



AGENDA
NEWTON TOWN COUNCIL
JULY 25, 2011
8:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- JULY 1, 2011 REORGANIZATION MEETING
- JULY 11, 2011 REGULAR MEETING
- JULY 11, 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. COUNTY OF SUSSEX – SOLAR PPA PROJECT

VII. ORDINANCES

- a. INTRODUCTION

ORDINANCE 2011-14

AN ORDINANCE REPEALING AND REPLACING CHAPTER 14 FLOOD DAMAGE PREVENTION ORDINANCE OF THE TOWN OF NEWTON REVISED GENERAL ORDINANCES WITH AN UPDATED FLOOD DAMAGE ORDINANCE

ORDINANCE 2011-15

AN ORDINANCE AUTHORIZING THE TOWN OF NEWTON TO IMPLEMENT THE FIVE-YEAR EXEMPTION AND ABATEMENT LAW, GRANTING TAX EXEMPTIONS FOR CERTAIN IMPROVEMENTS TO AND CONSTRUCTION OF RESIDENTIAL DWELLINGS, CERTAIN IMPROVEMENTS TO INDUSTRIAL STRUCTURES AND CERTAIN IMPROVEMENTS TO COMMERCIAL STRUCTURES, ALL WITHIN THE DOWNTOWN HISTORIC DISTRICT, AND SUPERSEDING ANY OTHER ORDINANCE GRANTING SUCH EXEMPTIONS

VIII. OLD BUSINESS

IX. CONSENT AGENDA

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

- a. RESOLUTION #157-2011* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 711, LOT 26

- b. RESOLUTION #158-2011* ACCEPTANCE OF THE PAVING OF VARIOUS STREETS PROJECT AS COMPLETE

- c. RESOLUTION #159-2011* APPROVE BILLS AND VOUCHERS FOR PAYMENT

- d. RESOLUTION #160-2011* APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB OWNER'S LICENSE SUBMITTED BY DORAGAIL SPICER T/A DADS TAXI & LIMO

- e. RESOLUTION #161-2011* APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER'S LICENSE SUBMITTED BY DORAGAIL SPICER

- f. RESOLUTION #162-2011* APPROVAL OF A RENEWAL APPLICATION OFR TAXICAB DRIVER'S LICENSE SUBMITTED BY GLENN T. SPICER

- g. RESOLUTION #163-2011* APPROVAL OF A RENEWAL APPLICATON FOR TAXICAB DRIVER'S LICENSE SUBMITTED BY RALPH E. DRAKE

- h. RESOLUTION #164-2011* DENIAL OF APPLICATION FOR A RENEWAL TAXICAB OWNER'S LICENSE FOR HAROLD R. STORM, JR.

- i. RESOLUTION #165-2011* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

- j.** RESOLUTION #166-2011*

RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AUTHORIZING THE ISSUANCE, SALE AND AWARD OF NOT EXCEEDING \$4,370,000 REFUNDING BOND, SERIES 2011 AND \$3,080,000 GENERAL IMPROVEMENT BONDS, SERIES 2011 (REFERRED TO TOGETHER AS THE TOWN'S "SERIES 2011 BONDS") IN CONNECTION WITH THE MORRIS COUNTY IMPROVEMENT AUTHORITY'S COUNTY OF MORRIS GUARANTEED POOLED PROGRAM BONDS, SERIES 2011; AUTHORIZING AND APPROVING THE EXECUTION AN DELIVERY OF A LOAN AND SECURITY AGREEMENT IN CONNECTION THERWITH TO BE SECURED BY THE TOWN'S PAYMENT OBLIGATIONS UNDER ITS SERIES 2011 BONDS; MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THERWITH; AND AUHTORIZING ACTIONS RELATED THERETO

- k.** RESOLUTION #167-2011*

RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$3,080,000 IN PRINCIPAL AMOUNT

- l.** RESOLUTION #168-2011*

DENIAL OF APPLICATION FOR A RENEWAL TAXICAB DRIVER'S LICENSE FOR HAROLD R. STORM, JR.

- m.** APPLICATIONS*

APPLICATION FOR AN OFF-PREMISE RAFFLE FROM ST. JOSEPH RC CHURCH, 17 ELM ST., NEWTON, TO BE HELD ON FRIDAY, OCTOBER 28, 2011 AT 7:30PM AT ST. JOSEPH COMMUNITY CENTER, 20 JEFFERSON ST., NEWTON, NJ

APPLICATION FOR MEMBERSHIP TO THE NEWTON FIRE DEPARTMENT FROM KYLE A. INGA, 16 BIRCH DR., NEWTON, NJ

APPLICATION FOR A SPECIAL PERMIT FOR A SOCIAL AFFAIR FROM THE GREATER NEWTON CHAMBER OF COMMERCE, P.O. BOX 386, NEWTON, NJ TO BE HELD MONDAY, SEPTEMBER 12, 2011 FROM 7:00PM TO 10:00PM ON SPRING STREET, NEWTON, NJ

APPLICATION FOR SPECIAL PERMIT FOR A SOCIAL AFFAIR FROM THE NEWTON FIRE DEPARTMENT, 58 WOODSIDE AVENUE, NEWTON, NJ TO BE HELD ON SATURDAY, AUGUST 27, 2011 FROM 4:00PM TO 9:00PM AT THE NEWTON VFW POST #5360, 85 MILL STREET, NEWTON, NJ

X. RESOLUTIONS

- a. RESOLUTION #169-2011

RESOLUTION OF THE SERIES 2011 LOCAL UNIT PARTICIPATING IN THE MORRIS COUNTY IMPROVEMENT AUTHORITY'S SERVICES 2011 RENEWABLE ENERGY PROGRAM, AND AUTHORIZING SUCH AUTHORITY TO APPLY TO THE LOCAL FINANCE BOARD FOR THE NECESSARY CONSENTS AND APPROVALS ON BEHALF OF SUCH PARTICIPANT, ALL IN CONNECTION WITH THE AUTHORITY'S COUNTY OF SUSSEX GUARANTEED RENEWABLE ENERGY PROGRAM LEASE REVENUE BONDS, SERIES 2011 (COUNTY OF SUSSEX PROJECT) (FEDERALLY TAXABLE) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$50,000,000 AND THE PARTICIPANT PROJECT FINANCED THEREBY

XI. INTERMISSION

XII. DISCUSSION

- a. MERRIAM GATEWAY REDEVELOPMENT PLAN – NEWTON TOWNSQUARE, LLC APPLICATION
- b. PAY TO PLAY ORDINANCE
- c. SUPER SENIOR NOMINATION
- d. PARKING AUTHORITY OVERNIGHT PARKING PASS

XIII. OPEN TO THE PUBLIC

XIV. COUNCIL & MANAGER COMMENTS

XV. ADJOURNMENT

TOWN OF NEWTON

ORDINANCE 2011-14

AN ORDINANCE REPEALING AND REPLACING CHAPTER 14 FLOOD DAMAGE PREVENTION ORDINANCE OF THE TOWN OF NEWTON REVISED GENERAL ORDINANCES WITH AN UPDATED FLOOD DAMAGE ORDINANCE

WHEREAS, the Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry; and

WHEREAS, the flood hazard areas of Town of Newton are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, these flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss; and

WHEREAS, it is the purpose of this Ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- [1] Protect human life and health;
- [2] Minimize expenditure of public money for costly flood control projects;
- [3] Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- [4] Minimize prolonged business interruptions;
- [5] Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- [6] Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- [7] Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- [8] Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and

WHEREAS, in order to accomplish its purposes, this Ordinance includes methods and provisions for:

- [1] Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- [2] Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- [3] Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

- [4] Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- [5] Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Newton, Sussex County, New Jersey, as follows:

SECTION 14-1.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

Appeal — A request for a review of the Construction Official's interpretation of any provision of this Ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard — The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood — The flood having a one percent chance of being equaled or exceeded in any given year.

Basement — Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Development — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Digital Flood Insurance Rate Map (DFIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Elevated Building — A non-basement building (i) built in the case of a building in an Area of Special Flood Hazard to have the top of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the

water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from: .

[1] The overflow of inland or tidal waters and/or

[2] The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Study (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Floodplain Management Regulations — Zoning Ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodway — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure — Any structure that is:

[a] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

[b] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

[c] Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

[d] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved State program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in States without approved programs.

Lowest Floor — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest

floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure — A walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- [1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- [2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance — A grant of relief from the requirements of this Ordinance that permits construction in a manner that would otherwise be prohibited by this Ordinance.

SECTION 14-2.0 GENERAL PROVISIONS

14-2.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Town of Newton, Sussex County, New Jersey.

14-2.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the areas of special flood hazard for the Town of Newton, Community No. 340453, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Sussex County, New Jersey (All Jurisdictions)" dated September 29, 2011.
- b) Flood Insurance Rate Map for Sussex County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34037C0284E, 34037C0292E, 34037C0303E, 34037C0311E; whose effective date is September 29, 2011.

The above documents are hereby adopted and declared to be a part of this Ordinance. The Flood Insurance Study and maps are on file at 39 Trinity Street, Newton, New Jersey.

14-2.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations. Violation of the provisions of this Ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2,000 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Town of Newton from taking such other lawful action as is necessary to prevent or remedy any violation.

14-2.4 ABROGATION AND GREATER RESTRICTIONS

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and other Ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

14-2.5 INTERPRETATION

In the interpretation and application of this Ordinance, all provisions shall be:

- [1] Considered as minimum requirements;
- [2] Liberally construed in favor of the governing body; and,
- [3] Deemed neither to limit nor repeal any other powers granted under State statutes.

14-2.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Town of Newton, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

SECTION 14-3.0 ADMINISTRATION

14-3.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in SECTION 14-2.2. Application for a Development Permit shall be made on forms furnished by the Construction Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- [1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- [2] Elevation in relation to mean sea level to which any structure has been floodproofed.
- [3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in SECTION 14-4.2-2; and,
- [4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

14-3.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Construction Official is hereby appointed to administer and implement this Ordinance by granting or denying development permit applications in accordance with its provisions.

14-3.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Construction Official shall include, but not be limited to:

14-3.3-1 PERMIT REVIEW

- [1] Review all development permits to determine that the permit requirements of this Ordinance have been satisfied.
- [2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- [3] Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of SECTION 14-4.3[1] are met.

