



AGENDA
NEWTON TOWN COUNCIL
JUNE 27, 2011
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- JUNE 13, 2011 REGULAR MEETING
- JUNE 13, 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

- a. TAX EXEMPTION ORDINANCE DISCUSSION

VII. OLD BUSINESS

- a. UTILITY BOARD APPEAL – ORICCHIO

VIII. CONSENT AGENDA

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

- a. RESOLUTION #119-2011* RENEWAL OF CLUB LICENSES
- b. RESOLUTION #120-2011* RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE
- c. RESOLUTION #121-2011* RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES
- d. RESOLUTION #122-2011* AUTHORIZE ENTERING INTO A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF HARDYSTON FOR

FIRE SUB-CODE ADMINISTRATION AND ENFORCEMENT SERVICES

- e. RESOLUTION #123-2011*
AUTHORIZING THE RELOCATION OF THE SUSSEX COUNTY BUS STOP FROM SPRING STREET TO TRINITY STREET IN NEWTON, NJ
- f. RESOLUTION #124-2011*
AWARD BID FOR PROPOSED IMPROVEMENTS TO THE RIGHT ABUTMENT AREA OF MORRIS LAKE DAM PROJECT
- g. RESOLUTION #125-2011*
TO CANCEL CAPITAL APPROPRIATION BALANCE AND NJ DOT GRANT RECEIVABLE BALANCE IN THE GENERAL CAPITAL FUND – NORTH PARK DRIVE PROJECT
- h. RESOLUTION #126-2011*
TO CANCEL CAPITAL APPROPRIATION BALANCE AND NJ DOT GRANT RECEIVABLE BALANCE IN THE GENERAL CAPITAL FUND – SAFE ROUTES TO SCHOOL PROJECT
- i. RESOLUTION #127-2011*
CANCEL GENERAL CAPITAL ORDINANCE BALANCES
- j. RESOLUTION #128-2011*
CAPITAL BUDGET AMENDMENT – DPW CAMERAS
- k. RESOLUTION #129-2011*
CAPITAL BUDGET AMENDMENT - ALLEYWAYS
- l. RESOLUTION #131-2011*
RESOLUTION OF THE LOCAL UNIT PARTICIPATION IN THE MORRIS COUNTY IMPROVEMENT AUTHORITY'S SERIES 2011 COUNTY OF MORRIS GUARANTEED POOLED PROGRAM, AND AUTHORIZING SUCH AUTHORITY TO APPLY TO THE LOCAL FINANCE BOARD FOR THE NECESSARY CONSENTS AND APPROVALS ON BEHALF OF SUCH LOCAL UNIT, ALL IN CONNECTION WITH THE AUTHORITY'S COUNTY OF MORRIS GUARANTEED POOLED PROGRAM BONDS, SERIES 2011 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$37,700,000 AND THE TOWN OF NEWTON PROJECT FINANCED THEREBY
- m. RESOLUTION #132-2011*
AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 1303, LOT 10
- n. RESOLUTION #133-2011*
AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- o. RESOLUTION #134-2011*
APPROVE BILLS AND VOUCHERS FOR PAYMENT

p. APPLICATIONS*

APPLICATION FOR AN ON-PREMISE RAFFLE (TRICKY-TRAY) FROM HSA ST. JOSEPH SCHOOL, 20 JEFFERSON STREET, NEWTON, TO BE HELD ON FRIDAY, SEPTEMBER 30, 2011 FROM 5:00PM – 10:00PM AT ST. JOSEPH REGIONAL SCHOOL, 20 JEFFERSON STREET, NEWTON

IX. RESOLUTIONS

a. RESOLUTION #130-2011*

RESOLUTION OF THE TOWN OF NEWTON IN THE COUNTY OF SUSSEX, NEW JERSEY, DIRECTING THE TOWN PLANNING BOARD TO REVIEW THE PATERSON AVENUE REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

b. RESOLUTION #135-2011*

IN SETTLEMENT OF A UTILITY ACCOUNT BALANCE FOR BLOCK 711, LOT 19

X. ORDINANCES

a. INTRODUCTION

ORDINANCE 2011-11

ORDINANCE REAPPROPRIATING \$78,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THE ORIGINAL PURPOSE IN ORDER TO PROVIDE MILLING, PAVING, SIDEWALK IMPROVEMENTS AND INSTALLATION OF LIGHTING IN THE ALLEY IN BETWEEN BRENDA'S DINER AND PB&J, IN THE ALLEY ADJACENT TO SPRINGBOARD SHOPPES AND ON SPRING STREET AND THE ADJACENT HISTORIC DISTRICT, AND THE REMOVAL AND INSTALLATION OF SHADE TREES ON ROUTE 206 IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

ORDINANCE 2011-12

REFUNDING BOND ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING GENERAL IMPROVEMENT BONDS OF THE TOWN, DATED AUGUST 1, 2002, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$4,900,000, APPROPRIATING \$4,370,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,370,000 REFUNDING BONDS OF THE TOWN FOR FINANCING THE COST THEREOF

ORDINANCE 2011-13

A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$13,500 FOR ACQUISITION AND INSTALLATION OF A CAMERA ON THE DEPARTMENT OF PUBLIC WORKS BUILDING FOR THE TOWN OF NEWTON

XI. INTERMISSION

XII. DISCUSSION

- a. UTILITY BOARD APPEAL - TONER
- b. SMOKE FREE CAMPUS – 39 TRINITY STREET
- c. SPRING STREET PROMOTIONS BUDGET REQUEST
- d. LAND USE ORDINANCE – J. CALDWELL

XIII. OPEN TO THE PUBLIC

XIV. COUNCIL & MANAGER COMMENTS

XV. ADJOURNMENT



TOWN OF NEWTON

RESOLUTION #119-2011

June 27, 2011 "Renewal of Club Licenses"

BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the renewal Club License No. 1915-31-014-001 be issued to Newton Memorial Post 5360, Veterans of Foreign Wars, t/a Newton Memorial Post 5360, V.F.W., 85 Mill Street, Newton, New Jersey; and that the renewal Club License No. 1915-31-013-002 be issued to Loyal Order of Moose Newton Lodge #432, t/a Loyal Order of Moose Newton Lodge #432, 4 Diller Avenue, Newton, New Jersey for the licensing year 2011-2012, effective July 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, June 27, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #120-2011

June 27, 2011 "Renewal of Plenary Retail Distribution License"

BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the renewal Plenary Retail Distribution License No. 1915-44-010-003 be issued to Bia Krishna, Inc., t/a Seplow's Liquors, 5 Woodside Avenue, Newton, New Jersey; that the renewal Plenary Retail Distribution License No. 1915-44-004-012 be issued to HV Patel Corporation, t/a Spring Liquors, 110 Spring Street, Newton, New Jersey for the licensing year 2011-2012, effective July 1, 2011.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #121-2011

June 27, 2011 "Renewal of Plenary Retail Consumption Licenses"

BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the renewal Plenary Retail Consumption License No. 1915-33-001-005 be issued to Chun Bo, Inc., t/a Chun Bo Chinese Restaurant, 66 Sparta Avenue, Newton, New Jersey; that the renewal Plenary Retail Consumption License No. 1915-33-002-008 be issued to Bader George Qarmout, t/a O'Reillys Pub & Grill, 271 Spring Street, Newton, New Jersey; that the renewal Plenary Retail Consumption License No. 1915-33-003-007 be issued to Big Tadew, LLC t/a Andre's Restaurant, 188-190 Spring Street, Newton, New Jersey; that the renewal Plenary Retail Consumption License w/Broad Package Privilege No. 1915-32-005-011 be issued to Newton Bar & Liquors, Inc., t/a Shop Rite Liquors of Newton, 127 Water Street, (Route 206 N.) Newton, New Jersey; that the renewal Plenary Retail Consumption License No. 1915-33-006-011 be issued to Thordon Inc., t/a Tuscany Bistro, 216 Woodside Avenue, (Rt. 206 S.), Newton, New Jersey; that the renewal Plenary Retail Consumption License No. 1915-33-007-005 be issued to Apple Food Service of Newton, LLC., t/a Applebee's Neighborhood Grill & Bar, 6 North Park Drive, Newton, New Jersey; that the renewal Plenary Retail Consumption License No. 1915-33-008-004 be issued to F. Roger Pierson Enterprises, Inc., t/a Trinity, 173 Spring Street, Newton, New Jersey; that the renewal Plenary Retail Consumption License No. 1915-33-009-002 be issued to J C'S Grill House LLC, t/a JC'S Grill House, 144 Spring Street, Newton, New Jersey; and that the renewal Plenary Retail Consumption License No. 1915-33-011-008 be issued to The County Seat Restaurant, LLC, t/a The County Seat Dining & Caterers, 64 Water Street, Newton, New Jersey; for the licensing year 2011-2012, effective July 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, June 27, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #122-2011

June 27, 2011

"Authorize Entering into a Interlocal Shared Services Agreement with the Township of Hardyston for Fire Sub-Code Administration and Enforcement Services"

WHEREAS, the Town of Newton desires to enter into a shared services agreement with the Township of Hardyston to furnish the Town of Newton with Fire Sub-Code Administration and Enforcement Services under the Uniform Construction Code, N.J.A.C. 5:23-1 et seq.; and

WHEREAS, the parties desire to enter into an Agreement pursuant to the "Uniform Shared Services and Consolidation Act," N.J.S.A. 40A:65-1, et seq., for the furnishing of such services;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, in the County of Sussex, and State of New Jersey as follows:

1. The Mayor and Town Clerk are hereby authorized and directed to execute the Shared Services Agreement, a copy of which is attached hereto, with the Township of Hardyston for the provision of Fire Sub-Code Administration and Enforcement Services under the Uniform Construction Code, N.J.A.C. 5:23-1 et seq.
2. The Mayor and Clerk are hereby authorized to execute any additional non-substantial amendments and/or modifications to the Agreement without the consent of the Town Council.
3. This Resolution shall take effect immediately.

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, June 27, 2011.

Lorraine A. Read, RMC
Municipal Clerk

**FIRE SUB-CODE ADMINISTRATION AND ENFORCEMENT SERVICES
AGREEMENT BETWEEN
THE TOWNSHIP OF HARDYSTON
AND
THE TOWN OF NEWTON**

THIS AGREEMENT is entered the latter of the dates on the signature page by and between:

THE TOWNSHIP OF HARDYSTON, a municipal corporation of the State of New Jersey, (referred to as "Provider"); and

THE TOWN OF NEWTON, a municipal corporation of the State of New Jersey, (referred to as "Recipient"); and

WITNESSETH, that the Provider and the Recipient agree as follows:

ARTICLE I: SCOPE OF SERVICES

A. Designation as General Representative.

1. The Provider is hereby designated as the representative of the Recipient, to furnish Fire Sub-Code Administration and Enforcement Services under the State of New Jersey Uniform Fire Code.
2. Additional municipalities may be added as new participants to this service arrangement at the sole discretion of the Provider. The additional new participants shall not affect the level of services being provided to the Recipient.

B. Responsibility.

At all times, the Provider shall maintain responsibility for and control over the personnel hired to operate the department. All citizen inquiries and/or complaint resolutions shall be handled through the Provider. The Township Manager of the Provider and/or the Department of Community Affairs, as appropriate, shall handle any public comments involving the Fire Sub-Code Official and Staff.

