*

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 1210, LOT 4

- h.** RESOLUTION #89-2011* AUTHORIZED REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 1223, LOT 8
- i.** RESOLUTION #90-2011* AUTHORIZED REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 502.01, LOT 5.06
- j.** RESOLUTION #91-2011* AUTHORIZED CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- k.** RESOLUTION #92-2011* AUTHORIZED REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 1303, LOT 29
- l.** RESOLUTION #93-2011* AUTHORIZED REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 1303, LOT 32
- m.** RESOLUTION #94-2011* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- n.** RESOLUTION #95-2011* RESOLUTION OF CONCURRENCE BY THE TOWN OF NEWTON DESIGNATING A BUS STOP ON RT. 206
- o.** RESOLUTION #96-2011* AUTHORIZED RELEASE OF THE PERFORMANCE GUARANTEE AND THE MAINTENANCE GUARANTEE POSTED BY JULIE RICHARD, LLC FOR THE DEVELOPMENT OF BLOCK 1301, LOT 1.03
- p.** RESOLUTION #97-2011* APPROVAL OF LEAVE OF ABSENCE WITHOUT PAY FOR MR. LOUIS READ
- q.** APPLICATIONS* APPLICATION FOR A ON-PREMISE RAFFLE (TRICKY-TRAY AND 50/50) FROM THE AUXILIARY OF NEWTON MEMORIAL HOSPITAL, 175 HIGH STREET, NEWTON TO BE HELD ON JUNE 2, 2011 FROM 5:30PM TO 10:00PM AT THE SUSSEX COUNTY COMMUNITY COLLEGE, ONE COLLEGE HILL ROAD, NEWTON.

X. INTERMISSION

XI. DISCUSSION

- a.** WAYFINDING – LEVEL G

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. ADJOURNMENT

**TOWN OF NEWTON
ORDINANCE NO. 2011-7**

**AN ORDINANCE REDUCING THE SPEED LIMIT FOR NORTH PARK DRIVE
WITHIN THE TOWN OF NEWTON**

WHEREAS, the Town Council of the Town of Newton has, in the interest of public safety, investigated the existing speed limit for the entirety of North Park Drive; and

WHEREAS, the Town Engineer prepared and submitted a Speed and Sign Survey for North Park Drive dated January 6, 2011 and revised to March 15, 2011, consisting of summarized findings plus Appendices; and

WHEREAS, the final recommendation of said revised Speed and Sign Survey is that the speed limit of 35 mph for all of North Park Drive should be reduced to 25 mph and that larger speed limit signs should be installed; and

WHEREAS, having evaluated the Town Engineer's report, the Town of Newton finds it in the interest of public safety to reduce the speed limit in both directions on the entire length of North Park Drive from 35 mph to 25 mph, pursuant to the powers vested in the Town of Newton by N.J.S. 39:4-8.b.(1), N.J.S. 39:4-197.(1)a and N.J.S. 39:4-98; and to install larger speed limit signs posting said reduced speed limit;

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. The speed limits for both directions of traffic along the entire length of North Park Drive in the Town of Newton are reduced to 25 mph.
2. Larger speed limit signs shall be erected and maintained on North Park Drive to post the designated speed limits.

3. Every person convicted of a violation of any provision of this Ordinance or any supplement thereto shall be subject to a penalty or imprisonment as expressly provided by New Jersey Statute.
4. If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.
5. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this ordinance are hereby repealed in their entirety.
6. This ordinance will take effect after publication and passage according to law.
7. Copies of this ordinance shall be supplied to the Commissioner of the New Jersey Department of Transportation and to the Township Clerk of Hampton Township, Sussex County, New Jersey.
8. The Revised General Ordinances of the Town of Newton Chapter 10, Traffic, Schedule XIII shall be amended to reflect a 25 MPH speed limit for both directions of traffic along the entire length of North Park Drive in the Town of Newton.

NOTICE

TAKE NOTICE that the above-entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton on the 25th day of April, 2011. 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 the 9th day of May, 2011.

Irene O'Connor
Deputy Municipal Clerk

TOWN OF NEWTON

ORDINANCE #2011-8

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$234,000.00 FOR MERRIAM AVENUE WATERMAIN UPGRADES IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY.