14-3.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with SECTION 14-2.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Construction Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer SECTIONS 14-4.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 14-4.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

14-3.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- [1] Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- [2] For all new or substantially improved floodproofed structures:
 - [i] verify and record the actual elevation (in relation to mean sea level); and
 - [ii] maintain the floodproofing certifications required in SECTION 14-3.1 (3).
- [3] Maintain for public inspection all records pertaining to the provisions of this Ordinance.

14-3.3-4 ALTERATION OF WATERCOURSES

- [1] Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- [2] Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

14-3.3-5 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in SECTION 14-3.4.

14-3.4 VARIANCE PROCEDURE

14-3.4-1 APPEAL BOARD

- [1] The Planning Board as established by the Town Council shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- [2] The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this Ordinance.

- [3] Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey.
- [4] In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance, and:
- (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- [5] Upon consideration of the factors of SECTION 14-3.4-1 [4] and the purposes of this Ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.
- [6] The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

14-3.4-2 CONDITIONS FOR VARIANCES

- [1] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in SECTION 14-3.4-1[4] have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- [2] Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- [3] Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- [4] Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- [5] Variances shall only be issued upon:
- (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

- (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in SECTION 14-3.4- 1[4], or conflict with existing local laws or Ordinances.
- [6] Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 14-4.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

14-4.1 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

14-4.1-1 ANCHORING

- [1] All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- [2] All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

14-4.1-2 CONSTRUCTION MATERIALS AND METHODS

- [1] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- [2] All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

14-4.1-3 UTILITIES

- [1] All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- [2] New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- [3] On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- [4] Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

14-4.1-4 SUBDIVISION PROPOSALS

- [1] All subdivision proposals shall be consistent with the need to minimize flood damage;
- [2] All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- [3] All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- [4] Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

14-4.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

14-4.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in SECTION 14-2.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 14-3.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

14-4.2-1 RESIDENTIAL CONSTRUCTION

- [1] New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated to or above base flood elevation;
- [2] within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

14-4.2-2 NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:

either

- [1] Elevated to the level of the base flood elevation; and
- [2] Within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

- [1] Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- [2] Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- [3] Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the

applicable provisions of this subsection. Such certification shall be provided to the official as set forth in SECTION 14-3.3-3 [2] [ii].

14-4.2-3 MANUFACTURED HOMES

- [1] Manufactured homes shall be anchored in accordance with SECTION 14-4.1-1 [2].
- [2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

14-4.3 FLOODWAYS

Located within areas of special flood hazard established in SECTION 14-2.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- [1] Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- [2] If SECTION 14-4.3[1] is satisfied, all new construction and substantial improvements must comply with SECTION 14-4.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- [3] In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

SECTION 14-5.0 SEVERABILITY

If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 14-6.0 REPEALER

All Ordinances or parts of Ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

SECTION 14-7.0 EFFECTIVE DATE

This Ordinance shall take effect upon its final passage and publication according to law.

NOTICE

TAKE NOTICE that the above-entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton on July 25, 2011 and said Ordinance will be considered for final passage at a regular meeting of the Town Council of the Town of Newton to be held in the Council Chambers, 39 Trinity Street, Newton, New Jersey, on August 8, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #157-2011

July 25, 2011

**“Authorize Refund of Redemption Monies to Outside
Lien Holder for Block 711, Lot 26”**

WHEREAS, at the Municipal Tax Sale held on June 24, 2009, a lien was sold on Block 711, Lot 26, also known as 132 Spring Street, for 2008 delinquent taxes and water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1299, was sold to Royal Tax Lien Services, LLC for 0% redemption fee with a premium of \$21,500.00; and

WHEREAS, Lakeland Bank, who is the owner of said property, has effected the redemption of Certificate #1299 in the amount of \$73,410.47;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Royal Tax Lien Services, LLC is entitled to the redemption in the amount of \$73,410.47 as well as the premium of \$21,500.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$73,410.47 for the redemption of Certificate #1299 along with the premium of \$21,500.00 to Royal Tax Lien Services, LLC, 115 West Avenue – Suite 300, Jenkintown, PA 19046.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 25, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #158-2011

July 25, 2011

"Acceptance of the Paving of Various Streets Project as Complete"

WHEREAS, the Town Council of the Town of Newton awarded a contract for the Paving of Various Streets Project to Top Line Construction Corp., in the amount of \$441,283.76 by Resolution #141-2010, which was adopted on August 23, 2010; and

WHEREAS, within the project was a subproject for the Paving of North Park Drive which is a State Aid Project from the New Jersey Department of Transportation; and

WHEREAS, the Town Council approved Resolution #33-2011 on February 28, 2011 that accepted the North Park Drive subproject as complete based on the recommendation of the Town Engineer; and

WHEREAS, Harold E. Pellow & Associates, Inc., the Project Engineer, has recommended in his letter dated June 22, 2011 that the remainder of the project be accepted as complete by the Town Council so the one (1) year Maintenance Bond may be secured by the contractor;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby accepts the Paving of Various Street Project as complete based on the recommendation of the Town Engineer, so that the final paperwork can be started and the one (1) year Maintenance Bond be secured by the Contractor, Top Line Construction Corp.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 25, 2011.

Lorraine A. Read, RMC
Municipal Clerk



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.,
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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 22, 2011

FAX: (973) 383-8961

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

FROM: Harold E. Pellow, P.E., L.S., Town Engineer

SUBJECT: Newton Resurfacing Projects from 2010
HPA No. 10-087

Dear Tom:

The resurfacing projects have been completed by Top Line Construction Corp. according to the plans and specifications, and I recommend the projects be accepted by the Town Council. Once this is done, the contractor can obtain his maintenance bond.

Very truly yours,

Harold E. Pellow, P.E., L.S.
HAROLD E. PELLOW & ASSOCIATES, INC.
Town of Newton Engineer

HEP:mac
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\10-087 - RESURFACING VARIOUS STREETS\CONSTRUCTION\RUSSO16.DOC

RECEIVED
JUN 24 2011



TOWN OF NEWTON

RESOLUTION #159-2011

July 25, 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, July 25, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #160-2011

July 25, 2011

“Approval of a Renewal Application for Taxicab Owner’s License Submitted by Doragail Spicer t/a DADS Taxi & Limo”

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

WHEREAS, the Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Owner's License application is complete and accurate; and

WHEREAS, in accordance with **9-6, Inspection of Vehicles**, “Before a vehicle is used as a taxicab within the Town it shall be inspected...to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law”;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner's License application submitted by Doragail Spicer, 128 Plains Road, Augusta, NJ 07822, t/a DADS Taxi & Limo, which shall expire June 12, 2012; and

BE IT FURTHER RESOLVED, that the applicant must be in compliance with all aspects of **Chapter 9**, of the Newton Revised General Ordinances, as well as, the provisions of N.J.R.S. 46:16.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 25, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #161-2011

July 25, 2011

“Approval of a Renewal Application for Taxicab Driver’s License Submitted by Doragail Spicer”

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

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Doragail Spicer, 128 Plains Road, Augusta, New Jersey and represents D.A.D.S. Taxi & Limo, which expires on June 12, 2012.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a meeting of said Governing Body conducted on Monday, July 25, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #162-2011

July 25, 2011

“Approval of a Renewal Application for Taxicab Driver’s License Submitted by Glenn T. Spicer”

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

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver’s License submitted by Glenn T. Spicer, 128 Plains Road, Augusta, New Jersey and represents D.A.D.S. Taxi & Limo, which expires on June 12, 2012.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a meeting of said Governing Body conducted on Monday, July 25, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #163-2011

July 25, 2011

“Approval of a Renewal Application for Taxicab Driver’s License Submitted by Ralph E. Drake”

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

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Ralph E. Drake, 150 Belvidere Avenue, Washington, New Jersey and represents D.A.D.S. Taxi & Limo, which expires on June 12, 2012.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a meeting of said Governing Body conducted on Monday, July 25, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #164-2011

July 25, 2011

"Denial of Application for a Renewal Taxicab Owner's License for Harold R. Storm, Jr."

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

WHEREAS, said application for renewal of a Taxicab Owner's License was submitted on May 31, 2011 and forwarded to the Newton Police Department for investigation and denied due to failed vehicle inspection;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby denies the application for a renewal Taxicab Owner's License submitted by Harold R. Storm, Jr., 173 Spring Street, Newton, NJ which expired on May 31, 2011.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on July 25, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #165-2011

July 25, 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 or modify the following accounts for amounts billed incorrectly due to the reason(s) stated:

Payment Charged To Incorrect Account

<u>Account</u>	<u>Address</u>	<u>Amount</u>
25492	85 Water St.	(\$75.00)
1540	85 ½ Water St.	\$75.00

Penalty Charged Erroneously

<u>Account</u>	<u>Address</u>	<u>Amount</u>
19749	175 High Street	\$5,575.00
15039	142 Main Street	\$18.26
1540	85 ½ Water St.	\$7.50

Utility Board Recommends Credit for Sewer Charges Due to a Water Leak

<u>Account</u>	<u>Address</u>	<u>Amount</u>
9525	51 Ryerson Ave.	\$192.00

Utility Board Recommends Credit for Late Penalties on Disputed Bill

<u>Account</u>	<u>Address</u>	<u>Amount</u>
2760	2-10 East Clinton St.	\$192.44

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 25, 2011.