C. Supervision and Director of Staff.

1. The Provider shall conduct operations from the Hardyston Township Municipal Building and shall conduct same during normal business.
2. The Fire Sub-Code Official, furnished by the Provider, shall be responsible for duties and responsibilities as outlined in the Uniformed Construction Code for the fire protection sub-code.
3. The staff, furnished by the Provider, shall be properly licensed code enforcement officials and/or inspectors as appropriate.
4. Provider shall furnish appropriate clerical support staff, as determined by its Township Manager and in conjunction with the Fire Sub-Code Official.

5. All personnel providing the outlined services to the Recipient under this Agreement shall continue to remain employees of the Provider and, as such, shall continue to remain bound by the Personnel Policies and Procedures of the Township of Hardyston and shall continue to be under the direct supervisions of the Township of Hardyston Manager. Any problem or concern that should arise relative to any aspect of this Agreement or issue relative to the personnel providing such services shall be directed to the Hardyston Township Manager through the Recipient's Town Manager.

D. Designation as Code Officials and Inspectors.

Provider shall designate the Fire Sub-Code Official, for the enforcement of the Fire Protection Sub-Code. The Fire Sub-Code Official shall be duly licensed by the New Jersey Department of Community Affairs.

ARTICLE II: ACTIVITIES

A. Services to be Performed

The following administrative and enforcement personnel will be provided by the Provider to the Recipient:

- a. Fire Sub-Code Official/Inspectors

B. Hours of Operation

1. The Fire Sub-Code Official shall be available for consultation with the public during normal business hours at scheduled times to be determined by the Fire Sub-Code Official. The hours shall be set in such a manner as to provide the public with reasonable access to the official/inspectors. The hours that are presently anticipated to be provided are 8:30 a.m. to 4:30 p.m., Monday through Friday (except holidays.) The Fire Sub-Code Official will also be available, under special circumstances at no additional charge for appointments relative to special circumstances or emergencies, or for necessary court appearances.

C. Place of Operation.

Main business for the Department shall be conducted in the Provider's Municipal offices.

D. Maintenance of Records

1. The appropriate Official and Inspectors shall maintain documented records of activity on forms approved by the Official and/or the New Jersey Department of Community Affairs, recording all inspections and activities. The records shall be specific with regard to the municipality, address, dates and hours of service. All active and closed files, records and support documentation for Newton shall be maintained on file in the offices of the Provider. In the event this agreement is terminated and/or not renewed, the Recipient shall within 90 days following the termination or non-renewal, remove such active and closed files, records and support documentation from the offices of the Provider.

2. All active files, and if requested Provider's closed files, records and support documentation shall be maintained on file in the offices of the Provider.

E. Operational Needs

Hardyston Township will provide for all operational needs of the department, including, but not limited to office space at the Hardyston Township Municipal Building, utilities for said space, equipment, maintenance of all code books, general office supplies, copier and faxing capabilities, telephone, vehicle and/or mileage reimbursements for inter-local employees of this agreement, costs associated with education, licensing and certifications for inter-local department employees, gasoline, vehicle maintenance for vehicles owned by Hardyston Township and utilized to perform services under this agreement.

ARTICLE III: EMPLOYEES

A. Licensed Personnel and Staff

1. The Provider shall furnish duly licensed personnel and support staff as shown by the existing staffing below.

B. Existing Staffing

1. The following shall constitute the existing staffing for the Fire Sub-Code of the Provider:
 - a. One Full Time Fire Sub-Code Official
 - b. One Full-Time Fire Protection Inspector

ARTICLE IV: ENFORCEMENT

A. Investigations and Inspections

The Fire Sub-Code Official shall conduct investigations and inspections or supervise personnel in making same and inform the Provider and Recipient regarding any violation of statutes and/or related local ordinances related to the New Jersey Uniform Construction Code in their respective municipalities.

B. Coordination with Municipal Attorneys

The Fire Sub-Code Official shall provide the Provider and Recipient with evidence of violations and assist the appropriate municipal attorney(s) in obtaining compliance and enforcing compliance with the law.

Each municipality shall be solely responsible for its own enforcement actions. The sole cost of enforcement activities including but not limited to legal actions and collection of any fines and/or penalties assessed as the result of a legal action shall be borne solely by the municipality within which the violation occurred. The Fire Sub-Code Official and/or Inspectors shall make themselves available to testify and provide documentation in support of the investigation they have undertaken, including the results of the investigation.

C. Violations

The Fire Sub-Code Official and/or appropriate Inspectors shall have the power to issue notices and summonses for violations on behalf of the Provider and the Recipient.

ARTICLE V: REPORTS

1. Annual: Reports for the Fire Sub-Code will be submitted within the comprehensive report provided by the Construction Official on an annual basis.
2. Monthly: Reports for the Fire Sub-Code will be submitted within the comprehensive report provided by the Construction Official on a monthly basis.

ARTICLE VI: FEES

A. Retention

1. **General:** All license fees, permit fees and other fees collected by the Fire Sub-Code Official shall be collected by the Provider and shall be deposited in accordance with all applicable laws. The total revenue collected by the Provider relating to the Recipient's fire prevention activity as of November 30th of each year shall be deducted from the contracted amount due from the Recipient under the terms of this Agreement, if applicable. December permit fees collected shall be used by the Provider to offset the calculation for the following year. Should a balance be due following the application of all permit fees collected, the balance due shall be paid to the Provider by the Recipient on or before December 31 of the year in question. However should there be a balance of fees collected following the full payment of the contracted amount, said net balance shall be refunded to the Recipient municipality by January 31 of next calendar year.

B. Collection

Collection of fees shall be the responsibility of the Provider and shall be deposited in the accounts of the Township as may be required by law. Staff personnel relating to Fire Sub-Code shall comply with the state requirements for deposit of public funds. Monthly reports of revenues received shall be provided to each participating municipality.

C. Establishment of Fees

The Provider shall develop a uniform fee schedule as required by N.J.A.C. 5:23-4.17(d).

ARTICLE VII: PROPERTY ARRANGEMENTS

A. Costs Shared Equally

During the life of the shared services agreement, the costs of all equipment and/or vehicles acquired specifically for the Fire Sub-Code shall be the responsibility of the Provider.

ARTICLE VIII: PAYMENTS AND COMPENSATION

- A. Commencing July 1, 2011, Recipient costs for the Construction Department shall be assessed as follows:

Payment from Recipient to Provider:

July 1, 2011 – December 31, 2011:	\$3,500 (represents prorated annual amount of \$7,000)
January 1, 2012 – December 31, 2012:	\$7,140 (represents 2% increase)
January 1, 2013 – December 31, 2013:	\$7,282 (represents 2% increase)
January 1, 2014 – December 31, 2014:	\$7,428 (represents 2% increase)

This payment shall be due December 31st of each calendar year, beginning December 31, 2011. The amount due shall be offset by all fees collected by the Provider (in this case Hardyston Township) for the Recipient for those properties serviced in the Town of Newton which said monies are not required to be deposited in specific Township accounts. A tally of all license/permit fees collected by the Provider relative to the Town of Newton will be made at the close of business on November 30th of each year. The Recipient will then be provided with a net bill (total cost minus fees collected) which shall be paid to the Provider on or before December 31st of each year. However should there be a balance of funds collected following the full payment of the contracted amount, said net balance shall be refunded to the Recipient municipality by December 31 of each year.

- B. **Payment Obligation:** Failure of the Recipient to pay the contribution to the Provider shall result in a five (5%) percent late penalty as well as interest to accrue at the rate of six (6%) percent per annum.

ARTICLE IX: DURATION OF CONTRACT, TERMINATION, AMENDMENT AND INTERPRETATION

- A. **Term**

The term of the agreement shall be for a term of three (3) years, six (6) months as provided for by N.J.A.C. 5:23-4.6 beginning on or about July 1, 2011 and terminating on or about December 31, 2014.

- B. **Termination**

A participating party may terminate such participation pursuant to this agreement effective January 1st of any calendar year during the life of this agreement by providing written notice to the other municipality on or before October 1st of the prior calendar year by way of certified mail to the Clerk of the respective municipality. In the event of termination of the agreement, the Recipient shall pay their share of expenses and costs associated with the withdrawal and termination of the agreement.

C. Insurance: Indemnification

The Provider shall maintain in full force and effect during the term of this Agreement, worker's compensation, general liability and auto liability insurance, covering all employees and vehicles used in its performance of this Agreement herein. **The Recipient shall be named as an additional insured for general liability, providing same is authorized by Statewide Insurance Fund.**

The Town of Newton agrees that it shall indemnify and hold the Township of Hardyston harmless from any and all liability and claims for damages or injury caused by or resulting from the negligent acts, errors or omissions of the Town of Newton or its agents, officers, employees or assigns, arising out of the provision of the services set forth in this Agreement and the Township of Hardyston agrees that it shall indemnify and hold the Town of Newton harmless from any and all liability and claims for damages or injury caused by or resulting from the negligent acts, errors or omissions of the Township of Hardyston or the Township's agents, officers, employees or assigns, arising out of the provision of the services set forth in this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date written below.

ATTEST:

TOWNSHIP OF HARDYSTON

By: _____
Dated: _____

ATTEST:

TOWN OF NEWTON

By: _____
Dated: _____



TOWN OF NEWTON

RESOLUTION #123-2011

June 27, 2011

"Authorizing the Relocation of the Sussex County Bus Stop from Spring Street to Trinity Street in Newton, NJ"

WHEREAS, the Town of Newton recognizes that the provision of safe and accessible public mass transportation provides valuable benefits to the public in the areas of transportation, traffic reduction and environmental protection; and

WHEREAS; the Town of Newton had previously permitted the County of Sussex to operate a bus stop on Spring Street in close proximity to the intersection of Spring Street and Union Place; and

WHEREAS, the Town of Newton evaluated public safety concerns regarding the former Spring Street location of the bus stop with the office of the Town Engineer and the Town Police Department and makes the following findings in concluding that the old location is undesirable from a public safety standpoint:

1. The presence of the former bus stop so close to the intersection of Spring Street and Union Place created a situation where a standing bus blocked sight distances for drivers turning from Union Place; and
2. Buses would at times stop within the intersection of Spring Street and Union Place resulting in a disruption of traffic flow; and
3. Westbound traffic on Spring Street would cross the double-yellow line into the oncoming lane of traffic in order to navigate past a standing bus due to the narrow width of Spring Street at the bus stop location; and

WHEREAS, the Town of Newton evaluated the possible relocation of the bus stop to a location further down Spring Street with the office of the Town Engineer and makes the following findings in concluding that relocation of the bus stop on Spring Street is undesirable from the standpoints of public safety and convenience:

1. Relocation on Spring Street would dramatically reduce available Spring Street parking spaces, thereby further reducing a valuable resource; and
2. Potential locations which would not involve the elimination of parking spaces would result in the placement of the bus stop near other streets and alleys along Spring Street and would reduce sight distances for drivers entering or leaving those streets and alleys, thereby creating a public safety hazard; and

WHEREAS, the Town of Newton evaluated new locations for the bus stop and makes the following findings in concluding that relocation of the bus stop to its present location on Trinity Street is a superior choice in terms of public safety, practicality and convenience:

1. A Trinity Street location places riders: in close proximity to Sussex County offices and services located on Trinity Street; in close proximity to Newton municipal offices and services located on Trinity Street; and one block from the downtown Spring Street business district; and

2. Trinity Street has a width of 38 feet, which is 6 feet wider than the 32-foot wide Spring Street, affording an improvement in traffic flow safety through the bus stop area; and

WHEREAS, the Town of Newton evaluated different locations along Trinity Street and makes the following findings in concluding that relocation of the bus stop near the Central Plaza (Lot #4) is the superior choice for public safety, public health, practicality and convenience:

1. Location of the bus stop further west on Trinity Street near the Western Plaza (Lot #3) presented grade issues regarding the height of the sidewalk and concrete curb along Trinity Street, which prohibited construction of a bus stop that would meet ADA requirements; and

2. Location of the bus stop at its present location near the Central Plaza (Lot #4) affords riders the ability to access Spring Street in two ways in the immediate vicinity - either by walking through Central Plaza (Lot #4) or walking up Moran Street; and

3. Location of the bus stop at its present location near the Central Plaza (Lot #4) places riders opposite the Newton Town Hall, affording riders immediate access to the Newton Police Department in the event of emergency and immediate access to Town Hall for municipal business; and

4. The Town of Newton has constructed a new sidewalk area for the bus stop at the Central Plaza (Lot #4) location which complies with ADA requirements; and

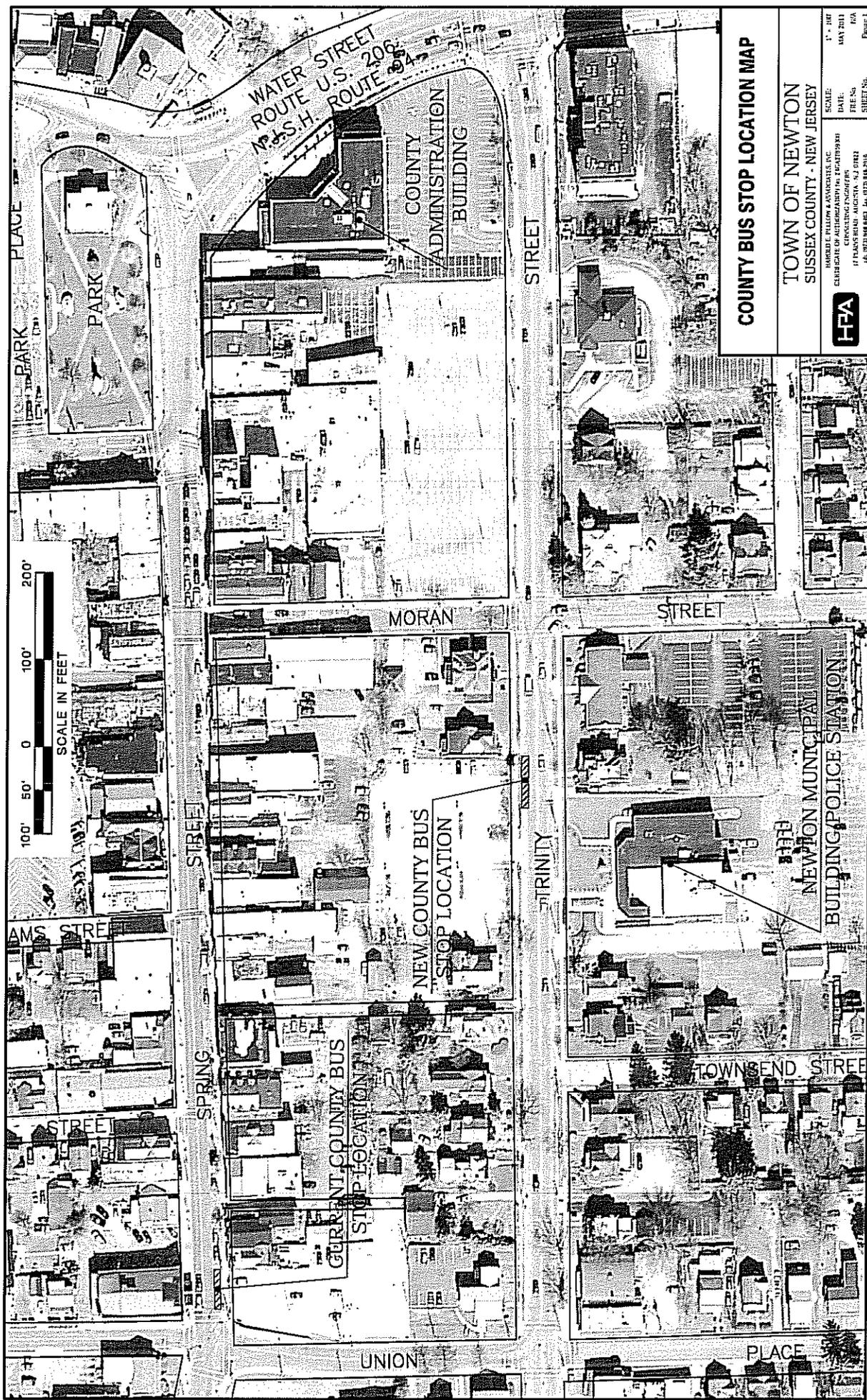
5. A shaded area is provided for riders waiting for the bus;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton that the present location of the Sussex County bus stop in the Town of Newton on Trinity Street near the Central Plaza (Lot #4), as depicted on the attached map, is a superior location for the Sussex County bus stop from the standpoint of public safety, public health, public convenience, traffic flow, ADA compliance, practicality and common sense.

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, June 27, 2011.

Lorraine A. Read, RMC
Municipal Clerk



COUNTY BUS STOP LOCATION MAP

TOWN OF NEWTON
 SUSSEX COUNTY - NEW JERSEY

SCALE: 1" = 100'
 DATE: MAY 2011
 DRAWING NO. 10-001
 SHEET NO. 10-001

HAROLD PULLIN & ASSOCIATES, INC.
 ENGINEERS AND ARCHITECTS
 11 PARKWAY, SUITE 200
 NEWTON, NJ 07860

HFA



NEW COUNTY BUS
 STOP LOCATION

CURRENT COUNTY BUS
 STOP LOCATION

NEWTON MUNICIPAL
 BUILDING/POLICE STATION

WATER STREET
 ROUTE U.S. 206
 N.J.S.H. ROUTE 94

COUNTY
 ADMINISTRATION
 BUILDING

PARK PLACE
 PARK

AMSTREET

STREET

SPRING STREET

UNION PLACE

MORAN STREET

TRINITY STREET

STREET

TOWNSEND STREET

PLACE



TOWN OF NEWTON

RESOLUTION #124-2011

June 27, 2011

**"Award Bid for Proposed Improvements
to the Right Abutment Area of Morris
Lake Dam Project"**

WHEREAS, the Town of Newton publicly opened and read bids for the Proposed Improvements to the Right Abutment Area of Morris Lake Dam Project on Wednesday, June 8, 2011 at 11:00am as follows:

<u>Name and Address of Bidder</u>	<u>Bid Price</u>
T.R. Weniger, Inc. P.O. Box 775 Green Brook, NJ 08812	\$60,350.00
Navaka Construction Co. Inc. 199 Clifford Street Newark, NJ 07105	\$64,585.00
T.M. Brennan Contractors, Inc. 3505 Route 94 Hamburg, NJ 07419	\$67,769.25
Columbian Ornamental Iron Works, Inc. 332 Vreeland Avenue Paterson, NJ 07513	\$68,025.00
H&G Contractors, Inc. 489 Fairway Road Ridgewood, NJ 07450	\$71,476.00
Bob Viersma & Sons, Inc. P. O. Box 224 Allamuchy, NJ 07820	\$73,164.20
Salmon Bros., Inc. P.O. Box 67 Netcong, NJ 07857	\$76,493.75
Ferraro Construction Corp. 5 Park Drive Franklin, NJ 07416	\$105,493.75
Cam Corp. 70-76 Passaic Avenue Florham Park, NJ 07932	\$120,675.00

WHEREAS, the Town Engineer, Harold E. Pellow & Associates, Inc., has reviewed the bids and recommends the contract for the Proposed Improvements to the Right Abutment Area of Morris Lake Dam Project be awarded to T.R. Weniger, Inc., of Green Brook, New Jersey whose low bid was \$60,350.00; 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 Proposed Improvements to the Right Abutment Area of Morris Lake Dam Project is to be awarded to T.R. Weniger, Inc., of Green Brook, New Jersey in the amount of \$60,350.00.

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, June 27, 2011.

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 #: 124-2011

APPROVING: T. R. WENIGER, INC.

FOR THE PURPOSE OF: IMPROVEMENTS TO THE RIGHT ABUTMENT
AREA OF MORRIS LAKE DAM PROJECT

IN THE AMOUNT OF: \$60,350.00

APPROPRIATED BY:

WATER SEWER UTILITY 2010 CAPITAL IMPROVEMENT FUND – MORRIS LAKE DAM IMPROVEMENTS #6089304A	\$32,336.79
WATER SEWER UTILITY 2011 CAPITAL IMPROVEMENT FUND – MORRIS LAKE DAM IMPROVEMENTS #6089304	\$10,000.00
WATER SEWER CAPITAL – ORD.#2011-6 MORRIS LAKE DAM IMPROVEMENTS #61911061	\$18,013.21

DATED THIS 27TH DAY OF JUNE, 2011

BY

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



HAROLD E. PELLOW & ASSOCIATES, INC.

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS

Established 1969

HAROLD E. PELLOW, *PRESIDENT*
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,
PA - P.E. & L.S.

CORY L. STONER, *ASSOCIATE*
NJ - P.E., NJ - C.M.E.,
PA - P.E.

ANN PELLOW WAGNER
NJ - C.L.A., VA - C.L.A., PA - C.L.A.
(5/26/84 - 7/27/89)

JESSICA C. CALDWELL
NJ - P.P.; A.I.C.P.

MATTHEW J. MORRIS
NJ - L.L.A., NJ - P.P.

DAVID B. SIMMONS, JR., *VICE PRESIDENT*
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,
NY - P.E. & L.S., PA - P.E. & L.S.

THOMAS G. KNUTELSKY
NJ - P.E.

June 20, 2011

FAX: (973) 383-8961

MEMORANDUM TO: Mr. Thomas S. Russo, Jr., Newton Town Manager

FROM: David B. Simmons, Jr., P.E., L.S., C.M.E.

SUBJECT: **RECOMMENDATION OF AWARD OF CONTRACT**
Proposed Improvements to the Right Abutment Area of
Morris Lake Dam for the Town of Newton
HPA No. 07-297

RECEIVED
JUN 22 2011

BY:

Dear Mr. Russo:

I have reviewed the nine (9) bids received on June 8, 2011 at 11:00 AM for the above referenced project and recommend the contract be awarded to T.R. Weniger, Inc., P.O. Box 775, Green Brook, New Jersey 08812, whose low bid was \$60,350.00. Enclosed herewith please find the *Summary of Bids*.