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

Section 1. \$234,000.00 is hereby appropriated from the Capital Improvement Fund in the Water Sewer Capital Fund for Merriam Avenue Watermain Upgrades in the Town of Newton, including all costs necessary therefore or incidental thereto:

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 April 25, 2011. It was adopted, after public hearing and final reading thereon, at a regular meeting of said Governing Body conducted on May 9, 2011, and shall take effect according to law.

Irene O'Connor
Deputy Municipal Clerk

TOWN OF NEWTON

ORDINANCE # 2011-9

AN ORDINANCE TO AMEND CHAPTER 10, TRAFFIC, CHAPTER 11, BUILDINGS AND HOUSING, CHAPTER 13, FIRE PREVENTION, AND CHAPTER 21, 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 10, Traffic, Chapter 11, Buildings and Housing, Chapter 13, Fire Prevention and Chapter 21, Fees and Costs, be amended as follows:

10-14.5f Additional Rules and Regulations

f. An Annual Merchant Pass will be available for Lot # 5 Eastern Plaza, Lot #4 Central Plaza and Lot #3 Western Plaza parking lots only, for business owners on Spring Street who have a ground floor business located on Spring Street from Union Place to Main Street. The cost for such passes is set forth in subsection 21-1.5c. There will be a maximum allotment of 2 passes per business per year. Annual passes will be valid from 1/1 to 12/31; semi-annual passes are valid from 1/1 to 6/30 or 7/1 to 12/31 and all passes will need to be renewed upon expiration. Parking passes are valid from 8:00am-6:00pm, Monday – Saturday.

11-1.2 Enforcing Agency

[add to existing text of 11-1.2 in additional paragraph]

In the event the Town of Newton enters into an Interlocal Agreement for services of one or more of said officials and/or inspectors, said services may be provided by another municipality, county or state agency as set forth in such Interlocal Agreement.

13-1.6 Enforcement

[add to existing text of 13-1.6 in additional paragraph]

In the event the Town of Newton enters into an Interlocal Agreement for enforcement of the fire prevention code and/or the Fire Safety Act, said enforcement services may be provided by another municipality, county or state agency as set forth in such Interlocal Agreement.

21-1.2 Alcoholic Beverage Control (Relating to Chapter VII).

- a. Plenary retail consumption license
(7-3.4a) 1,300.00
- b. Plenary retail distribution license
(7-3.4b) 1,300.00

21-1.5 Traffic (Relating to Chapter X).

c. Parking lot meter fees (10-14.2):

Parking Passes may be purchased at the Municipal Building for the above metered lots at the following rates:

1. Lot # 5 Eastern Plaza, Lot #4 Central Plaza and Lot #3 Western Plaza
 - a. Monthly 25.00* plus tax
 - b. Quarterly 75.00* plus tax
 - c. Annual 269.00* plus tax
 - d. Merchant Annual 2 for 269.00* plus tax
 - e. Merchant Semi-annual 2 for 135.00* plus tax

21-1.8 Fire Subcode/Prevention (Relating to Chapters XI and XIII).

In the event the Town of Newton enters into an Interlocal Agreement for Fire Subcode/Prevention services to be provided by another municipality, county or state agency, the fees charged for specific services under this Section 1.8 shall be as set forth in the Fee Schedule published by the host municipality, county or state agency. The Fee Schedule of said host municipality, county or state agency shall supersede any inconsistent fees set forth in this Section and is adopted by reference.

21-1.10 Utilities (Relating to Chapter XV).

- p. Additional Water Meter
(at Owner's request) 250.00 each

NOTICE

TAKE NOTICE that the above-entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton on May 9, 2011, and said Ordinance will be considered for adoption after public hearing at the regular meeting of the Town Council of the Town of Newton to be held in the Council Chambers, 39 Trinity Street, Newton, New Jersey, on May 23, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #82-2011

May 9, 2011

“Use of Recycling Tonnage Grant Funds to be Used for the Funding of the Acquisition of a Recycling Truck”

WHEREAS, the Town of Newton files recycling tonnage grant reports to the State of New Jersey annually; and

WHEREAS, the balance in the Federal and State Grant Fund account Reserve for Recycling Grant as of December 31, 2010 is \$19,533.60; and

WHEREAS, the NJDEP has advised that some of the funds may be utilized for the purchase of a recycling truck which is used for recycling collection;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the Town of Newton will utilize \$10,000 from the Federal and State Grant Fund account Reserve for Recycling Grant as funding towards General Capital Ordinance #2011-5 item (g) Acquisition of Recycling Truck Appropriation \$125,000.