Lorraine A. Read, RMC
Municipal Clerk



**TOWN OF NEWTON
RESOLUTION #166-2011**

July 25, 2011

“RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AUTHORIZING THE ISSUANCE, SALE AND AWARD OF NOT EXCEEDING \$4,370,000 REFUNDING BONDS, SERIES 2011 AND \$3,080,000 GENERAL IMPROVEMENT BONDS, SERIES 2011 (REFERRED TO TOGETHER AS THE TOWN’S “SERIES 2011 BONDS”) IN CONNECTION WITH THE MORRIS COUNTY IMPROVEMENT AUTHORITY’S COUNTY OF MORRIS GUARANTEED POOLED PROGRAM BONDS, SERIES 2011; AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A LOAN AND SECURITY AGREEMENT IN CONNECTION THEREWITH TO BE SECURED BY THE TOWN’S PAYMENT OBLIGATIONS UNDER ITS SERIES 2011 BONDS; MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THEREWITH; AND AUTHORIZING ACTIONS RELATED THERETO”

BACKGROUND

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 its General Improvement Bonds dated August 1, 2002 issued in the original principal amount of \$4,900,000 and originally issued to finance various projects as set forth in several bond ordinances of Newton (the "Town of Newton Prior Bonds") and now desires to refund the Town of Newton Prior Bonds pursuant to a refunding bond ordinance, duly adopted and published by Newton as required by law (the Newton Refunding Bond Ordinance") and (ii) further desires to permanently finance maturing bond anticipation notes issued under various bond ordinances and to finance additional projects authorized by various bond ordinances (collectively referred to as the "Newton Bond Ordinances" all as more particularly described in a resolution of the Town Council of Newton combining the issues of bonds into a single issue of bonds, adopted on this date (the "Combination Resolution)" (the purposes are referred to collectively as 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; 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, resolutions 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, (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 Pooled Program 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 Bond Resolutions, 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 bonds 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 Morris County Board of Freeholders and the Sussex County 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, it is the desire of Newton to: (i) authorize and approve the issuance, sale and award of the Newton Bonds in the aggregate principal amount not to exceed \$7,450,000, which Newton Bonds shall secure the Loan Payments (the "Loan Payments") owed to the Authority pursuant to the Town of Newton Loan Agreement; (ii) authorize and approve the execution and delivery of the Town of Newton Loan Agreement; and (iii) authorize certain related determinations, covenants and action in connection with the foregoing;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING), PURSUANT TO THE PROVISIONS OF THE LOCAL BOND LAW, AS FOLLOWS:

Section 1. Pursuant to the Local Bond Law, the Newton Refunding Bond Ordinance, the Combination Resolution, the Newton Bond Ordinances and this resolution, the Newton Bonds are hereby authorized to be issued as negotiable general obligation bonds of Newton in two series. One series, to be designated substantially "Refunding Bond, Series 2011", shall be issued in an aggregate principal amount not to exceed \$4,370,000 subject to the requirements of the Local Finance Board approval. The other series, to be designated substantially "General Improvement Bond, Series 2011," shall be issued in an aggregate principal amount not to exceed \$3,080,000 (collectively, the "Newton Bonds"). The Newton Bonds are hereby authorized to be sold to the Authority pursuant to the Act for a purchase price equal to the par amount

thereof, or the par amount plus a premium, to secure the obligations of Newton pursuant to and in accordance with the Newton Loan Agreement. In the event the Refunding Bond, Series 2011 are not issued at this time, the General Improvement Bond, Series 2011 may still be issued.

Section 2. The Newton Bonds shall be dated the date of issuance, shall be issued in such principal amount and mature in the years and in the amounts as shall be determined by the Town Chief Financial Officer or Treasurer upon the issuance and sale of the Authority Bonds as set forth in accordance with this resolution and within the parameters established by the Local Finance Board Application. The Town Chief Financial Officer or Treasurer is hereby authorized and directed to make such determinations pursuant to and in accordance with the requirements of N.J.S.A. 40A:2-27 and other applicable law and pursuant to the direction provided by this resolution. Interest on the Newton Bonds shall be payable on each Loan Payment Date (as defined in the Authority Bond Resolution) until maturity, acceleration or earlier redemption of the Authority Bonds at the rate or rates per annum to be determined in the Newton Loan Agreement.

Section 3. The Newton Bonds shall be subject to redemption upon the terms and conditions determined by the Chief Financial Officer or Treasurer upon the issuance and sale of the Authority Bonds. The Chief Financial Officer or Treasurer is hereby authorized and directed to make such determinations in accordance with the direction provided by this resolution.

Section 4. The Newton Bonds will be issued in registered form payable to the Authority and shall be assigned to the Trustee for the benefit of the holders of the Authority Bonds. One certificate shall be issued for the aggregate principal amount of each series of the Newton Bonds. Both principal of and interest on the Newton Bonds will be payable in lawful money of the United States of America. The Newton Bonds will be executed on behalf of Newton by the manual or facsimile signatures of the Mayor of Newton and Town Chief Financial Officer or Treasurer, attested by the Town Clerk or Deputy Clerk (such execution shall constitute conclusive approval by Newton of the form of the Newton Bonds), and shall bear the affixed, imprinted or reproduced seal of Newton thereon.

Section 5. Pursuant to the Local Bond Law, N.J.S.A. 40A:2-27(a)(2), 2-59 and other applicable law, the Chief Financial Officer or Treasurer is hereby authorized and directed to issue, sell and award the Newton Bonds at a private sale to the Authority in accordance with the Local Finance Board approvals. At the next meeting of the Town Council after the issuance and sale of the Newton Bonds, the Town Chief Financial Officer or Treasurer shall report, in writing, to the Town Council the aggregate principal amount, the rate or rates of interest, the maturity dates, the dates upon which interest on the Newton Bonds shall be paid and the redemption provisions related to the Newton Bonds.

Section 6. The preparation of a preliminary official statement ("Preliminary Official Statement") relating to the Authority Bonds in connection with the Series 2011 Project, and the distribution of said Preliminary Official Statement, in electronic or physical form, to prospective purchasers of the Authority Bonds and others having an interest therein, is hereby authorized and directed. The Mayor of Newton, Town Chief Financial Officer or Treasurer are each hereby authorized to approve any information pertaining to Newton, and the Authority is authorized to deem the Preliminary Official Statement "final", as contemplated by paragraph (b)(1) of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended ("Rule 15c2-12").

Section 7. The preparation of a final official statement ("Official Statement") with respect to the Authority Bonds including information pertaining to Newton is hereby authorized and directed. Within seven (7) business days of the sale of the Authority Bonds and in sufficient time to accompany any confirmation that requests payment from a customer, the Authority shall deliver sufficient copies of the Official Statement to the purchaser of the Authority Bonds in order for the Authority to comply with Paragraph (b)(4) of Rule 15c2-12. The Mayor of Newton, Town Chief Financial Officer or Treasurer are hereby authorized to approve any information pertaining to Newton to be included in the Official Statement in final form, and the distribution thereof to purchasers and others is hereby authorized and directed. The execution of a certificate in connection with the final Official Statement shall constitute conclusive evidence of approval by Newton of the changes therein from the Preliminary Official Statement. The Mayor, and Chief Financial Officer or Treasurer are each hereby severally authorized to approve any amendments of or supplements to the Official Statement.

Section 8. The Newton Bonds shall be general obligations of Newton. The full faith and credit of Newton are irrevocably pledged to the punctual payment of the principal of and interest on the Newton Bonds and, to the extent payment is not otherwise provided, Newton shall levy ad valorem taxes on all taxable real property within Newton without limitation as to rate or amount for the payment thereof.

Section 9. The Newton Loan Agreement heretofore prepared or to be prepared in connection with the Authority Bonds, substantially in the form currently on file or to be filed in the offices of the Chief Financial Officer or Treasurer, with such changes as may be recommended by counsel to Newton, is hereby authorized and approved.

Section 10. The Mayor and Chief Financial Officer or Treasurer are hereby severally authorized to execute the Newton Loan Agreement on behalf of Newton. The Town Clerk and Deputy Clerk of the Board are hereby severally authorized to attest said signature and to affix Newton's seal unto the same. The execution of the Newton Loan Agreement by the Mayor or Chief Financial Officer or Treasurer shall conclusively evidence Newton's approval of the terms thereof and no further action shall be required.

Section 11. In order to assist the underwriters of any bonds, notes or other obligations issued by the Authority on behalf of Newton in connection with the Series 2011 Project, in complying with the secondary market disclosure requirements of Rule 15c2-12, the Mayor and Chief Financial Officer or Treasurer are each hereby severally authorized to execute on behalf of Newton before the issuance of such bonds, notes or other obligations the Newton the Continuing Disclosure Agreement. The Chief Financial Officer or Treasurer is hereby authorized to enter into a Newton Continuing Disclosure Agreement with a dissemination agent to be selected by the Authority for the services to be provided under said agreement.

Section 12. Newton hereby covenants as follows: (A) it will not make any use of the proceeds of the Newton Bonds or do or suffer any other action that would cause (i) the Authority Bonds to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code"), and the regulations promulgated thereunder; (ii) the interest on the Authority Bonds to be included in the gross income of the owners thereof for federal income taxation purposes; (iii) the interest on the Authority Bonds to be treated as an item of tax preference under Section 57(a)(5) of the Code; and (B) it shall make, or cause to be made, any rebate required by Section 148(f) of the Code in the manner described in the regulations promulgated thereunder as such regulations and statutory provisions may be modified insofar as they apply to the Authority Bonds.

Section 13. The Bond Resolution, the Newton Loan Agreement, the Newton Bonds, the Newton Tax Certificate between the Authority and Newton related to the loan of the proceeds of the Newton Bonds (the "Newton Tax Certificate"), the Newton Continuing Disclosure Agreement, and any other documents required to be executed or delivered by Newton to provide security for or to issue the Authority Bonds, to acquire and implement the Newton Project and to perform or accomplish any of the transactions and activities in connection therewith or contemplated thereby (collectively, the "Bond Documents") are hereby approved substantially in the forms generally used in transactions of this type, with any changes, insertions or omissions that may be approved by the Mayor, Chief Financial Officer, Treasurer or any other officer or official of the Town who shall have power to execute and deliver such agreements. The Mayor and Chief Financial Officer or Treasurer are each hereby authorized to execute, acknowledge and deliver each of the foregoing Bond Documents with any changes, insertions and omissions as may be approved by the Mayor, Chief Financial Officer or Treasurer in consultation with Newton's professional advisors. The Town Clerk or Deputy Clerk or any other officer or official of Newton who shall have the power to do so are each hereby authorized to affix the seal of Newton on each of the foregoing Bond Documents and attest the same. The execution and delivery of each of the foregoing Bond Documents shall be conclusive evidence of any approval required by this Section 13.

Section 14. All actions heretofore taken and documents prepared or executed by or on behalf of the Newton by the Mayor, Chief Financial Officer, Treasurer, Town Clerk, Deputy Clerk, other Newton officials or Newton's professional advisors, in connection with the authorization, issuance and sale of the Newton Bonds and the Authority Bonds are hereby ratified, confirmed, approved and adopted.

Section 15. The Mayor, Chief Financial Officer, Treasurer, Town Clerk of the Board and Deputy Clerk are each hereby authorized to determine all matters and execute all documents and instruments in connection with the Newton Bonds not otherwise determined or directed to be executed by the Local Bond Law or by this or any subsequent resolution, and the signatures of the Mayor, Chief Financial Officer, Treasurer, Town Clerk or Deputy Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 16. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 17. This resolution shall take effect immediately upon adoption this 25th day of July, 2011.