Very truly yours,

David B. Simmons, Jr., P.E., L.S., C.M.E. for
HAROLD E. PELLOW & ASSOCIATES, INC.
Town of Newton Engineers

DBS:mac
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\07-297 - MORRIS LAKE DAM RETAINING WALL\CONSTRUCTION\RUSO2.DOC

Enclosure

cc: Debra Millikin, Newton Deputy Town Manager/Qualified Purchasing Agent *Via Fax (973) 383-8961*



TOWN OF NEWTON
RESOLUTION #125-2011

June 27, 2011

**"To Cancel Capital Appropriation Balance and
NJ DOT Grant Receivable Balance in the General
Capital Fund**

WHEREAS, the Town of Newton received an award in 2010 in the amount of \$150,000.00 from the State of New Jersey Department of Transportation for North Park Drive; and

WHEREAS, there is an unexpended balance of \$15,703.13 in General Capital Improvement Authorization - Ordinance 2010-7 for North Park Drive; and

WHEREAS, the Town Engineer has certified that there are no additional costs for this project and the Mayor and Council have accepted this project as complete per Resolution #33-2011; and

WHEREAS, there is a grant receivable balance of \$15,703.13 due from State of New Jersey Department of Transportation for the North Park Drive on the General Capital balance sheet; and

WHEREAS, it is necessary to formally cancel the receivable balance and the unexpended improvement authorization balance (debt was not authorized since funding was to be received from the DOT grant);

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that we hereby cancel the following grant receivable and a portion of the General Capital appropriation balances:

General Capital Fund

NJ DOT Grant Receivable – North Park Dr. (Ord #2010-7) #300152	\$15,703.13
Improvement Authorization Ord #2010-7 North Park Dr. #3091071	\$15,703.13

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, June 27, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #126-2011

June 27, 2011

"To Cancel Capital Appropriation Balance and NJ DOT Grant Receivable Balance in the General Capital Fund"

WHEREAS, the Town of Newton received an award in 2008 in the amount of \$265,000.00 from the State of New Jersey Department of Transportation for a Safe Routes to School Grant; and

WHEREAS, the State allowed costs totaling \$248,706.66 leaving a grant receivable balance of \$16,293.23 due from State of New Jersey Department of Transportation for the Safe Routes to School on the General Capital balance sheet; and

WHEREAS, there is an unexpended balance of \$12,663.63 in General Capital Improvement Authorization - Ordinance 2008-7 for Sidewalk Construction – Safe Routes to School; and

WHEREAS, the Town Engineer has certified that there are no additional costs for this project and the Mayor and Council have accepted this project as complete per Resolution #21-2010; and

WHEREAS, it is necessary to formally cancel the receivable balance and the unexpended improvement authorization balance (debt was not authorized since funding was to be received from the DOT grant);

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that we hereby cancel the following grant receivable and the General Capital appropriation balance:

General Capital Fund

NJ DOT Grant Receivable– Safe Routes to School (Ord #2008-7) #300151	\$16,293.34
Improvement Authorization Ord #2008-7 Safe Routes School #3090871	\$12,663.63

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 27, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #127-2011

June 27, 2011

"Cancel General Capital Ordinance Balances"

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the following unexpended and dedicated balances of General Capital appropriations be canceled:

<u>Ordinance Number</u>	<u>Date Auth.</u>	<u>Project Description</u>	<u>Amount Cancelled</u>	
			<u>Funded</u>	<u>Unfunded</u>
#2003-3	5/31/03	Acquisition of Ambulance NFAS	\$2,959.00	
#2006-15	6/12/06	Paving of Various Streets	\$1,744.33	
#2007-9	4/23/07	Paving of Various Streets	\$6,058.81	
#2007-9	4/23/07	Acquisition of Police Equipment	\$197.61	
#2008-7	4/28/08	Main Street Beautification	\$10,743.10	
#2008-7	4/28/08	Pave Ryerson Ave(\$140k DOT)	\$24,390.92	
#2008-7	4/28/08	DPW vehicles & Slope Mower	\$1,491.90	
#2010-20	10/13/10	Acquisition ½ Hot Box	<u>\$82.05</u>	
Total			\$47,667.72	

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, June 27, 2011.

Lorraine A. Read, RMC
Municipal Clerk

CAPITAL BUDGET

RESOLUTION NO. 128-2011

WHEREAS, the local capital budget for the year 2011 was approved on the 28th day of March 2011; and
 WHEREAS, it is desired to Amend said adopted Capital Budget Section;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex that the following capital budget amendment of 2011 be made.

RECORDED VOTE:

Becker ()
 Le Frois ()
 Diglio ()
 Ricciardo ()
 Elvidge ()

NAYS

()
 ()
 ()
 ()
 ()

ABSTAIN ()
 ABSENT ()

CAPITAL BUDGET (Current Year Action)

2011

PLANNED FUNDING SERVICES FOR CURRENT YEAR 2011									
PROJECT	PROJECT NUMBER	ESTIMATED COST	AMOUNTS RESERVED IN PRIOR YEARS	2011 BUDGET APPROPRIATIONS	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	DEBT AUTHORIZED	TO BE FUNDED IN FUTURE YEARS
Acquisition of Camera DPW	2011-13	13,500				13,500			
TOTAL ALL PROJECTS		13,500		0	0	13,500	0	0	0

3 YEAR CAPITAL PROGRAM 2011 - 2013

Anticipated Project Schedule and Funding Requirements

FUNDING AMOUNTS PER YEAR									
PROJECT	PROJECT NUMBER	ESTIMATED COST	ESTIMATED COMPLETION TIME	BUDGET YEAR: 2011	2012	2013	2014	2015	TO BE FUNDED IN FUTURE YEARS
Acquisition of Camera DPW	2011-13	13,500	2011	13,500					
TOTAL ALL PROJECTS		13,500		13,500	0	0	0	0	0

3 YEAR CAPITAL PROGRAM 2011 - 2013

SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

PROJECT	ESTIMATED COST	CURRENT YEAR 2011	FUTURE YEARS	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	BONDS AND NOTES					
							GENERAL	SELF LIQUIDATING	ASSESSMENT	SCHOOL		
Acquisition of Camera DPW	13,500				13,500							
TOTAL ALL PROJECTS	13,500			0	13,500	0				0.00		

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the Township Auditor and Chief Financial Officer.

It is hereby certified that this is a true copy of a resolution creating the capital budget section adopted by the governing body on the 27th day of June, 2011

Certified by: _____
 Date: _____
 Lorraine A. Read, RMC
 Municipal Clerk

TOWN OF NEWTON CAPITAL BUDGET AMENDMENT

RESOLUTION #129-2011

WHEREAS, the local capital budget for the year 2011 has been adopted; and
WHEREAS, it is desired to amend said adopted capital budget section;
NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex that the following capital budget amendment of 2011 be made:

RECORDED VOTE: AYES

Becker	(NAYS	(
Le Frois	((
Diglio	((
Ricciardo	((
Elvidge	((
ABSTAIN	((
ABSENT	((

Project Title	Project Number	Cost Estimate as Adopted	Cost Estimate as Amended	Funding as Amended		
				Capital Improvement Fund	Prior Year Reserves	Grants in Aid
<u>General Capital</u>						
Pave Various Streets	2008-7	\$ 390,000.00	\$ 312,000.00	\$ 15,600.00		
Improvements to Alleyways/Spring Street/Historic District (project description change only)	2011-11	\$ -	\$ 78,000.00	\$ 3,900.00		
Total - All Projects		\$ 390,000.00	\$ 390,000.00	\$19,500.00	\$ -	\$ -

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the Town Auditor and filed with the Chief Financial Officer.

It is hereby certified that this is a true copy of a resolution adopted by the governing body on the 27th day of June 2011.

 Date

 Lorraine A. Read, RMC



TOWN OF NEWTON

RESOLUTION #130-2011

June 27, 2011

"Resolution of the Town of Newton in the County of Sussex, New Jersey, Directing the Town Planning Board to Review a Proposed Amendment to the Paterson Avenue Redevelopment Plan Pursuant to the Local Redevelopment and Housing Law"

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, on December 10, 2007, the Town of Newton, acting by Resolution, designated Block 1201.02, Lot 2 & 2.01 in the Town (the "Area") as an area in need of redevelopment pursuant to the Act; and

WHEREAS, on November 10, 2008, after review and comment by the Town's Planning Board in accordance with the Act, the Town, acting by Ordinance, enacted a Redevelopment Plan for the Area (the "Redevelopment Plan"); and

WHEREAS, due to changes in the national, regional and local economies occurring since the time of adoption of the Redevelopment Plan, the Town wishes to consider the addition of alternative uses and standards to the Redevelopment Plan in order to provide additional options for the revitalization of the Area; and

WHEREAS, in accordance with the Act, the Town has prepared a proposed amendment to the Redevelopment Plan, which is attached hereto as Exhibit A (the "Proposed Amendment"); and

WHEREAS, the Town Council desires to utilize the Planning Board's expertise and experience in considering the Proposed Amendment;

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

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. PLANNING BOARD DIRECTED TO REVIEW PROPOSED AMENDMENT

The Town Council hereby authorizes and directs the Planning Board to review the Proposed Amendment attached hereto as Exhibit A, and to transmit its comments to the Town Council within 45 days, as required by N.J.S.A. 40A:12A-7(e).

III. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

IV. AVAILABILITY OF THE RESOLUTION

A copy of this resolution shall be available for public inspection at the offices of the Town.

V. EFFECTIVE DATE

This Resolution shall take effect upon final passage.

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, June 27, 2011.

Lorraine A. Read, RMC
Municipal Clerk

PATERSON AVENUE REDEVELOPMENT
PLAN AMENDMENT

Draft

June 13, 2011

Prepared by: Harold E. Pellow & Associates, Inc.

Jessica Caldwell, P.P., A.I.C.P., Town Planner

PLAN CONSISTENCY REVIEW

BACKGROUND

On December 10, 2007, the Town Council of the Town of Newton determined that Block 1201.02, Lots 2 and 2.01 constituted an area in need of redevelopment (the “Area” or the “Redevelopment Area”) in accordance with the provisions of the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”). In late 2008, following review and input by the Planning Board, a redevelopment plan (the “Redevelopment Plan”) was adopted for the Area. The Redevelopment Plan called for 64 single family residential units to be constructed to achieve a variety of goals relative to the Redevelopment Area designation.

However, following adoption of the Redevelopment Plan, the economic climate changed dramatically in Newton, as well as across New Jersey and the United States. The housing market plummeted as banks and financial institutions were weakened by bad lending practices. The national economy, and that in Newton, as well, is now coming out of what is now referred to as the “Great Recession”. However, economic recovery is slow and the housing market remains extremely weak. In light of this dramatic change to the housing market, the Town is revisiting the Redevelopment Plan to consider other alternatives for revitalization of the Redevelopment Area.

While the housing market has grown weaker, some businesses are thriving and growing in the economic recovery. For example, under the Sparta Avenue Redevelopment Plan, a research and development and light manufacturing firm devoted to lasers and photonics, Thor Labs, is relocating its world headquarters to Newton. Similar businesses, including Thor Labs itself, subsequently began demonstrating interest in leasing space within the Redevelopment Area. The Town believes that this Area has potential for redevelopment in the near term with new, light industrial and research and development uses that will have a lower impact on the neighboring residential neighborhood than previous uses, when combined with improvements to the Area to improve structures, buffer property, and improve landscaping.