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, May 9, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #83-2011

May 9, 2011

"Support Submission of NJ Historic Preservation Fund Certified Local Government Grant-In-Aid Application"

WHEREAS, the Town Council of the Town of Newton desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$15,000 to fund the update of the Historic Preservation Ordinance of the Town of Newton and for the publication of a new Historic Ordinance booklet; and

WHEREAS, the Chief Financial Officer has certified \$3,000 is available as the required twenty-percent match for this application; and

THEREFORE, BE IT RESOLVED, Thomas S. Russo, Jr., or the successor to the title of Town Manager, is authorized to make an application for such a grant, and if awarded, to execute a grant agreement with the State for an amount not less than \$10,000 and not more than \$12,000 and to execute any amendments thereto which do not increase the Grantee's obligations;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it hereby authorizes and agrees to provide a match in the amount of \$3,000 in compliance with the match requirements of the agreement. The Town of Newton agrees to comply with all applicable Federal, State, and municipal laws, rules and regulations in its performance pursuant to the agreement.

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, May 9, 2011.

Irene O'Connor
Deputy 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 #: 83-2011

FOR THE PURPOSE OF: PROVIDING A MATCH FOR A HISTORIC
PRESERVATION GRANT

IN THE AMOUNT OF: \$3,000.00

APPROPRIATED BY:

GENERAL CAPITAL FUND:

ORD.#2010-7 #30910793 \$3,000.00

DATED THIS 9TH DAY OF MAY, 2011

BY *Dawn L. Babcock*

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #84-2011

May 9, 2011

"Cancel Water Sewer Accrued Interest on Notes"

WHEREAS, there exists a balance in the Water Sewer Utility for Accrued Interest on Notes in the amount of \$23,809.04; and

WHEREAS, the Town of Newton no longer has any outstanding notes and desires to cancel this balance to fund balance;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Town of Newton, that the following Water Sewer Utility balance sheet item "Accrued Interest on Notes" in the amount of \$23,809.04 be canceled to the Water Sewer Utility Fund Balance.

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, May 9, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #85-2011

May 9, 2011

“Authorize the Execution of an Agreement with Authorize.net to Provide Gateway Services for the Town of Newton”

WHEREAS, the Town of Newton requested proposals for the services of an Internet-based Application Service Provider for the Town of Newton and entered into an agreement with Cit-e-Net, LLC per Resolution #200 -2010 which was adopted on November 22, 2010; and

WHEREAS, in order to process credit card transactions in a manner recommended by Cit-e-Net, a designated authorized gateway service provider was needed and Cit-e-Net recommended the use of Authorize.net; and

WHEREAS, the Town of Newton's fee ordinance permits the collection of fees for those individuals choosing to use the service for the payment of taxes, interest, penalties and municipal charges or other fees;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Authorize.net, to provide gateway services for the Town of Newton as proposed; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to both Cit-e-Net, LLC and Authorize.net.

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, May 9, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #86-2011

May 9, 2011 "Town of Newton Certification of Annual Audit"

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

WHEREAS, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

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

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

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

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

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

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

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

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

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, May 9, 2011.

Irene O'Connor
Deputy Municipal Clerk

CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT

GROUP AFFIDAVIT FORM

NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY

COUNTY OF SUSSEX

We, members of the governing body of the *Town of Newton* of, in the County of *Sussex*, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the *Town Council* of the *Town of Newton* in the County of *Sussex*;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year *2010*;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

Kristen S. Becker, Mayor

Helen R. Le Frois, Deputy Mayor

E. Kevin Elvidge, Councilmember

Joseph A. Ricciardo, Councilmember

Sandra Lee Diglio, Councilmember

Sworn to and subscribed before me this

_____ day of _____

Notary Public of New Jersey

Irene O'Connor, Deputy Municipal Clerk

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.