The foregoing resolution was adopted by the following vote:

AYES:

NAYS:

CERTIFICATION

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 governing body of the Town duly called and held on July 25, 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.

Lorraine A. Read, RMC
Municipal Clerk

[SEAL]



**TOWN OF NEWTON
RESOLUTION #167-2011**

July 25, 2011

“RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$3,080,000 IN PRINCIPAL AMOUNT”

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Town of Newton, in the County of Sussex, New Jersey (the "Town") authorized pursuant to the bond ordinances of the Town heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of General Improvement Bonds in the principal amount of \$3,080,000.

Section 2. The principal amount of Bonds authorized by each ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Principal Amount of Bonds	Number of Ordinance	Description of Improvement and Date of Adoption of Ordinance	Useful Life
\$1,798,000	2010-7	Various capital improvements, finally adopted 6/14/10	12.05 years
\$1,282,000	2011-5	Various capital improvements, finally adopted 4/25/11	10.77 years

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

a. The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 11.51 years.

b. The Bonds of the combined issue shall be designated "General Improvement Bonds" and shall mature within the average period of usefulness herein determined.

c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

a. None of the Bonds described in Section 2 hereof has been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

AYES:

NAYS:

CERTIFICATION

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 governing body of the Town duly called and held on July 25, 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 _____ this ____ day of _____, 2011.

Lorraine A. Read, RMC
Municipal Clerk

[SEAL]



TOWN OF NEWTON

RESOLUTION #168-2011

July 25, 2011

“Denial of Application for a Renewal Taxicab Driver’s License for Harold R. Storm, Jr.”

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

WHEREAS, said application for renewal of a Taxicab Driver License was submitted on May 31, 2011 to the Newton Police Department for investigation and denied due to missing medical certificate;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby denies the application for a renewal Taxicab Driver's License submitted by Harold R. Storm, Jr., 173 Spring Street, Newton, NJ which expired on May 31, 2011.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on July 25, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #169-2011

JULY 25, 2011

“Resolution of the Series 2011 Local Unit Participating in the Morris County Improvement Authority’s Series 2011 Renewable Energy Program, and Authorizing Such Authority to Apply to the Local Finance Board for the Necessary Consents and Approvals on Behalf of Such Participant, all in Connection with the Authority’s County of Sussex Guaranteed Renewable Energy Program Lease Revenue Bonds, Series 2011 (County of Sussex Project) (Federally Taxable) in an Aggregate Principal Amount not to Exceed \$50,000,000 and the Participant Project Financed Thereby”

WHEREAS, the County of Sussex, New Jersey, a political subdivision of the State (the “County”) desires to undertake the development and implementation of a renewable energy program (the “Renewable Energy Program”) for the financing, design, permitting, acquisition, construction, installation, operation and maintenance of renewable energy capital equipment and facilities such as solar panels, wind turbines, and hydro-electric, bio-diesel, geothermal, and bio-mass facilities, including any related electrical modifications, work related to the maintenance of roof warranties, or other work required, desirable or convenient for the installation of such systems (collectively, the renewable energy capital equipment and facilities, the “Renewable Energy Projects”) for and on behalf of the County and its affiliates, and the local governmental units within the County, including without limitation municipalities, boards of education for school districts, local authorities and any other local government instrumentalities, public bodies or other local government entities (collectively, including the County, the “Local Units”); and

WHEREAS, the Morris County Improvement Authority (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 “Morris County”) 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 (as codified at N.J.S.A. 40:37A-44 et seq., the “Act”), and other applicable law; and

WHEREAS, as of the date hereof, the County has not created its own county improvement authority, and therefore pursuant to the Act, the County may determine to utilize the services of another county improvement authority, including without limitation the Authority, with the consent of both the County, a beneficiary county under the Act, and the Morris County Board of Freeholders, for any purpose for which an improvement authority shall exist, including those set forth in Section 11 of the Act (N.J.S.A. 40:37A-54, "*Section 11*"), which purposes include the development and implementation of the Renewable Energy Program; and

WHEREAS, the County desires to implement the Renewable Energy Program through the Authority pursuant to the Act, the Uniform Shared Services and Consolidation Act, constituting Chapter 63 of the Pamphlet Laws of 2007 of the State, and the acts amendatory thereof and supplemental thereto (as codified at N.J.S.A. 40A:65-1 *et seq.*, the "*Shared Services Act*"), and all other applicable law, the terms of which agreement has been set forth in that certain "*Service Agreement (Sussex County Renewable Energy Program)*" dated as of March 1, 2011 (as amended and supplemented from time to time in accordance with its terms, the "*Service Agreement*") between the County and the Authority, and consented to by Morris County; and

WHEREAS, the County has determined to enter into the Service Agreement and utilize the services of the Authority and the Authority Consultants (as hereinafter defined) for the following primary reasons: (i) the County does not have a county improvement authority, which type of entity possesses legal authority to enter into the kind of transactions that make a successful regional Renewable Energy Program more likely to succeed, (ii) Morris County has developed and implemented its own renewable energy program through the Authority, which Authority has retained (in accordance with all applicable law) experienced legal, engineering, energy consulting, and financial advisory consultants, consisting of the Authority's energy engineering and energy service consulting firms, Birsdall Services Group and Gabel Associates, its energy counsel and bond counsel, Inglesino, Pearlman, Wyciskala & Taylor, LLC, and its financial advisor, NW Financial Group, LLC, (collectively, the "*Authority Consultants*") and (iii) accordingly, it is more administratively efficient for the County to utilize the services of the Authority and the Authority Consultants to implement the Renewable Energy Program, with such changes as desired by the County, rather than incur the time and expense of the County establishing a new program; and

WHEREAS, in addition, Sussex County may determine, but shall not be required, to seek the assistance of its auditor, financial advisor, if any, bond counsel, energy consultant, engineer or any other professional advisors deemed necessary, desirable and convenient by Sussex County (the "*Sussex County Consultants*", if any, and together with the Authority Consultants, the "*Consultants*"; to the extent Sussex County determines not to hire any Sussex County Consultants, references to the term Consultants herein shall be deemed to mean the Authority Consultants) to assist the Authority, the County and the Authority Consultants in connection with the Renewable Energy Program; and

WHEREAS, the Renewable Energy Projects procured under the Renewable Energy Program, limited initially to solar panels, are to be installed on, in, affixed or adjacent to and/or for any other Local Unit controlled buildings, other structures, lands or other properties of the Local Units (collectively, the "*Local Unit Facilities*"); and

WHEREAS, it may be necessary, desirable or convenient, in connection with the financing, design, permitting, acquisition, construction, installation, operation and maintenance of the Renewable Energy Projects, to finance, design, permit, acquire, construct, renovate and install certain capital improvements to the Local Unit Facilities, including without limitation, improvements to or replacement of, roofing systems, if any (the "*Capital Improvement Projects*" and together with the Renewable Energy Projects and any Completion Project as defined in the hereinafter defined Bond Resolution, the "*Projects*"), and to the extent no Capital Improvement Projects are so financed, references herein shall have no meaning; and

WHEREAS, the primary goal of the Renewable Energy Program is to expand the use of renewable energy sources available and utilized by the Local Units for their Local Unit Facilities, with the attendant environmental and financial benefits associated thereby, and to reduce the energy related operating costs to the Local Units for their Local Unit Facilities, all intended to be offered at no net cost to the Local Units; and

WHEREAS, in order to implement the Renewable Energy Program, the Authority has determined to finance the respective Renewable Energy Projects and Capital Improvement Projects, if any, on, in or about the respective Local Unit Facilities, all as set forth on Exhibits B, C, and A to the hereinafter defined Local Unit License Agreement for each of the following participating Local Units:

- (i) Fredon Township, Green Township and Town of Newton (collectively, the "*Municipal Series 2011 Local Units*"); and
- (ii) Byram Township School District, Frankford Board of Education, Franklin Borough Board of Education, Hardyston Township Board of Education, High Point Regional Board of Education, Kittatinny Regional School District, Lafayette Township Board of Education, Lenape Valley Board of Education, Newton Board of Education (collectively, the "*Board of Education Series 2011 Local Units*"); and
- (iii) County, Sussex County Municipal Utilities Authority and Sussex County Technical School (the "*County Series 2011 Local Units*");

(each a "*Series 2011 Local Unit*", and together with any additional local governmental units within the County that might be added by the Authority to the Renewable Energy Program, pursuant to the hereinafter defined Local Finance Board Application or otherwise, collectively, the "*Series 2011 Local Units*"), through the issuance by the Authority of one or more series of bonds and notes entitled "County of Sussex Guaranteed Renewable Energy Program Lease Revenue [Notes] Bonds (County of Sussex Program), Series 2011 (Federally Taxable)" dated their date of delivery, Outstanding (as defined in the Bond Resolution upon issuance) in the aggregate principal amount (including Sinking Fund Installments, if any, as such term is defined in the Bond Resolution) not to exceed \$50,000,000 (the "*Series 2011 Bonds*"); and

WHEREAS, prior to the issuance of the Series 2011 Bonds and in accordance with N.J.S.A. 40:37A:54(l) of the Act and N.J.S.A. 40A:5A-6, 7 and 8 of the Local Authorities Fiscal Control Law, the Authority shall have made 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; and

WHEREAS, the governing body of the Series 2011 Local Unit adopting this resolution (the "*Participant*") desires to authorize the Authority and its consultants to submit the Local Finance Board Application on their behalf to finance the proposed Renewable Energy Project(s) for the Participant (the "*Participant Project*") set forth in Schedule A to **Exhibit A** attached hereto (it being understood that the Participant is taking no action in connection with the other Renewable Energy Projects of the other Series 2011 Local Units as set forth on **Schedule A** to **Exhibit A** hereto and further that a final detailed Participant Project list will be sent to each Series 2011 Local Unit prior to their signing the certificate attached hereto as Exhibit A); and