AMENDMENTS TO THE REDEVELOPMENT PLAN

The Redevelopment Plan contemplates the potential for amendments to the plan. At Section 9.1 of the Redevelopment Plan, it states, “As development occurs within the Area, development priorities and market demands may change. This Plan should have the ability to meet the changing needs of market demand, the Town of Newton and its citizens. Amendments may be required in order to accommodate these changes.” The Redevelopment Plan goes on to state that any proposed redevelopment plan amendment should include a Plan Consistency Review Section that addresses the consistency of the proposed amendments with the Redevelopment Plan, the Town of Newton Master Plan, the Sussex County Master Plan and the State Development and Redevelopment Plan.

REDEVELOPMENT PLAN GOALS

The following goals of the Redevelopment Plan are in keeping with this proposed amendment.

1. To allow for more efficient use of land and to expand the Town's tax base by encouraging high quality development.
2. To maximize the participation of private developers while minimizing the participation of the public sector.
3. To enhance the positive visual character and safety of the Paterson Avenue Redevelopment Area through building placement and design, landscaping and streetscape improvements.
4. To provide vehicular circulation and parking options to minimize impacts on the existing roadways and adjacent residential uses.
5. To create a high quality developed environment, with building forms and design that set a new standard for the overall aesthetic appearance of the area and surrounding neighborhood.

TOWN OF NEWTON MASTER PLAN GOALS

The following Town of Newton Master Plan Goals are consistent with this proposed plan amendment:

1. To encourage municipal action to guide the appropriate use or development of all lands in Newton, in a manner that will promote the public health, safety, morals, and general welfare.
2. Encourage development and improvement of industrial, commercial and public service uses which complement Newton's role as a Regional Center in the County.
3. Encourage light industrial development subject to performance standards that would be compatible with the "Regional Center" development concept of Newton.

SUSSEX COUNTY STRATEGIC GROWTH PLAN GOALS

The following Sussex County Strategic Growth Plan Goals are consistent with this proposed amendment in promoting the expansion of job centers and retaining jobs in a traditional center:

Job Creation Centers - Expansion of job creation centers will provide/create:

1. Employment
2. Opportunities for reverse commuting.
3. A measure of economic stability to offset the regressive, counterproductive property tax system.
4. The need to establish land use policies which compliment a strategy of marketing the County's strength to identified business and industry groups.
5. A greater ability to align the resources of the Sussex County Economic Development Partnership with municipal efforts to develop employment, attract business, and expand support infrastructure (water, sewer, power, communications).

Traditional Town Centers -

1. These will become the focus of the majority of development in Sussex County.
2. Existing centers should be revitalized. Proposed centers should provide a wide range of densities, styles and mixes of development. Where necessary, sewer service areas should be expanded to accommodate this planned growth (See Exhibit 5, Existing and Proposed Sewer Service Areas). Centers increase the range of options for transportation in the region.

Sussex County's Vision 2020 is supportive of keeping and bringing industrial use to Sussex County. As set forth in the Phase One Report entitled "Background, Situation Assessment and Industry Identification":

In September 2004 the Board of Chosen Freeholders adopted the Sussex County Strategic Growth Plan. This comprehensive document incorporated the goals of the New Jersey State Development and Redevelopment Plan, reflected the concerns of the County's residents and businesses, and articulated a clear and concise vision for the County.

...

One of the focal points in the Strategic Growth Plan is that of economic development. The Strategic Growth Plan (SGP) notes that in large measure Sussex County lacks the higher wage jobs of nearby labor markets, inducing County residents to commute to neighboring areas for jobs. ... many of the local jobs, centered on recreation and tourism, cannot provide the family sustaining jobs needed to cover ever-increasing expense of housing, food, fuel, and taxes.... Thus, attracting and growing firms, whose activities, processes and employment needs best fit the County's strengths, aims, and environment becomes an important aspect of implementing the SGP.

In order to implement the SGP, the County created the Vision 2020 Economic Development Initiative to identify and implement strategies that will grow the business sector in accordance with the principles of both the County Strategic Growth Plan and the State Development Redevelopment Plan....

(Phase One Report – Background, Situation Assessment & Industry Identification, p. 1).

In the Phase Two Report, "Site Selection and Evaluation", Sussex County attempted to identify "star sites" that can be developed or redeveloped for commercial or industrial use. The Planners recognize in the Phase Two Report:

Available sites (on the market, in the right location, at the right prices) or high potential areas should be identified and turned into “project ready” sites so that a developer has no reservation about committing to a project. The County has many assets for businesses and developers, but the development or relocation or expansion decision should be made as easy as possible from site availability to permitting to construction through hiring. This will entail thought, planning and coordination, but will be well worth the effort (if not actually imperative) in the current, difficult, real estate market in the western Interstate 80 corridor. (emphasis in the original) (p. 24 - Phase Two Report).

STATE DEVELOPMENT AND REDEVELOPMENT PLAN

Goal 3 and its policies and indicators from the State Development and Redevelopment Plan is consistent with this proposed plan amendment because it would create additional jobs within a State Designated Regional Center, thereby promoting economic development, increasing employment opportunities and bettering the economic welfare of the community.

GOAL	POLICIES	INDICATORS
<p>Goal 3: Promote Beneficial Economic Growth, Development and Renewal for All Residents of New Jersey</p> <p>STRATEGY: Promote socially and ecologically beneficial economic growth, development and renewal and improve both the quality of life and the standard of living of New Jersey residents, particularly the poor and minorities, through partnerships and collaborative planning with the private sector. Capitalize on the State's strengths—its entrepreneurship, skilled labor, cultural diversity, diversified economy and environment, strategic location and logistical excellence—and make the State more competitive through infrastructure and public services cost savings and regulatory streamlining resulting from comprehensive and coordinated planning. Retain and expand businesses, and encourage new, environmentally sustainable businesses in Centers and areas with infrastructure. Encourage economic growth in locations and ways that are both fiscally and environmentally sound. Promote the food and agricultural industry throughout New Jersey through coordinated planning, regulations, investments and incentive programs—both in Centers to retain and encourage new businesses and in the Environs to preserve large contiguous areas of farmland.</p>	<p>Policy on Economic Development - Promote beneficial economic growth and improve the quality of life and standard of living for New Jersey residents by building upon strategic economic and geographic positions, targeting areas of critical capital spending to retain and expand existing businesses, fostering modern techniques to enhance the existing economic base, encouraging the development of new enterprises, advancing the growth of green businesses, elevating work force skills, and encouraging sustainable economic growth in locations and ways that are fiscally and ecologically sound.</p> <p>Policy on Agriculture - Promote and preserve the agricultural industry and retain farmland by coordinating planning and innovative land conservation techniques to protect agricultural viability while accommodating beneficial development and economic growth necessary to enhance agricultural vitality and by educating residents on the benefits and the special needs of agriculture.</p> <p>Policy on Equity - It is the position of the State Planning Commission that the State Plan should neither be used in a manner that places an inequitable burden on any one group of citizens nor should it be used as a justification for public actions that have the effect of diminishing equity. It is also the position of the Commission that the achievement, protection and maintenance of equity be a major objective in public policy decisions as public and private sector agencies at all levels adopt plans and policies aimed at becoming consistent with the State Plan.</p>	<p>Key Indicator 1. New development, population and employment located in the Metropolitan and Suburban Planning Areas or within Centers in the Fringe, Rural and Environmentally Sensitive Planning Areas</p> <p>Indicator 1. Average annual disposable income among New Jerseyans</p> <p>Indicator 2. Unemployment</p> <p>Indicator 3. Conversion of farmland for development</p> <p>Indicator 5. Agricultural output</p> <p>Indicator 7. Economic output per unit of energy consumed</p> <p>Indicator 21. Municipalities with median household incomes of less than \$30,000 per year (in 1990 dollars)</p> <p>Indicator 22. Number of census tracts with more than 40% of the population living under the poverty level</p>

This proposed amendment to the Redevelopment Plan is consistent with the goals of the Redevelopment Plan, the goals of the Town of Newton Master Plan, the goals of the Sussex County Strategic Growth Plan and the goals of the State Development and Redevelopment Plan. It is therefore recommended that the following provisions be added to the Redevelopment Plan:

PATERSON AVENUE REDEVELOPMENT PLAN AMENDMENT

OFFICES, LIGHT INDUSTRIAL, MANUFACTURING, RESEARCH AND DEVELOPMENT AND WAREHOUSES

At Section 4.1 entitled “Land Use Plan”, add the following to “Permitted Uses”:

“4. Offices, manufacturing, research & development (R&D), and light industrial uses, including associated storage and warehouse use.” Permanent outdoor storage is prohibited. Temporary outside storage used in connection and support of a permitted use is permitted (a) provided materials are stored in a storage container or other enclosed container, (b) no container is stored for more than 48 consecutive hours at any one time, (c) no more than two (2) such storage containers are on-site at any one time, and (d) such storage containers are placed on or near and used in connection with a loading dock area.

At Section 6.2 entitled “Setback Regulations”, add the following:

“Bulk Requirements: Offices, Light Industrial, Manufacturing, Research and Development, and Warehouses:

Notwithstanding any other provisions of this Redevelopment Plan to the contrary, the bulk requirements for offices, light industrial, manufacturing, research and development and/or warehouse uses shall be as follows:

- a. Minimum lot area: 87,120 square feet.
- b. Minimum lot frontage: 200 feet.
- c. Minimum lot width: 250 feet.
- d. Minimum yards - principal and accessory structures**:
 - 1. Front yard: 40 feet.
 - 2. Rear yard: 30 feet.
 - 3. Side yard: 15 feet one side; 30 feet total.

At Section 6.12 entitled “Building Parking Standards”, add the following:

“6. Parking Requirements: Offices, Light Industrial, Manufacturing, Research and Development and Warehouses: Notwithstanding any other provisions of this Redevelopment Plan to the contrary, parking requirements for office, light industrial, manufacturing, and/or research and development and/or warehouse uses shall be as follows:

One (1) space for each 1,100 sq. ft. for the Office, Light Industrial, and Research and Development uses, and one (1) space per 2,500 sq. ft. for Warehouses. These requirements may be reduced by minor deviation granted by the Board if parking studies of similar style facilities and/or actual usage illustrates that less parking spaces are required. In parking lots containing more than 10 spaces, at least 5% of the interior parking area shall be landscaped with plantings. Parking lot street frontage screening and perimeter screening shall be a minimum of 10 feet wide. A snow removal/disposal plan shall be provided.

At Section 6.11 entitled “Building Signage and Lighting Standards”, add the following:

“5. Signs for Offices, Light Industrial, Manufacturing, Research and Development and Warehouses. One ground mounted sign is permitted per lot, with a maximum sign size of 40 square feet and a minimum setback of 10 feet is required.”

Add a new Section 7.10 entitled “Landscaping and Buffering – Offices, Light Industrial, Manufacturing, Research and Development and Warehouses.