TOWN OF NEWTON

RESOLUTION #87-2011

March 9, 2011

“Authorize Refund of Redemption Monies to Outside Lien Holder for Block 1216, Lot 6”

WHEREAS, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 1216, Lot 6, also known as 14 Kory Road, for 2009 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1347, was sold to Another Lien, LLC for 0% redemption fee; and

WHEREAS, Wells Fargo Home Mortgage, the mortgage holder on said property, has effected redemption of Certificate #1347 in the amount of \$2,154.01;

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 the redemption in the amount of \$2,154.01; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$2,154.01 for the redemption of Certificate #1347 made payable to Another Lien, LLC, 1 Vista Drive, Sparta, NJ 07871.

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, May 9, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #88-2011

May 9, 2011

"Authorize Refund of Redemption Monies to Outside Lien Holder for Block 1210, Lot 4"

WHEREAS, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 1210, Lot 4, also known as 25 Sussex Street, for 2009 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1346, was sold to US Bank Cust for Pro Capital I, LLC for 0% redemption fee as well as a premium in the amount of \$100.00; and

WHEREAS, Wells Fargo Home Mortgage, the mortgage holder on said property, has effected redemption of Certificate #1346 in the amount of \$1,225.36;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust for Pro Capital I, LLC is entitled to the redemption in the amount of \$1,225.36 as well as the premium in the amount of \$100.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue two checks, the first in the amount of \$1,225.36 for the redemption of Certificate #1346 and the second in the amount of \$100.00 for the premium both made payable to US Bank Cust for Pro Capital I, LLC, 50 South 16th Street, Suite 1950, Philadelphia, PA 19102.

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, May 9, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #89-2011

May 9, 2011

“Authorize Refund of Redemption Monies to Outside Lien Holder for Block 1223, Lot 8”

WHEREAS, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 1223, Lot 8, also known as 49 Linmor Avenue, for 2009 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1349, was sold to Another Lien, LLC for 0% redemption fee as well as a premium in the amount of \$200.00; and

WHEREAS, Wells Fargo Home Mortgage, the mortgage holder on said property, has effected redemption of Certificate #1349 in the amount of \$1,890.25;

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 the redemption in the amount of \$1,890.25 as well as the premium in the amount of \$200.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue two checks, the first in the amount of \$1,890.25 for the redemption of Certificate #1349 and the second in the amount of \$200.00 for the premium, both made payable to Another Lien, LLC, 1 Vista Drive, Sparta, NJ 07871.

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, May 9, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #90-2011

May 9, 2011

“Authorize Refund of Redemption Monies to Outside Lien Holder for Block 502.01, Lot 5.06”

WHEREAS, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 502.01, Lot 5.06, also known as 72 Plainfield Avenue, for 2009 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1326, was sold to US Bank Cust for Pro Capital I, LLC for 0% redemption fee; and

WHEREAS, Wells Fargo Home Mortgage, the mortgage holder on said property, has effected redemption of Certificate #1326 in the amount of \$166.30;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust for Pro Capital I, LLC is entitled to the redemption in the amount of \$166.30; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$166.30 for the redemption of Certificate #1326 payable to US Bank Cust for Pro Capital I, LLC, 50 South 16th Street, Suite 1950, Philadelphia, PA 19102.

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, May 9, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #91-2011

May 9, 2011

"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 reason(s) stated:

Credit shut off fee charged due to water account being paid in full before water was shut off:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
7863	58 West End Avenue	\$50.00
12133	17 Maple Avenue	\$50.00

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, May 9, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #92-2011

May 9, 2011

"Authorize Refund of Redemption Monies to Outside Lien Holder for Block 1303, Lot 29"

WHEREAS, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 1303, Lot 29, also known as 15 New Hampshire Street, for 2009 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1350, was sold to Another Lien, LLC for 0% redemption fee; and

WHEREAS, Wells Fargo Home Mortgage, the mortgage holder on said property, has effected redemption of Certificate #1350 in the amount of \$1,152.27;

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 the redemption in the amount of \$1,152.27; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$1,152.27 for the redemption of Certificate #1350 made payable to Another Lien, LLC, 1 Vista Drive, Sparta, NJ 07871.

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, May 9, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #93-2011

May 9, 2011

"Authorize Refund of Redemption Monies to Outside
Lien Holder for Block 1303, Lot 32"

WHEREAS, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 1303, Lot 32, also known as 11-13 New Hampshire Street, for 2009 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1351, was sold to Another Lien, LLC for 0% redemption fee as well as a premium in the amount of \$ 400.00; and

WHEREAS, Wells Fargo Home Mortgage, the mortgage holder on said property, has effected redemption of Certificate #1351 in the amount of \$2,010.61.

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 the redemption in the amount of \$2,010.61 as well as the premium in the amount of \$400.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue two checks, the first in the amount of \$2,010.61 for the redemption of Certificate #1351 and the second in the amount of \$400.00 for the premium both made payable to Another Lien, LLC, 1 Vista Drive, Sparta, NJ 07871,

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, May 9, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #94-2011

May 9, 2011

“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 2010 and 2011 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

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Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #95-2011

May 9, 2011

“Resolution of Concurrence by the Town of Newton Designating a Bus Stop on Rt. 206”

WHEREAS, New Jersey Transit has a proposed bus stop located on Rt. 206; and

WHEREAS, the Town of Newton has requested this bus stop be made official; and

WHEREAS, the New Jersey Department of Transportation requires a Resolution of Concurrence in order to promulgate the required Traffic Regulation Order designating the bus stop from the Town; and

WHEREAS, the Town Council and the Town Engineer have reviewed the request and recommends the establishment of the bus stop on Rt. 206;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Newton, Sussex County, State of New Jersey, that the Mayor and Town Council concur with the New Jersey Department of Transportation's recommendation to establish a bus stop along Rt. 206 as follows:

1. Along Route 206, southbound on the westerly side thereof at:

a. Hamilton Street – Near Side

Beginning at the prolongation of the northerly curb line of Hamilton Street and extending 105 feet northerly therefrom. (On shoulder)

That the Mayor and Council of the Town of Newton will enforce the Traffic Regulation Order governing the aforementioned bus stop locations and provide the necessary police security to ensure the safety of the traveling public.

BE IT FURTHER RESOLVED that this resolution shall take effect upon approval to the Commissioner of Transportation as provided by law.

Kristen S. Becker, Mayor

Irene O'Connor, Deputy Municipal Clerk

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, May 9, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #96-2011

May 9, 2011

“Authorize Release of the Performance Guarantee and the Maintenance Guarantee Posted by Julie Richard, LLC for the Development of Block 1301, Lot 1.03”

WHEREAS, Julie Richard, LLC posted a Performance Guarantee and Maintenance Guarantee with the Town of Newton in connection with the development of Block 1301, Lot 1.03, located at 51 Sparta Avenue in the Town of Newton, and

WHEREAS, in a letter dated February 28, 2011, David B. Simmons, Jr., PE of the firm of Harold E. Pellow & Associates, Inc., Town Engineer, has recommended that the Performance Guarantee in the amount of \$25,800.00 and the Maintenance Guarantee in the amount of \$29,744.10 currently on file with the Town of Newton be released; and

WHEREAS, Kathy Citterbart, Planning Board Secretary in a memo dated April 28, 2011 states all fees and bills in conjunction with said project have been satisfied;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby authorizes the release of the Performance Guarantee in the amount of \$25,800.00 and the Maintenance Guarantee in the amount of \$29,744.10 posted with the Town of Newton by Julie Richard, LLC related to the development of Block 1301, Lot 1.03, located at 51 Sparta Avenue based on the recommendation of the Town Engineer.

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, May 9, 2011

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #97-2011

May 9, 2011

"Approval of Leave of Absence Without Pay for Mr. Louis Read"

WHEREAS, the Town Council of the Town of Newton adopted a Personnel Policies and Procedures Manual and Employee Handbook "Handbook" by the adoption of Ordinance 2009-25 at their meeting on September 28, 2009; and

WHEREAS, Section 9.8 of said "Handbook" states that the Town Manager may grant an employee a leave of absence without pay for a period of up to thirty (30) day, and the Town Manager and the Town Council must both approve a leave of absence without pay for a period longer than thirty (30) days; and

WHEREAS, Mr. Louis Read, Parking Enforcement Officer and Class I Special Officer for the Town of Newton, has requested a six (6) month leave of absence without pay for the period covering March 1, 2011 through September 1, 2011; and

WHEREAS, the Town Manager, Thomas S. Russo, Jr., previously granted Mr. Read an unpaid leave of absence from February 1, 2011 through February 28, 2011;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton does hereby grant a six (6) month leave of absence without pay for Mr. Louis Read for a period covering March 1, 2011 through September 1, 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, May 9, 2011.

Irene O'Connor
Deputy Municipal Clerk