WHEREAS, upon or prior to the issuance of the Series 2011 Bonds, and in accordance with (i) N.J.S.A. 40A:11-4.1(k) of the Local Public Contracts Law, (ii) Local Finance Board Notice 2008-20, December 3, 2008, *Contracting for Renewable Energy Services*, (iii) the State Board of Public Utilities ("*BPU*") protocol for measuring energy savings in PPA agreements dated February 20, 2009 (*Public Entity Energy Efficiency and Renewable Energy Cost Savings Guidelines*), (iv) Local Finance Board Notice 2009-10 dated June 12, 2009, *Contracting for Renewable Energy Services: Update on Power Purchase Agreements*, and (v) all other applicable law, and pursuant to a competitive contracting process governed thereby, which shall include a request for solar developer proposals to be issued by the Authority (the "*Company RFP*") and the receipt of proposals from prospective solar developers, including that (the "*Company Proposal*") of the successful respondent (the "*Company*"), the Authority shall select the Company to (y) design, permit, acquire, construct, install, operate and maintain the Renewable Energy Projects and (z) design, permit, acquire, construct, renovate, and install the Capital Improvement Projects, if any, in both cases for the designated Local Unit Facilities of such Series 2011 Local Units, with such Program terms to be set forth in the following Company Documents to be entered into between the Company and, at a minimum, the Authority, or acknowledged by the Company, as applicable; and

WHEREAS, the pricing terms for the purchase of renewable energy generated electricity produced from the Participant Project and sold through the Authority to the Participant, and bought by the Participant at an agreed upon price lower than that presently being paid by the Participant for electricity from its local utility, which pricing terms shall be competitively procured through the Company RFP process and the Company Proposal, shall be established under the Authority's Series 2011 Local Unit Renewable Energy Program for an initial term no greater than 15 years, simultaneously with, or prior to the issuance of the Series 2011 Bonds; and

WHEREAS, the Participant understands and acknowledges that by taking this official action, the Participant intends to participate in the Authority's Series 2011 Local Unit Renewable Energy Program to fund the Participant Project, and that the Authority is taking several actions in reliance upon such action, including without limitation seeking the required approvals from the Local Finance Board to issue the Series 2011 Bonds, as set forth in the Local Finance Board Application, and proceeding with the issuance of the Company RFP, the selection of the Company, the establishment of the renewable energy pricing under the Company Proposal, and the marketing, sale and issuance of the Series 2011 Bonds; and

WHEREAS, the Participant believes: (i) it is in the public interest to accomplish such purposes as set forth in the preambles hereof, including the financing of the Participant Project; (ii) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the Participant; (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 Participant and will not create an undue financial burden to be placed upon the Participant.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Town of Newton as follows:

Section 1. The Participant believes: (a) it is in the public interest to accomplish such purposes as set forth in the preambles hereof, including the financing of the Participant Project; (b) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the Participant; (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 Participant and will not create an undue financial burden to be placed upon the Participant.

Section 2. The Mayor, Town Manager, and the Chief Financial Officer (CFO) of the Town of Newton (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 Participant Project through the issuance of the Series 2011 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 Participant at any public hearing held by the Local Finance Board in connection with the Local Finance Board Application.

Section 3. Upon a date to be selected by the Authority and upon receipt of a finalized Participant Project, but in no event later than the sale date of the Series 2011 Bonds, the Authorized Officers shall deliver to the Authority a fully executed certificate, substantially in the form attached hereto as **Exhibit A**, evidencing the proper officials approval of the substance and scope of the Participant Project.

Section 4. The Participant understands and acknowledges that by adopting this resolution, the Participant intends to participate in the Authority's Series 2011 Local Unit Renewable Energy Program to fund the Participant Project through a portion of the proceeds of the Authority's Series 2011 Bonds, and that the Authority is taking several actions in reliance upon this action by the Participant, including without limitation seeking the required approvals from the Local Finance Board to issue the Series 2011 Bonds, as set forth in the Local Finance Board Application, and proceeding with the issuance of the Company RFP, the selection of the Company, the establishment of the renewable energy pricing under the Company Proposal, and the marketing, sale and issuance of the Series 2011 Bonds, all for the benefit of the Participant and the other Series 2011 Local Units.

Therefore, the Participant covenants to the Authority that: (i) except for extraordinary circumstances not presently contemplated, the Participant intends to participate in the Authority's Series 2011 Local Unit Renewable Energy Program, so long as the Company Proposal results in a savings to the Participant, and further, this official action authorizes the Authority to take all such actions contemplated above in order to develop the Participant Project and to provide the Participant with such savings and (ii) prior to the sale of the Series 2011 Bonds, the Series 2011 Local Unit shall (a), if the Participant is a board of education, obtain any and all approvals from the State Department of Education with respect to the Participant Project, and (b) adopt a resolution authorizing, among other things, the Series 2011 Local Unit to enter into that certain "License and Access Agreement (Morris County Renewable Energy Program, Series 2011)" to be dated as of the first day of the month of issuance of the Series 2011 Bonds in such form as shall be presented to the Series 2011 Local Unit prior to adoption of the supplemental resolution (the "Local Unit License Agreement").

Section 5. The Authorized Officer shall direct the Participant official in charge of the officially adopted resolutions of the governing body of the Participant to (a) prepare an official, certified copy of this resolution, as adopted, and (b) deliver such certified copy in accordance with Section 10 below. Further, the Participant hereby consents to such certified copy of the resolution, and any further information regarding the Participant and/or the Participant 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 6. 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 developing the Participant Project, producing the contemplated energy savings for the Participant, issuing the Company RFP and selecting the Company through the most desirable Company Proposal in accordance with the terms of the Company RFP and applicable law, marketing, selling, and issuing the Series 2011 Bonds, procuring the final terms of the Renewable Energy Program documents, or any other action related to the implementation of the Renewable Energy Program for the Series 2011 Local Units.

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

Section 8. 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 9. All actions of the Authorized Officers or Participant consultants taken prior to the date of adoption hereof in connection with the Series 2011 Bonds, the Participant Project or any of the foregoing transactions contemplated by this resolution, are hereby ratified and approved.

Section 10. Upon the adoption hereof, a certified copy of this resolution shall be forwarded to John H. Eskilson, County Administrator, John Bonanni, Morris County Administrator and Chairperson of the Authority, Dennis R. McConnell, Esq., County Counsel and Stephen B. Pearlman, Esq., Counsel to the Authority, all of which may be sent as a single certified copy to the offices of Authority Counsel, attention David Wainger, Paralegal at dwainger@iandplaw.com followed by the original to David Wainger at Inglesino, Pearlman, Wyciskala & Taylor, LLC, 600 Parsippany Road, Suite 204, Parsippany, New Jersey 07054-3715.

Section 11. This resolution shall take effect immediately.

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EXHIBIT A

[Attach Form of Local Unit Facility Acceptance Certificate]

EXHIBIT A

Morris County Improvement Authority

not to exceed \$50,000,000 aggregate principal amount of
County of Sussex Guaranteed Renewable Energy Program Lease Revenue [Notes]
Bonds, Series 2011 (Federally Taxable)

Series 2011 Local Unit List of Local Unit Facilities

a. Series 2011 Municipal Local Units

- (i) Fredon Township (<http://www.twp.fredon.nj.us/>)
 - (A) Civic Center
Roof Mounted System
System Size: (61.18 kW)
436 Route 94
Fredon, NJ
- (ii) Town of Newton (<http://www.newtontownhall.com/>)
 - (A) DPW Complex
Roof Mounted System
System Size: (88.78 kW)
117 Moran Street
Newton, NJ
 - (B) Wastewater Treatment Plant
Ground Mounted System
System Size: (151.80 kW)
Townsend Street
Newton, NJ
- (iii) Green Township (<http://www.greentwp.com/>)
 - (A) Green Hills School
Roof Mounted System
System Size: (157.09 kW)
69 Mackerley Road
Newton, NJ

b. Series 2011 Board of Education Local Units

(i) Franklin Borough Board of Education (<http://www.fboe.org/boe.htm>)

(A) Franklin Elementary School
Roof and Parking Canopy
System Size: (376.74 kW)
50 Washington Avenue
Franklin, NJ

(ii) Lafayette Township Board of Education (<http://www.ltes.org>)

(A) Lafayette Township School
Roof and Ground
System Size: (379.96 kW)
178 Beaver Run Road
Lafayette, NJ

(iii) Newton Board of Education (<http://www.newtonnj.org>)

(A) Merriam Avenue School
Roof and Parking Canopy
System Size: (256.45 kW)
81 Merriam Avenue
Newton, NJ; and

(B) Newton High School
Roof and Parking Canopy
System Size: (305.21 kW)
44 Ryerson Avenue
Newton, NJ

(iv) Lenape Valley Regional Board of Education (<http://www.lvhs.org>)

(A) Lenape Valley Regional High School
Ground and Parking Canopy
System Size: (1,170.70 kW)
28 Sparta Road
Stanhope, NJ

(v) Byram Township School District (<http://www.byramschools.org/>)

(A) Byram Lakes Elementary School
Roof, Ground, and Parking Canopy
System Size: (692.07 kW)
11 Mansfield Drive
Stanhope, NJ

(B) Byram Intermediate School
Roof and Parking Canopy
System Size: (476.79 kW)
12 Mansfield Drive
Stanhope, NJ

(vi) Hardyston Board of Education (<http://www.https.org/BOE/BOEIndex.htm>)

(A) Hardyston Middle School
Ground and Parking Canopy
System Size: (331.20 kW)
183 Wheatsworth Road
Hamburg, NJ

(vii) High Point Regional School District (<http://www.hpregional.org/>)

(A) High Point Regional High School
Roof and Ground
System Size: (1,380.84 kW)
299 Pidgeon Hill Road
Sussex, NJ

(viii) Kittatinny Regional School District (<http://www.krhs.net/>)

(A) Kittatinny Regional High School
Roof and Parking Canopy
System Size: (282.67 kW)
77 Halsey Road
Newton, NJ

(ix) Frankford Township Consolidated Schools
(<http://www.frankfordschool.org/>)

(A) Frankford Township School
Ground Mounted System
System Size: (463.68 kW)
2 Pines Road
Branchville, NJ

c. Series 2011 County Local Units

(i) Sussex County Technical School (<http://www.sussex.tec.nj.us/>)

(A) Sussex County Technical School
Roof and Ground
System Size: (1,696.48 kW)
105 North Church Road
Sparta, NJ

(ii) County of Sussex (<http://www.sussex.nj.us/>)

(A) Sussex County Parking Deck/Jail

Parking Canopy

System Size: (468.05 kW)

39 High Street

Newton, NJ

(B) Juvenile Detention Center

Ground Mounted System

System Size: (146.28 kW)

135 Morris Turnpike

Newton, NJ

(C) Wheatsworth Facility

Ground and Parking Canopy

System Size: (245.64 kW)

149 Wheatsworth Road

Hardyston, NJ

(D) Main Library

Ground Mounted System

System Size: (100.28 kW)

125 Morris Turnpike

Newton, NJ

(iii) Sussex County MUA (<http://www.scmua.org/>)

(A) Sussex County MUA Admin. Parking Area

Ground and Parking Canopy

System Size: (113.60 kW)

34 South Route 94

Lafayette, NJ

LOCAL UNIT FACILITY ACCEPTANCE CERTIFICATE

On behalf of the Town of Newton (the "*Local Unit*"), and as a duly authorized officer of the Local Unit, I hereby represent, warrant and covenant as follows:

1. The Local Unit understands that it has been preliminarily selected by the Morris County Improvement Authority (the "*Authority*") as one of the local government participants in the Authority's 2011 Renewable Energy Program (Sussex County Program) (the "*Program*"). The Local Unit further understands that although there is no legal agreement between the Authority and the Local Unit until such parties execute that certain "License and Access Agreement (Sussex County Renewable Energy Program, Series 2011)" (a form of which "*License Agreement*" shall be supplied to the Local Unit by the Authority when the Program is closer to implementation), the information being provided to the Authority in this Certificate enables the Authority to draft the License Agreement, seek the necessary approvals, and otherwise implement the Program.