Notwithstanding any other provisions of this Redevelopment Plan to the contrary, the landscaping and buffering requirements with respect to landscaping and buffering for offices, light industrial, manufacturing, research and development, and/or warehouses shall be as follows:

Landscaping:

- a. The area shall have a minimum of 5% of the lot landscaped. All areas not occupied by buildings, parking areas, patios, walkways and/or any other impervious surface shall be suitably landscaped. No landscaping shall interfere with required sight triangles.
- b. Deciduous trees shall have at least a three-and-one-half-inch dbh and 10 feet in height at planting, and evergreen trees shall be at least five feet tall. All trees shall be balled and burlapped and be of specimen quality as established by the American Association of Nurserymen.
- c. Any landscaping which, within two years of planting, dies, for any reason, shall be replaced by the developer(s) at his expense by means of a developer’s agreement or a bond agreement as determined by the Town Council.
- d. The following landscape principles shall be considered:
 - 1. Landscaping shall be located to provide for climate control, e.g. shade trees in parking areas.
 - 2. Landscaping shall be used to accent and complement buildings.
 - 3. Landscaping shall be provided in public areas, parking areas, recreation sites and adjacent to buildings.
 - 4. Massing trees shall be considered at critical points.
 - 5. Smaller trees shall be used on narrow streets.
 - 6. Ground cover shall be used to prevent erosion.
 - 7. A variety and mixture of landscaping shall be provided. Consideration shall be given to susceptibility to disease, colors, season, textures, shapes, blossom and foliage in selecting species.
 - 8. Local soil conditions and water availability shall be considered in the choice of landscaping.
 - 9. Existing trees located within 10 feet of any street right-of-way shall be maintained unless shown to be removed as part of an approved plan. The

existing grade within that space shall not be disturbed without such approval.

10. Entrances to nonresidential lots shall be landscaped.
11. The impact of any proposed landscaping plan at various time intervals shall be considered. For example, shrubs can grow and eventually block sight distances and foundation plants can block out buildings.
12. Impervious materials shall not be used in any landscape area. Weed retardant mulch, porous nonwoven synthetic landscape fabric or other materials shall be used.
13. Decorative stones are discouraged as a ground cover. Vegetative ground cover is encouraged.
14. On site re-use of rainwater and grey water for irrigation is encouraged.

Buffering:

- a. Visual screens provided through landscaping shall be designed in such a manner as to provide a barrier on a year-round basis around the view of the area to be screened.
- b. Existing vegetation within the buffer shall be preserved, where possible, and supplemented with plantings and other buffer devices to provide screening of residences.
- c. Buffer dimensions shall be measured from property lines.
- d. No buildings, signs (other than directional signs), structures, storage of materials or parking shall be permitted within the buffer area.
- e. All plantings shall be installed according to accepted horticultural standards.
- f. Design. Arrangement of plantings in buffer shall provide maximum protection to adjacent properties and avoid damage to existing plant material. The plantings shall be arranged in double staggered rows where possible. If planting berms are used, the minimum top width shall be four feet and the maximum side slope shall be 2:1. No berm shall be so high in height or mass as to be disproportionate to the characteristics of its setting.
- g. Planting specifications. Plant materials shall be a minimum of six feet in height and planted in such a fashion that a screen at least eight feet in height shall be produced within three growing seasons. All plantings shall be deer resistant, such as Blue Spruce, and installed according to accepted horticultural standards.
- h. Maintenance. Plantings shall be watered regularly with a sprinkler system or other means preferably using recycled water in a manner appropriate for the specific plant species through the first growing season, and dead or dying plants shall be replaced by the developer during the next planting season. No buildings, structures, storage of materials or parking shall be permitted within the buffer area. Buffer areas shall be maintained and kept free of all debris, rubbish, weeds and tall grass.
- i. Basic standards. The following buffer requirements shall apply unless it is shown or apparent to the Board that an alternative arrangement is more suitable:
 1. Along the side and rear lot lines of all commercial industrial and other nonresidential uses: 10 feet.
 2. Along the front lot line of light industrial, manufacturing or other higher intensity nonresidential uses: 10 feet.
 3. Along the rear lot lines of nonresidential uses that abut residential zones and uses: 20feet.
 4. Buffers need not be added cumulatively to setback requirements; a buffer area shall instead be an overlay of a required setback.



June 27, 2011

TOWN OF NEWTON

RESOLUTION #131-2011

"Resolution of the Local Unit Participation in the Morris County Improvement Authority's Series 2011 County of Morris Guaranteed Pooled Program, and Authorizing such Authority to Apply to the Local Finance Board for the Necessary Consents and Approvals on Behalf of Such Local Unit, All in Connection with the Authority's County of Morris Guaranteed Pooled Program Bonds, Series 2011 in an Aggregate Principal Amount Not to Exceed \$37,700,000 and the Town of Newton Project Financed Thereby"

WHEREAS, The Morris County Improvement Authority (including any successors and assigns, the "Authority") has been duly created by resolution no. 42 entitled "Resolution of the Board of Chosen Freeholders of Morris County, New Jersey creating the Morris County Improvement Authority" duly adopted by the Board of Chosen Freeholders (the "Morris County Board of Freeholders") of the County of Morris (the "County of Morris") in the State of New Jersey (the "State") on April 10, 2002 as a public body corporate and politic of the State pursuant to and in accordance with the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto (the "Act") and other applicable law; and

WHEREAS, the Authority is authorized by law, to purchase, lease or otherwise acquire public facilities for the benefit of certain local governmental units located within, without and including the County of Morris; and

WHEREAS, the County of Sussex, New Jersey (the "County of Sussex") does not presently have its own county improvement authority, and therefore the Authority is authorized under the Act to provide the financing for the Town of Newton Project (as defined below) on behalf of the Town of Newton (as defined below); and

WHEREAS, the Authority is authorized by law to finance public facilities through the acquisition of debt, including without limitation (i) the general obligation bonds in an aggregate principal amount of approximately \$6,000,000 (the "Borough of Rockaway Bond") of the Borough of Rockaway, in the County of Morris (the "Borough of Rockaway"), (ii) the general obligation bonds in a not exceed aggregate principal amount of approximately \$7,700,000 (the "Town of Newton Bonds") of the Town of Newton (the "Town of Newton" and together with the County of Morris and the Borough of Rockaway, the "Local Units"), in the County of Sussex and (iii) bonds of the Authority; and

WHEREAS, pursuant to the terms hereof and of the Act, the Authority intends to finance the acquisition and installation of certain capital equipment and the acquisition, construction, renovation and installation of certain property and infrastructure improvements (collectively, the "County of Morris Project") as set forth on Exhibit A to the Property and Infrastructure Lease Purchase Agreement (including a Ground Lease if necessary) to be entered into between the Authority and the County of Morris as a Local Unit in connection herewith (collectively, the "Lease Agreement"), through the issuance of the Authority's "Lease Revenue Bonds, Series 2011A" (the "Initial Lease Revenue Bonds"), the Authority's "Lease Revenue Notes, Series 2011A

(the "Initial Lease Revenue Notes") the Authority's "Lease Revenue Bonds, Series 2012 (the "Series 2012 Lease Revenue Bonds") and any additional bonds or notes in an amount which together with the Initial Lease Revenue Bonds, Initial Lease Revenue Notes and the Series 2012 Lease Revenue Bonds does not exceed \$24,000,000 (the "Additional Lease Revenue Bonds" and together with the Initial Lease Revenue Bonds, the Initial Lease Revenue Notes, and the Series 2012 Lease Revenue Bonds, the "Authority Lease Revenue Bonds"); and

WHEREAS, the Authority Lease Revenue Bonds, the Borough of Rockaway Bond and the Town of Newton Bonds shall be collectively referred to as the "Privately Placed Bonds"; and

WHEREAS, the Borough of Rockaway has (i) heretofore issued bond anticipation notes for various projects as set forth in the several bond ordinances (the "Borough of Rockaway Prior Notes") and now desires to refund the Borough of Rockaway Prior Notes and (ii) finally adopted two new bond ordinances for additional projects (collectively the "Borough of Rockaway Project") all as set forth on Exhibit A to an agreement (the "Borough of Rockaway Loan Agreement") by and between the Borough of Rockaway and the Authority; and

WHEREAS, the Town of Newton has (i) heretofore issued bonds for various projects as set forth in the several bond ordinances (the "Town of Newton Prior Bonds") and now desires to refund the Town of Newton Prior Bonds and (ii) finance additional projects (collectively the "Town of Newton Project") all as set forth on Exhibit A to an agreement (the "Town of Newton Loan Agreement" and together with the Town of Rockaway Loan Agreement, the "Loan Agreements"; the Loan Agreements and the Lease Agreement shall be collectively referred to as, the "Project Agreements") by and between the Town of Newton and the Authority; and

WHEREAS, the Authority Lease Revenue Bonds will be issued pursuant to the terms of the Authority's bond resolution entitled "RESOLUTION AUTHORIZING THE ISSUANCE OF LEASE REVENUE BONDS OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY" (the "Lease Revenue Bond Resolution"), the Act and other applicable law; and

WHEREAS, (i) the Borough of Rockaway Bonds will be issued pursuant to the several bond ordinances of the Borough of Rockaway, a resolution of the Borough of Rockaway (the "Borough of Rockaway Bond Resolution") and other applicable law and (ii) the Town of Newton Bonds will be issued pursuant to a refunding bond ordinance, several bond ordinances of the Town of Newton, a resolution of the Town of Newton (the "Town of Newton Bond Resolution") and other applicable law; and

WHEREAS, pursuant to the terms of the Lease Agreement, the Authority contemplates taking nominal title to the County of Morris Project for the term set forth therein, then leasing the County of Morris Project to the County of Morris for the term set forth therein, at which time the Authority will convey all of its right, title and interest in and to the County of Morris Project to the County of Morris for nominal consideration; and

WHEREAS, the principal of, and interest on the Authority Lease Revenue Bonds shall be paid from certain rental payments made by the County of Morris in accordance with the terms of the Lease Agreement and as otherwise set forth herein; and

WHEREAS, pursuant to the terms of the Loan Agreements, the Borough of Rockaway and the Town of Newton acquire or retain, as the case may be, all right, title and interest to the Borough of Rockaway Project and the Town of Newton Project, respectively, and the Authority acquires no interest therein except as may be expressly set forth in the Loan Agreements; and

WHEREAS, the principal of, and interest on the Borough of Rockaway Bonds and the Town of Newton Bonds shall be paid from general obligation payments of the Borough of Rockaway and the Town of Newton, respectively; and

WHEREAS, the Authority shall deposit the proceeds of the Authority Lease Revenue Bonds issued under the Lease Revenue Bond Resolution with a trustee to be designated under the Lease Revenue Bond Resolution (the "Lease Revenue Trustee") to pay the cost of: (i) the acquisition, construction, renovation or installation of the County of Morris Project; (ii) certain accrued interest to the extent set forth in the Lease Revenue Bond Resolution; (iii) certain costs of issuance to be identified in the Lease Revenue Bond Resolution; (iv) capitalized interest on the Authority Lease Revenue Bonds, if any and (v) such other items as shall be set forth in the Lease Revenue Bond Resolution; and

WHEREAS, simultaneously with the issuance of the Authority Lease Revenue Bonds, the Authority shall deposit a portion of the proceeds of the Borough of Rockaway Bonds issued under the Borough of Rockaway Bond Resolution and the Town of Newton Bonds issued under the Town of Newton Bond Resolution with the Trustee, as an equity contribution, to pay the cost of: (i) certain accrued interest attributable to either the Borough of Rockaway Bonds or the Town of Newton, as the case may be, to the extent set forth in the Lease Revenue Bond Resolution; (ii) certain costs of issuance attributable to the Borough of Rockaway Bonds and the Town of Newton Bonds to be identified in the Lease Revenue Bond Resolution; (iii) capitalized interest on the Borough of Rockaway Bonds and the Town of Newton Bonds, if any and (iv) such other items as shall be set forth in the Lease Revenue Bond Resolution; and

WHEREAS, (i) the Privately Placed Bonds will be purchased with the proceeds from the Authority's "County of Morris Guaranteed Pooled Program Bonds, Series 2011" (the "Initial Pooled Program Bonds", (ii) the Initial Lease Revenue Notes will be purchased with the proceeds from the Authority's "County of Morris Guaranteed Pooled Program Notes, Series 2011" (the "Initial Pooled Program Notes") and (iii) the Series 2012 Lease Revenue Bonds will be purchased with the proceeds from the Authority's "County of Morris Guaranteed Pooled Program Bonds, Series 2012" (the "Series 2012 Pooled Program Bonds" and together with the Initial Pooled Program Bonds and the Initial Pooled Program Notes, the "Pooled Program Bonds") to be issued under the Authority bond resolution entitled "RESOLUTION AUTHORIZING THE ISSUANCE OF COUNTY OF MORRIS GUARANTEED POOLED PROGRAM BONDS OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY" (the "Pooled Program Bond Resolution" and together with the Lease Revenue Bond Resolution, the "Bond Resolutions"); and

WHEREAS, the Pooled Program Bonds and the Authority Lease Revenue Bonds shall be collectively referred to as, the "Bonds"; and

WHEREAS, any notes issued as Series 2011 Bonds may be refunded through the issuance of one or more series of notes or bonds, so long as (i) the principal amount of such notes or bonds, each issued and Outstanding in the aggregate at any one time under and as defined in the hereinafter defined Bond Resolution, does not exceed \$37,700,000 and (ii) the interest rates thereon do not exceed the maximum interest rates set forth in the Local Finance Board Application; and

WHEREAS, the issuance of the Pooled Program Bonds for the purpose of acquiring the Privately Placed Bonds to finance the Projects shall collectively be referred to as the "Project"); and

WHEREAS, the principal of, redemption premium, if any, and interest on the Pooled Program Bonds shall be secured by the pledge of the Trust Estate as defined in the Pooled

Program Bond Resolution by the Authority to the Trustee named therein (the "Pooled Trustee" and together with the Lease Revenue Trustee, the "Trustees"), which Trust Estate shall include, among other things, the Lease Agreement, the Loan Agreements, the principal of, redemption premium, if any, and interest on the Borough of Rockaway Bond, the payment on which shall be made by the Borough of Rockaway in accordance with the Local Bond Law or other law as applicable, and which shall be made from the levy of *ad valorem* taxes upon all the taxable property within the jurisdiction of the Borough of Rockaway, without limitation as to rate or amount, and which Borough of Rockaway Bond shall be assigned by the Authority to the Pooled Trustee as further security for the payment of the Initial Pooled Program Bonds in accordance with the terms of the Pooled Program Bond Resolution and the Loan Agreement, the principal of, redemption premium, if any, and interest on the Town of Newton Bonds, the payment on which shall be made by the Town of Newton in accordance with the Local Bond Law or other law as applicable, and which shall be made from the levy of *ad valorem* taxes upon all the taxable property within the jurisdiction of the Town of Newton, without limitation as to rate or amount, and which Town of Newton Bonds shall be assigned by the Authority to the Pooled Trustee as further security for the payment of the Initial Pooled Program Bonds in accordance with the terms of the Pooled Program Bond Resolution and the Loan Agreements and the principal of, redemption premium, if any, and interest on the Authority Lease Revenue Bonds and which Authority Lease Revenue Bonds shall be assigned by the Authority to the Pooled Trustee as further security for the payment of the Initial Pooled Program Bonds, the Initial Pooled Program Notes and the Series 2012 Pooled Program Bonds in accordance with the terms of the Pooled Program Bond Resolution and the Lease Agreement, which payments under the Lease Agreement shall be made from the levy of *ad valorem* taxes upon all the taxable property within the jurisdiction of the County of Morris, without limitation as to rate or amount; and

WHEREAS, payment of the principal of (including mandatory sinking fund installments, if any) and interest on the Pooled Program Bonds, to be issued in one or more series as bond and notes (including the Initial Pooled Program Bonds, the Initial Pooled Program Notes and the Series 2012 Pooled Program Bonds), shall be fully, unconditionally and irrevocably guaranteed in an aggregate principal amount not to exceed \$37,700,000 in accordance with (i) the terms of one or more guaranty ordinances of the County of Morris (which shall in the aggregate total to \$37,700,000) to be finally adopted by the Morris County Board of Freeholders, (ii) by a guaranty certificate to be executed by an authorized officer of the County of Morris on the face of each Pooled Program Bond and (iii) as may be required by any rating agency, underwriter, Pooled Program Bond purchaser or other entity that will allow the Authority to sell the Pooled Program Bonds at the lowest possible cost to the Local Units, an agreement setting forth the County of Morris's obligation to make any such guaranty payments in accordance with and within the parameters set forth in this ordinance (collectively, the "County Guaranty"), all pursuant to Section 37 ("Section 37") of the Act (N.J.S.A. 40:37A-80) and other applicable law, which payments shall also be included as part of the Trust Estate applicable to the Pooled Program Bonds pledged by the Authority to the Trustees under the Bond Resolutions; and

WHEREAS, in accordance with the terms of the Lease Revenue Bond Resolution, the Pooled Program Bond Resolution, the County Guaranty, the Lease Agreement and the Loan Agreements, the Trustee shall not notify the County of Morris of the possible need for payments from the County of Morris under the County Guaranty to pay all of a portion of the principal of and interest on the Pooled Program Bonds when due until the respective payment dates for the Local Units under their Privately Placed Bonds, Lease Agreement and Loan Agreements shall have passed and the Local Units shall have failed to make their required payments thereunder in full; and

WHEREAS, pursuant to the terms of the Lease Agreement and the Loan Agreements, those Local Units constituting "materially obligated persons" within the meaning and for the purposes set forth in Rule 15c2-12 ("Rule 15c2-12") promulgated by the Securities and Exchange Commission (the "SEC") pursuant to the Securities and Exchange Act of 1934, as amended, will be required to enter into those certain "Local Unit Continuing Disclosure Agreements" to be dated as of the first day of the month of issuance of the Privately Placed Bonds (as the same may be amended and supplemented from time to time in accordance with their respective terms, the "Local Unit Continuing Disclosure Agreements") with the Authority and the Trustee, as dissemination agent (the "Dissemination Agent") in order to satisfy the secondary market disclosure requirements of Rule 15c2-12; and

WHEREAS, pursuant to the terms of the Pooled Program Bond Resolution, as a "materially obligated person" within the meaning and for the purposes set forth in Rule 15c2-12, the County of Morris will be required to enter into that certain "County Continuing Disclosure Agreement" to be dated as of the first day of the month of issuance of the Series 2011 Bonds (as the same may be amended and supplemented from time to time in accordance with its terms, the "County Continuing Disclosure Agreement") with the Dissemination Agent in order to satisfy the secondary market disclosure requirements of Rule 15c2-12; and

WHEREAS, pursuant to the terms of the Pooled Program Bond Resolution, the Authority (i) shall not be considered a "materially obligated person" within the meaning and for the purposes set forth in Rule 15c2-12 and (ii) shall be required to provide certain material events notices in accordance with Rule 15c2-12, and accordingly, the Authority (a) may be required to enter into a separate continuing disclosure agreement, or alternatively, may need to execute the Local Unit Continuing Disclosure Agreements and/or the County Continuing Disclosure Agreement, and (b) shall be required to provide such material events notices under the terms of the Local Unit Continuing Disclosure Agreements and the County Continuing Disclosure Agreement, all in order to satisfy the secondary market disclosure requirements of Rule 15c2-12 (the "Authority Continuing Disclosure Agreement" and together with the Local Unit Continuing Disclosure Agreements and the County Continuing Disclosure Agreement, the "Continuing Disclosure Agreements"); and

WHEREAS, in order to market and sell the Bonds in one or more series, the Authority will have to (i) make an application (the "Local Finance Board Application") to, and seek, obtain, and officially recognize the findings from the Local Finance Board (the "Local Finance Board") in the Department of Local Government Services of the State Department of Community Affairs, all in accordance with N.J.S.A. 40A:5A-6, 7 and 8 of the Local Authorities Fiscal Control Law and in connection with the Authority Lease Revenue Bonds and the Pooled Program Bonds, which Local Finance Board Application, hearing and process shall to the extent permitted by applicable law, incorporate the requests for approval by the Local Finance Board of certain matters related to the Borough of Rockaway Bonds, (ii) authorize the distribution of a preliminary official statement "deemed final" within the meaning and for the purposes of Rule 15c2-12 describing the terms of the Pooled Program Bonds, the Project and the other transactions contemplated hereby (the "Preliminary Official Statement"), (iii) enter into one or more bond purchase agreements with one or more underwriters (the "Underwriter") selected by the Authority in accordance with its policy for the selection of underwriters as established by Authority resolution no 02-10 adopted July 24, 2002 and entitled "RESOLUTION ADOPTING A POLICY FOR THE SELECTION OF UNDERWRITERS AND OTHER ANCILLARY SERVICE PROVIDERS IN CONNECTION WITH THE SALE OF SECURITIES" (the "Underwriter Selection Policy") and a fair and open process for the sale of all of the Pooled Program Bonds (the "Bond Purchase Agreement"), (iv) execute and deliver a final Official Statement incorporating the terms of the sale of the Pooled Program Bonds and certain other information into the Preliminary Official Statement (the "Official Statement"), (v) obtain the required resolutions and

ordinances of the Local Units necessary in order to authorize the Projects and the financing of the Projects through the Pooled Program Bonds (the "Local Unit Official Action"), (vi) cause the Local Units to make certain representations, warranties and covenants concerning the Projects, the Privately Placed Bonds and the other transactions contemplated hereby prior to their respective execution and delivery of the Lease Agreement and Loan Agreements, but no later than the execution and delivery of the Bond Purchase Agreement (the "Local Unit Letter of Representations") and (vii) cause the Local Units to make certain representations, warranties and covenants concerning the applicable Projects and Privately Placed Bonds, the use of the funds attributable to the Projects and the transactions contemplated hereby prior to their respective execution and delivery of the Lease Agreement and Loan Agreements, but no later than the execution and delivery of the Bond Purchase Agreement, all in connection with preserving the exclusion of the interest of the Bonds from the gross income of the holders thereof for federal income tax purposes (the "Local Unit Tax Letter of Representations" and together with the Preliminary Official Statement, the Bond Purchase Agreement, the Official Statement and the Local Unit Letter of Representations, the "Sale Documents"); and

WHEREAS, the Authority shall have no obligation with respect to the Project other than the financing thereof; accordingly, the payment of the Privately Placed Bonds shall remain the sole responsibility of the respective Local Units; and

WHEREAS, to the extent that the Authority determines it is in the best interest of the Authority, the Borough of Rockaway and the Town of Newton and in order to achieve the greatest economies of scale, the Authority is hereby authorized to issue the Bonds in one or more series to accommodate separate purchases of the Authority Lease Revenue Bonds, the Borough of Rockaway Bonds and the Town of Newton Bonds at different times and in so doing make such changes, including all documentation in connection therewith, all as deemed necessary, convenient or desirable by any such Authorized Officer, in consultation with the Consultants including such modifications thereto as counsel and financial advisor to the Authority and the Borough of Rockaway may advise, such Authorized Officer's execution and delivery thereof of all financing documents in connection with the combined or separate issuance shall be dispositive of any such changes thereto; and