2. The License Agreement shall refer to the building(s) or ground(s) (each "*Local Unit Facility*"), location, size and scope (and if applicable, style) of the solar project (the "*Renewable Energy Project*") to be implemented on behalf of the Local Unit by the Authority and its various contract parties, including a competitively selected solar developer (the "*Company*"). Various consultants to the Authority, based on site visits and past information supplied by the Local Unit to the Authority, have identified the Local Unit Facility(ies) and Renewable Energy Project(s) (which include solar overlays prepared by Authority consultants) set forth on Schedule A to this certificate for inclusion in the License Agreement, for selection of the Company, and for financing and implementation under the Authority's Renewable Energy Program.

a. The Local Unit Facility and Renewable Energy Project set forth on Schedule A to this certificate has been reviewed on behalf of the Local Unit, at a minimum, by the Local Unit official responsible for managing the day to day affairs of the Local Unit (which may include the undersigned), and at least by an in-house facilities director or consulting engineer and/or architect. Based on such review, and the review of such other in-house officers or employees or outside consultants of the Local Unit's choosing (including council, board, legal or technical review), if deemed necessary by the Local Unit, the description of the Local Unit Facility and Renewable Energy Project set forth on Schedule A to this certificate is materially accurate, and can be used by the Authority in drafting the various Program documents, selecting the Company, and seeking the various Program approvals.

b. The Local Unit understands that any changes desired by the Local Unit to the Local Unit Facility and Renewable Energy Project from that set forth on Schedule A to this certificate (i) are the responsibility of the Local Unit to inform the Authority and its consultants, and (ii) may or may not be accepted by the Authority, depending on the timing of any such proposed change. The Local Unit may contact County Administrator and Authority Chairman, John Bonanni, (973) 285-6047, jbonanni@co.morris.nj.us, the Sussex County Administrator, John Eskilson, (973) 579 - 0250, jeskilson@sussex.nj.us, or the Authority's engineering consultant for the Program, Daniel Swayze of Birdsall Services Group, Inc. at (908) 497-8900, dswayze@birdsall.com, with any subsequent changes. To the extent the Company proposes other changes acceptable to the Authority, the Authority shall seek the consent of the Local Unit.

Helen R. Le Frois, Mayor
Town of Newton

Dated: July __, 2011

SCHEDULE A

[Attach Local Unit's Local Unit Facility(ies) and Renewable Energy Project(s)]

**TOWN OF NEWTON
ORDINANCE 2011-15**

AN ORDINANCE AUTHORIZING THE TOWN OF NEWTON TO IMPLEMENT THE FIVE-YEAR EXEMPTION AND ABATEMENT LAW, GRANTING TAX EXEMPTIONS FOR CERTAIN IMPROVEMENTS TO AND CONSTRUCTION OF RESIDENTIAL DWELLINGS, CERTAIN IMPROVEMENTS TO MULTIPLE DWELLINGS, CERTAIN IMPROVEMENTS TO INDUSTRIAL STRUCTURES AND CERTAIN IMPROVEMENTS TO COMMERCIAL STRUCTURES, ALL WITHIN THE DOWNTOWN HISTORIC DISTRICT, AND SUPERSEDING ANY OTHER ORDINANCE GRANTING SUCH EXEMPTIONS

WHEREAS, the Five-Year Exemption and Abatement Law, *N.J.S.A. 40A:21-1 et seq.* (the “Act”) enables municipalities which contain an area that has been designated as an area in need of rehabilitation pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”) to provide for the short term exemption or abatement of local property taxes imposed upon eligible dwellings, commercial and industrial structures within such rehabilitation area; and

WHEREAS, on April 23, 2007, the Town of Newton (the “Town”), designated certain properties within its borders as an area in need of rehabilitation in accordance with the Redevelopment Law (the “Rehabilitation Area”); and

WHEREAS, Section 20A-1 *et seq.* of the Newton Municipal Code (the “Historic Preservation Ordinance”) provides that the Town may create one or more historic districts; and

WHEREAS, the Historic Preservation Ordinance further provides that proposed construction, improvements, relocation or renovation of properties lying within such historic districts may be subject to review by the Newton Historic Preservation Advisory Commission under certain circumstances, in addition to review by the Town Planning Board, where appropriate; and

WHEREAS, at this time, the Town has designated one historic district within its boundaries (as set forth at Exhibit A, attached hereto, as may be thereafter amended or supplemented, the “Downtown Historic District”); and

WHEREAS, the Downtown Historic District is wholly within the Rehabilitation Area; and

WHEREAS, the Town believes that the historic preservation of the properties within the Downtown Historic District is of great importance to the Town as a whole; and

WHEREAS, the Town acknowledges that improvements to or construction of properties within the Downtown Historic District to historic standards may be more costly than such improvements or construction would be otherwise; and

WHEREAS, the Town wishes to encourage investment in the Downtown Historic District by alleviating a portion of the costs of such improvements or construction in certain circumstances,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Newton as follows:

Section 1. General. The recitals set forth above are incorporated herein as if set forth at length.

Section 2. Definitions. All terms utilized in this ordinance not specifically defined herein shall conform to the meanings set forth in the Act. For ease of reference, the definitions set forth in the Act as of the date of the adoption of this Ordinance are attached hereto as Exhibit B. However, if the definitions set forth in the Act shall be subsequently amended, then the Act, and not Exhibit B, shall control.

Section 3. Statement of Purpose. The Town hereby determines to utilize the authority granted under Article VIII, Section I, paragraph 6 of the New Jersey Constitution to establish the eligibility of certain dwellings, commercial structures and industrial structures for exemptions, as provided in this ordinance and as permitted by the Act, throughout the Downtown Historic District.

Section 4. Exemptions Authorized to be Implemented by Tax Assessor. The Town hereby determines to provide for the exemption from taxation of certain improvements and certain new construction occurring within the Downtown Historic District. To the extent that a property owner shall apply to the Tax Assessor within the time period prescribed by the New Jersey Department of Treasury in accordance with the Act, which currently requires submission within thirty (30) calendar days following completion of the improvements or construction for which the exemption is sought, and shall provide documentation to the Tax Assessor, in a form and manner acceptable to the Tax Assessor and consistent with the Act, of compliance with this section, such property owner shall be entitled to the relevant exemption enumerated herein without any need for action by the Town Council.

(a) Residential – Improvements. The Town hereby determines to provide for the exemption from taxation of certain improvements made to dwellings, on the following terms and conditions:

1. The term “dwelling”, for purposes of this Section 4(a), shall include condominium residential units but not cooperative type residential properties.
2. The term “dwelling”, for purposes of this Section 4(a), shall not include “multiple dwellings”, as defined by the Act.
3. Only dwellings that are more than twenty (20) years old shall be eligible for exemption.
4. The term “improvements”, for purposes of this subsection, shall mean a modernization, rehabilitation, renovation, alteration or repair which produces a physical change in an existing building or structure that improves the safety, sanitation, decency or attractiveness of the structure as a place for human habitation, and which does not change its permitted use.

5. To the extent that a dwelling shall comply with the requirements set forth at subsections (1) through (5), above, in determining the value of real property for each dwelling unit, the Town shall regard the first \$15,000 in the assessor's full and true value of improvements for each dwelling unit primarily and directly affected by the improvements as not increasing the value of the property for a period of five years, notwithstanding that the value of the property to which the improvements are made is increased thereby. During the exemption period, the assessment on any property pursuant to this paragraph shall not be less than the assessment thereon existing immediately prior to the improvements, except if there is damage to the dwelling through action of the elements sufficient to warrant a reduction.

(b) Residential – New Construction. The Town hereby determines to provide for an exemption of 30% of the assessor's full and true value for a period of five years following construction of new dwellings. The term “dwelling”, for purposes of this Section 4(b), shall include condominium residential units but not cooperative type residential units, and shall not include multiple dwellings. This exemption is to be granted notwithstanding that the value of the property upon which the construction occurs is increased thereby.

(c) Residential – Multiple Dwellings – Improvements. (1) The Town hereby determines to provide for an exemption of 100% of the assessor's full and true value for a period of five years following the construction of improvements to multiple dwellings. The term “multiple dwelling” shall have that meaning ascribed to it by the Act. The definition of “multiple dwelling” set forth in the Act as of the date of adoption of this ordinance is set forth at Exhibit B, attached hereto.

(2) This exemption is to be granted notwithstanding that the value of the property upon which the construction occurs is increased thereby. During the exemption period, the assessment on any property pursuant to this Section 4(c) shall not be less than the assessment thereon existing immediately prior to the improvements, except if there is damage to the multiple dwelling through action of the elements sufficient to warrant a reduction.

(d) Commercial – Improvements. The Town hereby determines to provide for the exemption from taxation of certain improvements made to commercial structures, on the following terms and conditions:

1. For purposes of this ordinance, the term commercial structure relates to office, retail and like uses, but does not include multiple dwellings.
2. For purposes of this ordinance, the term commercial structure shall include a structure which contains both residential units and some other commercial use (for example, retail), provided that the structure is not part of a condominium or cooperative regime and further provided that the structure does not qualify as a multiple dwelling under the Act.
3. To the extent that improvements to a commercial structure shall comply with the requirements set forth at subsections (1) and (2), above, the Town hereby determines to provide for an exemption of 100% of the assessor's full and true value for a period of five years following the construction of the improvements. This exemption is to be granted notwithstanding that the value of the property upon which the construction of the improvement occurs is increased thereby.

(e) Industrial – Improvements. The Town hereby determines to provide for the exemption from taxation of certain improvements made to industrial structures, on the following terms and conditions:

1. Improvements must be made to both the interior and exterior of a structure in order to qualify for exemption under this section.
2. Only improvements with a cost of less than \$1,000,000 shall be eligible for exemption under this section.
3. No less than twenty-five percent of the improvement cost shall be attributable to the exterior improvements.
4. To the extent that improvements to an industrial structure shall comply with the requirements set forth at subsections (1) through (3), above, the Town hereby determines to provide for an exemption of 100% of the assessor's full and true value for a period of five years following the construction of the improvements. This exemption is to be granted notwithstanding that the value of the property upon which the construction of the improvement occurs is increased thereby.
5. To the extent that improvements to a commercial structure do not comply with one or more of subsections (1) through (3), above, a property owner is not eligible for exemption under this section but may apply to the Town for consideration of the proposed exemption in accordance with Section 5 hereof.

Section 5. Exemptions Requiring Application to the Town Council. (a) Exemptions for Which Application is Required. The Town hereby determines that any property owner seeking exemption from taxation with respect to industrial improvements which do not meet the requirements of Section 4(e)(1) through Section 4(e)(3), respectively, shall make application to the Town Council in accordance with this section, within the time period prescribed by the New Jersey Department of Treasury in accordance with the Act, which currently requires submission within thirty (30) calendar days following completion of the improvements or construction for which the exemption is sought. However, nothing in this ordinance shall prohibit a property owner who has made more than \$1,000,000 in industrial improvements which otherwise comply with the applicable requirements of Section 4 from foregoing exemption of the improvements in excess of \$1,000,000 and seeking instead an as of right exemption from the Assessor to the limits permitted by Section 4, above.

(b) Contents of Application. Applicants for an exemption under this section shall provide the Town Council and the Assessor with the following information:

- 1.A general description of the project for which exemption is sought, and an estimated schedule of completion for the project;
- 2.A legal description of all real estate necessary for the project;
- 3.Plans, drawings and other documents as may be required by the Town Council to demonstrate the structure and design of the project;
- 4.A description of the number, classes and type of employees to be employed at the project site within two years of completion of the project;

5. A statement of the reasons for seeking an exemption on the project, and a description of the benefits to be realized by the Town and the property owner if an exemption is granted;
6. Estimates of the cost of completing the project;
7. A statement showing (i) the real property taxes currently being assessed at the project site; (ii) estimated tax payments that would be made annually by the property owner with respect to the project during the period of the exemption, and (iii) estimated tax payments that would be made by the property owner with respect to the project during the first full year following the termination of the exemption;
8. A description of any lease agreements between the property owners and proposed users of the project, and a history and description of the users' businesses;
9. A certification by the property owner listing (i) all properties within the Town owned by the property owner or in which the property owner has an interest and (ii) all agreements with the Town to which the property owner is a party; and
10. Such other pertinent information as the Town may require.

(c) Review and Recommendation by Assessor. Within thirty (30) days of receipt of the information set forth at Section 5(b), above, the Assessor shall review the information provided and shall provide written recommendations to the Town Council with respect to same.

(d) Action by Town Council. Within sixty (60) days of receipt of the Assessor's recommendations, the Town Council shall consider the application for exemption, and shall by resolution either: disapprove the exemption; or approve an exemption of 100% of the value of the improvements for a five year period following the completion of construction.

Section 6. Additional Exemptions When Property Already Subject to Exemption. The Town hereby determines that an additional improvement or construction completed on a property already granted a previous exemption pursuant to this ordinance during the period in which the previous exemption is in effect, shall be eligible to qualify for an additional exemption under the standards identified in this ordinance. The additional improvement or construction shall be considered as separate for purposes of calculating the exemption, except that the assessed value of any previous improvement or construction shall be added to the assessed valuation as it was prior to that improvement or construction for the purpose of determining the assessed value of the property for which any additional exemption is to be subtracted.

Section 7. Tax Delinquency. No exemption shall be granted pursuant to this ordinance with respect to any property for which real estate taxes or other municipal charges are delinquent or remain unpaid, or for which penalties and interest for non-payment of taxes are due.

Section 8. Revaluation During Exemption Period. In the event that the Town implements a revaluation or reassessment during the exemption period for any property, any exemptions granted hereunder shall continue to apply but at a valuation level consistent with the revaluation or reassessment.

Section 9. Revision of Base Assessment During Exemption Period. The granting of an exemption for a particular property shall not prejudice the right of the Town to appropriately examine and revise the assessment during the five-year exemption period in the event the base assessment is found to be improperly valued and assessed.

Section 10. Effective Date; Sunset Provision. Upon final passage and publication as provided by law, this ordinance shall take effect on October 1, 2011 and shall authorize the Town to grant exemptions up to a 5-year period. This ordinance shall lapse, unless readopted, on September 30, 2016, and no exemptions shall be granted after September 30, 2016 without such readoption.

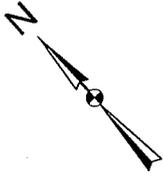
Section 11. Prior Actions Superseded. Any and all previous ordinances adopted by the Town relating to the Act are hereby superseded by this ordinance.

NOTICE

TAKE NOTICE that the above-entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton on July 25, 2011 and said Ordinance will be considered for final passage at a regular meeting of the Town Council of the Town of Newton to be held in the Council Chambers, 39 Trinity Street, Newton, New Jersey, on August 8, 2011.

Lorraine A. Read, RMC
Municipal Clerk

EXHIBIT A
DOWNTOWN HISTORIC DISTRICT



Legend

-  (NJ & National Register)
-  Existing Local Historic District



HISTORIC DISTRICT
 Town of Newton
 Sussex County - New Jersey



Harold E. Pellow & Associates, Inc.
 Consulting Engineers, Planners & Land Surveyors
 C.O.A. #24GA27959300
 Augusta, N.J.

"This map was developed using Sussex County Geographic Information System (SCOGIS) digital data, but this secondary product has not been verified by SCOGIS and is not county-authorized."

"This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized."

Town of Newton

Historic District

<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Block</u>	<u>Lot</u>
99 High St	402	1	131 Main St	611	1
95 High St	402	2			
91 High St	402	3	22 Liberty St	701	13
89 High St	402	4	26 Liberty St	701	14
85-87 High St	402	5	32 Liberty St	701	15
83 High St	402	6	36 Liberty St	701	16
81 High St	402	7	38 Liberty	701	17
79 High St	402	8	94 High St	701	18
77 High St	402	9	96 High St	701	19
75 High St	402	10	98-100 High St	701	20
73 High St	402	11	102 High St	701	21
2 Academy St	402	11.01			
71 High St	402	12	116 Main St	702	10
69 High St	402	13	110 Main St	702	11
2 Academy St	402	14	110 Main St	702	12
4 Academy St	402	15	110 Main St	702	13.01
8 Academy St	402	16	6 Liberty St	702	14
14 Academy St	402	16.01	8 Liberty St	702	15
10 Academy St	402	17	14 Liberty	702	16
18 Academy St	402	18			
			132 Main St	703	1
3 Academy St	403	1	124 Main St	703	2
67 High St	403	1.01	128 Main St	703	2.01
5 Academy St	403	1.02	3 Dunn Pl	703	4
63 High St	403	2			
59 High St	403	3	125 Main St	704	1
53 High St	403	4	121 Main St	704	2
53 High St.	403	3.01	117 Main St	704	3
51 High St	403	5	115 Main St	704	4
49 High St	403	6	113 Main St	704	5
53 High St.	403	7	105 Main St	704	6
53 High St.	403	8			
35 High St	403	9	35 Liberty St	706	1
53 High St.	403	10	33 Liberty St	706	1.01
53 High St.	403	11	31 Liberty St	706	3
17 High St	403	12	29 Liberty St	706	4
11 High St	403	13	25 Liberty St	706	5
9 High St	403	14	21-23 Liberty St	706	6
7 High St	403	15	17-19 Liberty St	706	7
15 High St	403	16	3 Linwood Annex	706	8
			8 Division St	706	9

Town of Newton

Historic District

<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Block</u>	<u>Lot</u>
12 Division St	706	10	91 Main St	711	1
18 Division St	706	11	89 Main St	711	2
20 Division St.	706	12	85-87 Main St	711	3
74 High St	706	13	83 Main St	711	4
76-78 High St	706	14	81 Main St	711	5
80 High St	706	15	79 Main St	711	6
82 High St	706	16	75 Main St	711	7
			63 Main St	711	8
15 Liberty St	707	1	59 Main St	711	9
4 Linwood Annex	707	1.01	41-47 Main St	711	10
9 Liberty St	707	2			
7 Liberty St	707	3	39 Main St	711	12
100 Main St (6 Units)	707	4	21 Main St	711	13
100B Main St.	707	4.02	9-11 Main St	711	15
100 Main St.	707	5	7 Main St	711	16
94 Main St	707	6	3 Main St	711	17
6 Division	707	7	1 Main St	711	18
			108-110 Spring St	711	19
28 Church St	708	13	116 Spring St	711	21
64 High St	708	14	124 Spring St	711	22
66 High St	708	15	112 Spring St	711	23
68 High St	708	16	112-120 Spring St	711	23.01
70 High St	708	17	132 Spring St	711	26
			1 Adam St	711	26.01
5 Division St	709	1	144 Spring St	711	27
92 Main St	709	2	1 Adam St.	711	27.01
90 Main St	709	3	150 Spring St	711	28
86 Main St	709	4	156-160 Spring St	711	29
82 Main St	709	5	1 Adams	711	29.01
4-6 Church St	709	6	166-168 Spring St	711	30
8-10 Church St.	709	7	170 Spring St	711	31
12 Church St	709	8	1 Adams St	711	31.01
14-16 Church St	709	9	3 Adams St	711	32
			11 Adams St	711	33
101 Main St	710	1	13 Adams St	711	34
Elm Street	710	1.01	Main St	711	43
	710	1.02			
93 Main St	710	19	Main St	711	44
97 Main St	710	20			

Town of Newton

Historic District

<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Block</u>	<u>Lot</u>
234 Spring St	713	8	127-129 Spring St	717	2
Lot by Theatre	713	9	131 Spring St	717	3
218 Spring St	713	10	141-143 Spring St	717	4
220 Spring St	713	10.01	137 Spring St	717	4.01
216 Spring St	713	11	149-153 Spring St	717	5
214 Spring St	713	12	155-157 Spring St	717	6
			163-165 Spring St	717	6.01
4 Adams St	714	8	169 Spring St	717	7
180 Spring St	714	9	173 Spring St	717	8
188 Spring St	714	10	179 Spring St	717	9
196 Spring St	714	10.01	181-183 Spring St	717	10
200 Spring St	714	11	185 Spring St	717	11
			123 Spring St	717	33
54 High St	715	1			
19 Church Street	715	3	189-191 Spring St	717.01	12
66 Main St	715	4	201 Spring St	717.01	13
62 Main St	715	5	211-213 Spring St	717.01	14
Main St	715	6	219 Spring St	717.01	15
40 Park Place	715	7	221 Spring St	717.01	16
30 Park Place	715	8	223 Spring St	717.01	17
4 Park Place	715	10			
High St	715	11	4 High/Spring St	721	1
46 High St	715	12			
1 Legal Ln	716	9			
56-61 Spring St	716	10			
65-67 Spring St	716	12			
56-61 Spring St	716	12.01			
71-75 Spring St	716	14			
71-75 Spring St	716	15			
83 Spring St	716	16.01			
93-95 Spring St	716	17			
103 Spring St	716	17.01			
111 Spring St	716	19			
115 Spring St	716	20			
111 Spring St	716	21			
9 Moran Street	716	22			
93-95 Spring St.	716	39			

EXHIBIT B

DEFINITIONS SET FORTH IN THE ACT AS OF THE DATE OF ADOPTION

N.J.S.A. 40A:21-3. Definitions

As used in this act: [FN1]

- a. "Abatement" means that portion of the assessed value of a property as it existed prior to construction, improvement or conversion of a building or structure thereon, which is exempted from taxation pursuant to this act.
- b. "Area in need of rehabilitation" means a portion or all of a municipality which has been determined to be an area in need of rehabilitation or redevelopment pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c. 79 (C.40A:12A-1 et al.), a "blighted area" as determined pursuant to the "Blighted Areas Act," P.L.1949, c. 187 (C.40:55-21.1 et seq.), or which has been determined to be in need of rehabilitation pursuant to P.L.1975, c. 104 (C.54:4-3.72 et seq.), P.L.1977, c. 12 (C.54:4-3.95 et seq.), or P.L.1979, c. 233 (C.54:4-3.121 et al.).
- c. "Assessor" means the officer of a taxing district charged with the duty of assessing real property for the purpose of general taxation.
- d. "Commercial or industrial structure" means a structure or part thereof used for the manufacturing, processing or assembling of material or manufactured products, or for research, office, industrial, commercial, retail, recreational, hotel or motel facilities, or warehousing purposes, or for any combination thereof, which the governing body determines will tend to maintain or provide gainful employment within the municipality, assist in the economic development of the municipality, maintain or increase the tax base of the municipality and maintain or diversify and expand commerce within the municipality. It shall not include any structure or part thereof used or to be used by any business relocated from another qualifying municipality unless: the total square footage of the floor area of the structure or part thereof used or to be used by the business at the new site together with the total square footage of the land used or to be used by the business at the new site exceeds the total square footage of that utilized by the business at its current site of operations by at least 10%; and the property that the business is relocating to has been the subject of a remedial action plan costing in excess of \$250,000 performed pursuant to an administrative consent order entered into pursuant to authority vested in the Commissioner of Environmental Protection under P.L.1970, c.33 (C.13:1D-1 et al.), the "Water Pollution Control Act," P.L. 1977, c. 74 (C.58:10A-1 et seq.), the "Solid Waste Management Act," P.L.1970, c. 39 (C.13:1E-1 et seq.), and the "Spill Compensation and Control Act," P.L.1976, c. 141 (C.58:10-23.11 et seq.).
- e. "Completion" means substantially ready for the intended use for which a building or structure is constructed, improved or converted.
- f. "Condominium" means a property created or recorded as a condominium pursuant to the "Condominium Act," P.L.1969, c. 257 (C.46:8B-1 et seq.).

- g. "Construction" means the provision of a new dwelling, multiple dwelling or commercial or industrial structure, or the enlargement of the volume of an existing multiple dwelling or commercial or industrial structure by more than 30%, but shall not mean the conversion of an existing building or structure to another use.
- h. "Conversion" or "conversion alteration" means the alteration or renovation of a nonresidential building or structure, or hotel, motel, motor hotel or guesthouse, in such manner as to convert the building or structure from its previous use to use as a dwelling or multiple dwelling.
- i. "Cooperative" means a housing corporation or association, wherein the holder of a share or membership interest thereof is entitled to possess and occupy for dwelling purposes a house, apartment, or other unit of housing owned by the corporation or association, or to purchase a unit of housing owned by the corporation or association.
- j. "Cost" means, when used with respect to abatements for dwellings or multiple dwellings, only the cost or fair market value of direct labor and materials used in improving a multiple dwelling, or of converting another building or structure to a multiple dwelling, or of constructing a dwelling, or of converting another building or structure to a dwelling, including any architectural, engineering, and contractor's fees associated therewith, as the owner of the property shall cause to be certified to the governing body by an independent and qualified architect, following the completion of the project.
- k. "Dwelling" means a building or part of a building used, to be used or held for use as a home or residence, including accessory buildings located on the same premises, together with the land upon which such building or buildings are erected and which may be necessary for the fair enjoyment thereof, but shall not mean any building or part of a building, defined as a "multiple dwelling" pursuant to the "Hotel and Multiple Dwelling Law," P.L.1967, c. 76 (C.55:13A-1 et seq.). A dwelling shall include, as they are separately conveyed to individual owners, individual residences within a cooperative, if purchased separately by the occupants thereof, and individual residences within a horizontal property regime or a condominium, but shall not include "general common elements" or "common elements" of such horizontal property regime or condominium as defined pursuant to the "Horizontal Property Act," P.L.1963, c. 168 (C.46:8A-1 et seq.), or the "Condominium Act," P.L.1969, c. 257 (C.46:8B-1 et seq.), or of a cooperative, if the residential units are owned separately.
- l. "Exemption" means that portion of the assessor's full and true value of any improvement, conversion alteration, or construction not regarded as increasing the taxable value of a property pursuant to this act.
- m. "Horizontal property regime" means a property submitted to a horizontal property regime pursuant to the "Horizontal Property Act," P.L.1963, c. 168 (C.46:8A-1 et seq.).

n. "Improvement" means a modernization, rehabilitation, renovation, alteration or repair which produces a physical change in an existing building or structure that improves the safety, sanitation, decency or attractiveness of the building or structure as a place for human habitation or work, and which does not change its permitted use. In the case of a multiple dwelling, it includes only improvements which affect common areas or elements, or three or more dwelling units within the multiple dwelling. In the case of a multiple dwelling or commercial or industrial structure, it shall not include ordinary painting, repairs and replacement of maintenance items, or an enlargement of the volume of an existing structure by more than 30%. In no case shall it include the repair of fire or other damage to a property for which payment of a claim was received by any person from an insurance company at any time during the three year period immediately preceding the filing of an application pursuant to this act.

o. "Multiple dwelling" means a building or structure meeting the definition of "multiple dwelling" set forth in the "Hotel and Multiple Dwelling Law," P.L.1967, c. 76 (C.55:13A-1 et seq.) [which is set forth below], and means for the purpose of improvement or construction the "general common elements" and "common elements" of a condominium, a cooperative, or a horizontal property regime.

p. "Project" means the construction, improvement or conversion of a structure in an area in need of rehabilitation that would qualify for an exemption, or an exemption and abatement, pursuant to P.L.1991, c. 441 (C.40A:21-1 et seq.).

q. "Annual period" means a duration of time comprising 365 days, or 366 days when the included month of February has 29 days, that commences on the date that an exemption or abatement for a project becomes effective pursuant to section 16 of P.L.1991, c. 441 (C.40A:21-16).

[FN1] L.1991, c. 441 (N.J.S.A. § 40A:21-1 et seq.).

DEFINITION OF MULTIPLE DWELLING SET FORTH IN THE HOTEL AND MULTIPLE DWELLING LAW AS OF THE DATE OF ADOPTION

N.J.S.A. 55:13A-3. Definitions.

(k) The term "multiple dwelling" shall mean any building or structure of one or more stories and any land appurtenant thereto, and any portion thereof, in which three or more units of dwelling space are occupied, or are intended to be occupied by three or more persons who live independently of each other. This definition shall also mean any group of ten or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two units of dwelling space are occupied or intended to be occupied by two persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. This definition shall not include:

(1) any building or structure defined as a hotel in this act, or registered as a hotel with the Commissioner of Community Affairs as hereinafter provided, or occupied or intended to be occupied exclusively as such;

(2) a building section containing not more than four dwelling units, provided the building has at least two exterior walls unattached to any adjoining building section and the dwelling units are separated exclusively by walls of such fire-resistant rating as comports with the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.) at the time of their construction or with a rating as shall be established by the bureau in conformity with recognized standards and the building is held under a condominium or cooperative form of ownership, or by a mutual housing corporation, provided that if any units within such a building section are not occupied by an owner of the unit, then that unit and the common areas within that building section shall not be exempted from the definition of a multiple dwelling for the purposes of P.L.1967, c. 76 (C.55:13A-1 et seq.). A condominium association, or a cooperative or mutual housing corporation shall provide the bureau with any information necessary to justify an exemption for a dwelling unit pursuant to this paragraph; or

(3) any building of three stories or less, owned or controlled by a nonprofit corporation organized under any law of this State for the primary purpose to provide for its shareholders or members housing in a retirement community as same is defined under the provisions of the “Retirement Community Full Disclosure Act,” P.L.1969, c. 215 (C.45:22A-1 et seq.), provided that the corporation meets the requirements of section 2 of P.L.1983, c. 154 (C.55:13A-13.1).