WHEREAS, in accordance with Section 13 ("Section 13") of the Act (N.J.S.A. 40:37A-56), prior to the issuance of the Bonds, the Authority will have made a detailed report of the Project to the Board of Freeholders, which report will include, without limitation, descriptions of the Pooled Program Bond Resolution, the Lease Revenue Bond Resolution, the Bonds, the form of the Lease Agreement, the form of the Ground Lease Agreement, the form of the Loan Agreement, the master forms of the Continuing Disclosure Agreements, and if necessary, desirable or convenient as determined by the Authority and the County of Morris, such other applicable agreements that may include one or more of the Local Finance Board Application or any Sale Documents (collectively, the "Financing Documents"); and

WHEREAS, the Local Unit believes: (i) it is in the public interest to accomplish such purposes as set forth in the preambles hereof, including the financing of the Town of Newton; (ii) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the Local Unit; (iii) the amounts to be expended for said purpose are not unreasonable or exorbitant; and (iv) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Local Unit and will not create an undue financial burden to be placed upon the Local Unit;

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Local Unit as follows:

Section 1. The Local Unit believes: (a) it is in the public interest to accomplish such purposes as set forth in the preambles hereof, including the financing of the Town of Newton Project; (b) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the Local Unit; (c) the amounts to be expended for said purpose are not unreasonable or exorbitant; and (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Local Unit and will not create an undue financial burden to be placed upon the Local Unit.

Section 2. The Mayor, the Chief Financial Officer and the Clerk of the Local Unit (including their designees in writing, each an "Authorized Officer") are each hereby severally authorized to assist the Authority with the preparation and submission of the Local Finance Board Application for the purpose of financing the Town of Newton Project through the issuance of the Initial Pooled Program Bonds, and to take all action necessary, desirable, or convenient in connection therewith. Accordingly, the Authorized Officers, and any consultants of their choosing, shall, if necessary, represent the Local Unit at any public hearing held by the Local Finance Board in connection with the Local Finance Board Application.

Section 3. The Authorized Officer shall direct the Local Unit official in charge of the officially adopted resolutions of the governing body of the Local Unit to (a) prepare an official, certified copy of this resolution, as adopted, and (b) deliver such certified copy in accordance with Section 8 below. Further, the Local Unit hereby consents to such certified copy of the resolution, and any further information regarding the Local Unit and/or the Town of Newton Project, as the Authorized Officer shall determine to be necessary, desirable or convenient in connection with the Local Finance Board Application, to be submitted as part of, or pursuant to the Local Finance Board Application.

Section 4. The Authorized Officers are hereby severally authorized to take such other actions, and execute such other certificates, documents, and instruments, as such Authorized Officers shall deem to be necessary, desirable, or convenient to assist the Authority in undertaking the Town of Newton and issuing the Initial Pooled Program Bonds or any other action related to the implementation of the Town of Newton Project for the Town of Newton.

Section 5. The Local Finance Board is hereby respectfully requested to consider the Local Finance Board Application as the means to finance the Town of Newton and record its findings and recommendations as provided by N.J.S.A. 40A:5A-7 of the Local Authorities Fiscal Control Law.

Section 6. To the extent the Series 2011 Bonds are issued in any year other than 2011, references herein to "2011" may without any further action be changed to the year of issuance of such Series 2011 Bonds.

Section 7. All actions of the Authorized Officers or the Consultants taken prior to the date of adoption hereof in connection with the Bonds, the Town of Newton or any of the foregoing transactions contemplated by this resolution, are hereby ratified and approved.

Section 8. Upon the adoption hereof, a certified copy of this resolution shall be forwarded to John Bonanni, County Administrator and Chairman of the Authority, Daniel O'Mullan, County Counsel and Authority Counsel, Stephen B. Pearlman, Esq.

Section 9. This resolution shall take effect immediately.

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CERTIFICATE

I, Lorraine Read, Clerk of the Town of Newton, in the County of Sussex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Council duly called and held on June 27, 2011 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town this _____ day of _____, 2011.



TOWN OF NEWTON
RESOLUTION #132-2011

June 27, 2011

**"Authorize Refund of Redemption Monies to
Outside Lien Holder for Block 1303, Lot 10"**

WHEREAS, at the Municipal Tax Sale held on June 24, 2009 a lien was sold on Block 1303, Lot 10, also known as 2-4 Stuart Street, for 2008 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1318, was sold to US Bank Cust for CCTS Capital, LLC for 5% redemption fee; and

WHEREAS, Ms. Diana Hlavacek owner of said property has effected redemption of Certificate #1318 in the amount of \$3,070.98;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust for CCTS Capital, LLC is entitled to the redemption in the amount of \$3,070.98; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$3,070.98 for the redemption of Certificate #1318 to US Bank Cust for CCTS Capital, LLC, 2 Liberty Place, 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, June 27, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #133-2011

June 27, 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 to account for water bill that should have been in inactive status:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
19298	25 Mt. View Street	\$30.00
5182	25 Hillside Terrace	\$75.00

Credit to account for water bill that should have been in final status:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
7292	18 Linwood Avenue	\$75.00

Credit to account for incorrect meter reading:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
11549	27 Woodside Avenue	\$414.72

Utility Board recommends credit of minimum charges paid while meter was stuck:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
5070	14B Hillside Terrace	\$1,875.00

Utility Board recommends credit of shut off fee:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
13874	49 Pine Street	\$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, June 27, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #134-2011

June 27, 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

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, June 27, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #135-2011

June 27, 2011

"In Settlement of a Utility Account Balance for Block 711, Lot 19"

WHEREAS, Anthony Mautone et al, the owner of real property known as Block 711, Lot 19, appealed its water bill to the Town Council of the Town of Newton through its attorney, Anthony Mautone, Esq.; and

WHEREAS, Mr. Mautone appeared before the Town Council of Newton in support of said appeal at regularly scheduled Council meetings on March 28, 2011 and May 23, 2011 and thereafter corresponded and spoke with representatives of the Town of Newton and with the Town's Attorney and Mr. Mautone challenged the accuracy of the meter readings supporting said water bill; and

WHEREAS, there is due and owed on said water bill the sum of \$6,092.57, including late penalties, through May 24, 2011; and

WHEREAS, the Town Council of Newton has reviewed and considered the following: the merits of Mr. Mautone's arguments; the records of the Water and Sewer Department; the certified testing results of the meter in question; the record of payments on the account; the recent diminution in water usage at the subject premises; and anticipated costs associated with litigation of the contested account;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton as follows: As a negotiated settlement of the differences with the owner of Block 711, Lot 19 and in return for a full and universal release from said owner of all claims against the Town of Newton, its employees and/or agents arising out of the amount due on the Utility Account of M M & C Realty (ID#113) for Block 711, Lot 19, through May 24, 2011, the Town of Newton hereby adjusts the May 24, 2011 current balance of said Utility Account with penalty from \$6,092.57 to \$3,000.00, said adjusted balance to be paid in full upon adoption of this resolution.

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, June 27, 2011.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE #2011-11

ORDINANCE REAPPROPRIATING \$78,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THE ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR MILLING, PAVING, SIDEWALK IMPROVEMENTS AND INSTALLATION OF LIGHTING IN THE ALLEY IN BETWEEN BRENDA'S DINER AND PB&J, IN THE ALLEY ADJACENT TO SPRINGBOARD SHOPPES AND ON SPRING STREET AND THE ADJACENT HISTORIC DISTRICT, AND THE REMOVAL AND INSTALLATION OF SHADE TREES ON ROUTE 206 IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$78,000 of the proceeds of obligations and unspent down payment funds originally made available pursuant to Section 3(d) of bond ordinance #2008-7 of the Town of Newton, in the County of Sussex, New Jersey (the "Town") finally adopted April 28, 2008 is no longer necessary for the purpose of paving of various streets (in accordance with road master plan) for which the obligations previously were authorized.

Section 2. The \$78,000 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for milling, paving, sidewalk improvements and installation of lighting in the alley in between Brenda's Diner and PB&J, in the alley adjacent to SpringBoard Shops and on Spring Street and the adjacent Historic District, and the removal and installation of shade trees on Route 206.

Section 3. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any

inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond 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 June 27, 2011. It will be considered for adoption, after public hearing and final reading thereon, at a regular meeting of said Governing Body to be conducted on July 11, 2011, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

TOWN ON NEWTON
ORDINANCE 2011-12

REFUNDING BOND ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING GENERAL IMPROVEMENT BONDS OF THE TOWN, DATED AUGUST 1, 2002, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$4,900,000, APPROPRIATING \$4,370,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,370,000 REFUNDING BONDS OF THE TOWN FOR FINANCING THE COST THEREOF

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Town of Newton, in the County of Sussex, New Jersey (the "Town") is hereby authorized to refund all or a portion of the outstanding bonds of the Town originally issued in the principal amount of \$4,900,000 dated August 1, 2002 (the "2002 Bonds"). The 2002 Bonds maturing on or after August 1, 2012 (the "Refunded Bonds") may be redeemed at the option of the Town in whole or in part on any date (the "Redemption Date") at a redemption price equal to 100% of such Refunded Bonds, plus unpaid accrued interest, if any, to the Redemption Date.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the aggregate principal amount not to exceed \$4,370,000 pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An aggregate amount not exceeding \$110,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the \$4,370,000 amount of the Refunding Bonds authorized by this refunding bond ordinance and that an amount representing the \$4,005,000 principal amount of the bonds to be refunded will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

Section 5. The purpose of the refunding is to effect an interest cost savings for the Town.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the Mayor or the Chief Financial Officer of the Town as to the indebtedness to be financed by the issuance of the Refunding Bonds authorized herein.

Section 7. The Mayor, the Chief Financial Officer, the Town Clerk and other appropriate representatives of the Town are hereby authorized to prepare such documents, to publish such notices and to take such other actions as are necessary or desirable to enable the Town to prepare for the sale and the issuance of the Refunding Bonds authorized herein and to provide for the redemption of the 2002 Bonds referred to in Section 1 hereof.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption and endorsement of the consent of the Local Finance Board upon a certified copy of this ordinance as finally adopted.

TAKE NOTICE that the above entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton held on June 27, 2011. It will be considered for adoption, after public hearing and final reading thereon, at a regular meeting of said Governing Body to be conducted on July 11, 2011, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE #2011-13

A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$13,500 FOR ACQUISITION AND INSTALLATION OF A CAMERA ON THE DEPARTMENT OF PUBLIC WORKS BUILDING 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. \$13,500 is hereby appropriated from the General Capital – Fund Balance for the following improvement in the Town of Newton, including all costs necessary therefore or incidental thereto:

Acquisition of a Camera – It has been determined that a camera should be installed at the Department of Public Works Garage area to safeguard the municipal assets and deter vandalism. **\$13,500.00**

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 June 27, 2011. It will be considered for adoption, after public hearing and final reading thereon, at a regular meeting of said Governing Body to be conducted on July 11, 2011, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk