

June 27, 2011

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 p.m. Present were Mr. Elvidge, Mr. Ricciardo, Mrs. Diglio, Deputy Mayor Le Frois, Mayor Becker, Mr. Thomas S. Russo, Jr., Town Manager and Mark Hontz, Esq., Town Attorney.

Mayor Becker made the following declaration that "in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 31, 2010."

Mayor Becker led the Pledge of Allegiance to the flag. The Clerk called the roll. Upon motion of Mr. Elvidge, seconded by Mr. Ricciardo, the minutes of June 13, 2011 (Regular and Executive) were approved.

OPEN TO THE PUBLIC

Mayor Becker read the following statement:

"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."

Mr. John Ragsdale, 40 Halsted Street, addressed a complaint with the boarding house located at 39 Halsted Street. Mr. Ragsdale advised Council of all the activity and noise which transpires at this location and feels that some of the activities are illegal. Mr. Ragsdale requested that the Newton Police Department patrol the area twice every evening and feels that the presence of the police will be a pro-active solution.

Mr. Joe Decker, 45 Halsted Street, advised Council that he and his wife were victims of a robbery which may have involved residents from 39 Halsted Street. Mr. Decker also addressed concerns with the alleged illegal activity at 39 Halsted Street as well as concerns with the two schools within 1000 feet of the boarding home.

Mr. Adam Flint, 41 Halsted Street, also addressed several complaints with regard to 39 Halsted Street. Mr. Flint indicated that he has lived there for four

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years and that this is the worse he has witnessed. Mr. Flint advised that he and his family are moving because of the nuisance at this residence.

Mayor Becker directed Mr. Russo to address these concerns with the Chief of Police and keep the Council updated on the status.

Mr. Robert Caffrey, 101 Sussex Street, thanked the Water and Sewer, DPW, Fire Department and all who were involved for their hard work during the recent rainstorm.

COUNCIL & MANAGER REPORTS

a. Tax Exemption Ordinance Discussion

Jennifer Credidio, Esq., Special Redevelopment Counsel, appeared before the Council to provide an update on the revised draft Tax Exemption Ordinance. Ms. Credidio advised Council of the research done as requested by Councilman Ricciardo.

After a brief discussion, Council had no additional revisions. Ms. Credidio was directed to finalize the draft Ordinance and present the Ordinance for introduction at the next Council meeting on Monday, July 11, 2011.

Mr. Russo reminded Council of the Reorganization meeting to be held Friday, July 1, 2011 at 6:00 p.m.

Mr. Russo informed Council that the construction of the water main project on Merriam Avenue will begin tomorrow at 7 a.m.

Mr. Russo also advised that there will be no packet or newsletter for Town Council members this Friday, July 1st.

OLD BUSINESS

a. Utility Board Appeal – Oricchio

Mark Hontz, Esq. reported that he had spoken to Mr. Ramos, attorney for Mr. Oricchio, this morning but has not yet received official notification. There being no one present this evening, Mr. Hontz advised that this will conclude the Utility Board appeal at this time.

CONSENT AGENDA

Mayor Becker read the following statement:

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"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."*

Mr. Russo provided an overview of the resolutions on the Consent Agenda and noted one slight revision to Resolution #122-2011.

RESOLUTION #119-2011*

RENEWAL OF CLUB LICENSES

BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the renewal Club License No. 1915-31-014-001 be issued to Newton Memorial Post 5360, Veterans of Foreign Wars, t/a Newton Memorial Post 5360, V.F.W., 85 Mill Street, Newton, New Jersey; and that the renewal Club License No. 1915-31-013-002 be issued to Loyal Order of Moose Newton Lodge #432, t/a Loyal Order of Moose Newton Lodge #432, 4 Diller Avenue, Newton, New Jersey for the licensing year 2011-2012, effective July 1, 2011.

RESOLUTION #120-2011*

RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSES

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

RESOLUTION #121-2011*

RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES

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

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Newton, New Jersey; and that the renewal Plenary Retail Consumption License No. 1915-33-011-008 be issued to The County Seat Restaurant, LLC, t/a The County Seat Dining & Caterers, 64 Water Street, Newton, New Jersey; for the licensing year 2011-2012, effective July 1, 2011.

RESOLUTION #122-2011*

AUTHORIZE ENTERING INTO A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF HARDYSTON FOR FIRE SUB-CODE ADMINISTRATION AND ENFORCEMENT SERVICES

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

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

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

1. The Mayor and Town Clerk are hereby authorized and directed to execute the Shared Services Agreement, a copy of which is attached hereto, with the Township of Hardyston for the provision of Fire Sub-Code Administration and Enforcement Services under the Uniform Construction Code, N.J.A.C. 5:23-1 et seq.

2. The Mayor and Clerk are hereby authorized to execute any additional non-substantial amendments and/or modifications to the Agreement without the consent of the Town Council.

3. This Resolution shall take effect immediately.

RESOLUTION #123-2011*

AUTHORIZING THE RELOCATION OF THE SUSSEX COUNTY BUS STOP FROM SPRING STREET TO TRINITY STREET IN NEWTON, NJ

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

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

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

1. The presence of the former bus stop so close to the intersection of Spring Street and Union Place created a situation where a standing bus blocked sight distances for drivers turning from Union Place; and

2. Buses would at times stop within the intersection of Spring Street and Union Place resulting in a disruption of traffic flow; and

3. Westbound traffic on Spring Street would cross the double-yellow line into the oncoming lane of traffic in order to navigate past a standing bus due to the narrow width of Spring Street at the bus stop location; and

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

1. Relocation on Spring Street would dramatically reduce available Spring Street parking spaces, thereby further reducing a valuable resource; and

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION #124-2011*

AWARD BID FOR PROPOSED IMPROVEMENTS TO THE RIGHT ABUTMENT AREA OF MORRIS LAKE DAM PROJECT

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

<u>Name and Address of Bidder</u>	<u>Bid Price</u>
T.R. Weniger, Inc. P.O. Box 775 Green Brook, NJ 08812	\$60,350.00
Navaka Construction Co. Inc. 199 Clifford Street Newark, NJ 07105	\$64,585.00
T.M. Brennan Contractors, Inc. 3505 Route 94 Hamburg, NJ 07419	\$67,769.25
Columbian Ornamental Iron Works, Inc. 332 Vreeland Avenue Paterson, NJ 07513	\$68,025.00
H&G Contractors, Inc. 489 Fairway Road Ridgewood, NJ 07450	\$71,476.00
Bob Viersma & Sons, Inc. P. O. Box 224 Allamuchy, NJ 07820	\$73,164.20
Salmon Bros., Inc. P.O. Box 67 Netcong, NJ 07857	\$76,493.75
Ferraro Construction Corp. 5 Park Drive Franklin, NJ 07416	\$105,202.50
Caro Corp. 70-76 Passaic Avenue Florham Park, NJ 07932	\$120,675.00

WHEREAS, the Town Engineer, Harold E. Pellow & Associates, Inc., has reviewed the bids and recommends the contract for the Proposed Improvements to the Right Abutment Area of Morris Lake Dam Project be

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awarded to T.R. Weniger, Inc., of Green Brook, New Jersey whose low bid was \$60,350.00; and

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the bid submitted for the Proposed Improvements to the Right Abutment Area of Morris Lake Dam Project is to be awarded to T.R. Weniger, Inc., of Green Brook, New Jersey in the amount of \$60,350.00.

RESOLUTION #125-2011*

TO CANCEL CAPITAL APPROPRIATION BALANCE AND NJ DOT GRANT RECEIVABLE BALANCE IN THE GENERAL CAPITAL FUND – SAFE ROUTES TO SCHOOL PROJECT

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

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

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

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

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

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

General Capital Fund

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

RESOLUTION #126-2011*

TO CANCEL CAPITAL APPROPRIATION BALANCE AND NJ DOT GRANT RECEIVABLE BALANCE IN THE GENERAL CAPITAL FUND

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

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

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

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

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

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

General Capital Fund

NJ DOT Grant Receivable– Safe Routes to School (Ord. #2008-7) #300151
\$16,293.34

Improvement Authorization Ord. #2008-7 Safe Routes School #3090871
\$12,663.63

RESOLUTION #127-2011*

CANCEL GENERAL CAPITAL ORDINANCE BALANCES

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

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

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

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

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RESOLUTION #128-2011*

CAPITAL BUDGET

WHEREAS, the local capital budget for the year 2011 was approved on the 28th day of March 2011; and

WHEREAS, it is desired to Amend said adopted Capital Budget Section;

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

RECORDED VOTE:	AYES		NAYS		ABSTAIN	(
Becker	((
Le Frois	((ABSENT	(
Diglio	((
Ricciardo	((
Elvidge	((

**CAPITAL BUDGET (Current Year Action)
2011**

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

3 YEAR CAPITAL PROGRAM 2011 - 2013

Anticipated Project Schedule and Funding Requirements

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

3 YEAR CAPITAL PROGRAM 2011 - 2013

SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

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

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

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

Certified by:

Date

Lorraine A. Read, RMC
Municipal Clerk

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RESOLUTION #129-2011*

TOWN OF NEWTON CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2011 has been adopted; and

WHEREAS, it is desired to amend said adopted capital budget section;

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

RECORDED VOTE:	AYES		NAYS	
Becker	((
Le Frois	((
Diglio	((
Ricciardo	((
Elvidge	((
ABSTAIN	((
ABSENT	((

Project Title	Project Number	Cost Estimate as Adopted	Cost Estimate as Amended	Funding as Amended		
				Capital Improvement Fund	Prior Year Reserves	Grants in Aid

General Capital

Pave Various Streets	2008-7	\$ 390,000.00	\$ 312,000.00	\$ 15,600.00		
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Improvements to Alleyways/Spring Street/Historic District (project description change only)	2011-11	\$ -	\$ 78,000.00	\$ 3,900.00
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Total - All Projects	\$ 390,000.00	\$ 390,000.00	\$19,500.00	\$ -	\$ -
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BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the Town Auditor and filed with the Chief Financial Officer.

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

Date

Lorraine A. Read, RMC

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RESOLUTION #130-2011*

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

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

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

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

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

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

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

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

I. GENERAL

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

II. PLANNING BOARD DIRECTED TO REVIEW PROPOSED AMENDMENT

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

III. SEVERABILITY

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

IV. AVAILABILITY OF THE RESOLUTION

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

V. EFFECTIVE DATE

This Resolution shall take effect upon final passage.

RESOLUTION #131-2011*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, pursuant to the terms of the Loan Agreements, the Borough of Rockaway and the Town of Newton acquire or retain, as the case may be, all right, title and interest to the Borough of Rockaway Project and the Town of

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Newton Project, respectively, and the Authority acquires no interest therein except as may be expressly set forth in the Loan Agreements; and

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

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

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

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

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

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

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

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

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

WHEREAS, in accordance with the terms of the Lease Revenue Bond Resolution, the Pooled Program Bond Resolution, the County Guaranty, the

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

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

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

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

WHEREAS, in order to market and sell the Bonds in one or more series, the Authority will have to (i) make an application (the "Local Finance Board Application") to, and seek, obtain, and officially recognize the findings from the Local Finance Board (the "Local Finance Board") in the Department of Local Government Services of the State Department of Community Affairs, all in accordance with N.J.S.A. 40A:5A-6, 7 and 8 of the Local Authorities Fiscal Control Law and in connection with the Authority Lease Revenue Bonds and the Pooled Program Bonds, which Local Finance Board Application, hearing and process shall to the extent permitted by applicable law, incorporate the requests for approval by the Local Finance Board of certain matters related to the Borough of Rockaway Bonds, (ii) authorize the distribution of a preliminary official statement "deemed final" within the meaning and for the purposes of Rule 15c2-12 describing the terms of the Pooled Program Bonds, the Project and

the other transactions contemplated hereby (the "Preliminary Official Statement"), (iii) enter into one or more bond purchase agreements with one or more underwriters (the "Underwriter") selected by the Authority in accordance with its policy for the selection of underwriters as established by Authority resolution no 02-10 adopted July 24, 2002 and entitled "RESOLUTION ADOPTING A POLICY FOR THE SELECTION OF UNDERWRITERS AND OTHER ANCILLARY SERVICE PROVIDERS IN CONNECTION WITH THE SALE OF SECURITIES" (the "Underwriter Selection Policy") and a fair and open process for the sale of all of the Pooled Program Bonds (the "Bond Purchase Agreement"), (iv) execute and deliver a final Official Statement incorporating the terms of the sale of the Pooled Program Bonds and certain other information into the Preliminary Official Statement (the "Official Statement"), (v) obtain the required resolutions and ordinances of the Local Units necessary in order to authorize the Projects and the financing of the Projects through the Pooled Program Bonds (the "Local Unit Official Action"), (vi) cause the Local Units to make certain representations, warranties and covenants concerning the Projects, the Privately Placed Bonds and the other transactions contemplated hereby prior to their respective execution and delivery of the Lease Agreement and Loan Agreements, but no later than the execution and delivery of the Bond Purchase Agreement (the "Local Unit Letter of Representations") and (vii) cause the Local Units to make certain representations, warranties and covenants concerning the applicable Projects and Privately Placed Bonds, the use of the funds attributable to the Projects and the transactions contemplated hereby prior to their respective execution and delivery of the Lease Agreement and Loan Agreements, but no later than the execution and delivery of the Bond Purchase Agreement, all in connection with preserving the exclusion of the interest of the Bonds from the gross income of the holders thereof for federal income tax purposes (the "Local Unit Tax Letter of Representations" and together with the Preliminary Official Statement, the Bond Purchase Agreement, the Official Statement and the Local Unit Letter of Representations, the "Sale Documents"); and

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

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

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

more of the Local Finance Board Application or any Sale Documents (collectively, the "Financing Documents"); and

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

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

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

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

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

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

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

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

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

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

Section 9. This resolution shall take effect immediately.

RESOLUTION # 132-2011*

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 1303, LOT 10

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

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

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

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

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$3,070.98 for the redemption of Certificate #1318 to US Bank Cust for CCTS Capital, LLC, 2 Liberty Place, Philadelphia, PA 19102.

RESOLUTION # 133-2011*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

WHEREAS, the Water and Sewer Collector has determined that the following Water and Sewer Utility Accounts are due credits for the reasons stated;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the following accounts for amounts billed incorrectly due to the reason(s) stated:

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

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

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

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

Credit to account for incorrect meter reading:

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

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

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

Utility Board recommends credit of shut off fee:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
13874	49 Pine Street	\$50.00

RESOLUTION # 134-2011*

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.

TOWN BILLS

86.92	Quill Corporation	28890
279.90	Montague Tool & Supply	28891
3,360.15	Printing Center, Inc.	28892
606.80	M G L Printing Solutions	28893
1,698.00	Harold Pellow & Assoc, Inc.	28894
325.00	Municipal Software, Inc.	28895
2,600.62	Partac Peat Corporation	28896
961.75	NUI Corporation	28897
1,158.00	Camille Furguuelle	28898
242.20	New Jersey Herald	28899
390.00	B & G Elevator Inc.	28900
160.00	Centurylink Communications, Inc.	28901
88.16	Centurylink Communications, Inc.	28902
3,181.38	Centurylink Communications, Inc.	28903
5,526.00	Hollander, Strelzik, Pasculli, Hinkes	28904
1,158.00	Arthur & Rita Frisbie	28905
1,158.00	John & Terry Iliff	28906
200.94	Campbell's Small Engine	28907
116.82	D & E Service Center	28908
225.10	ZEP Manufacturing Company	28909
6,175.00	Newton First Aid Squad	28910

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37.50	Joseph Inga	28911
139.50	Thomas Trudgeon	28912
153.00	Scott Holzhauer	28913
907.74	Willco, Inc.	28914
375.00	J & D Sales and Service	28915
37.50	Brock Kithcart	28916
352.00	Minisink Press Inc.	28917
579.00	Donald Donofrio	28918
579.00	Jean Garris	28919
18.26	Sebring Auto Parts	28920
26.23	Weis Markets	28921
104.45	Sherwin-William	28922
377.32	Zee Medical	28923
75.00	Kenneth A. Teets	28924
1,178.89	Dempsey Uniform & Supply Inc.	28925
190.50	Debra Millikin	28926
37.76	Airgas East	28927
579.00	Jean Richards	28928
20.00	Sussex & Warren Tax Col. Assoc.	28929
102.00	Jason Miller	28930
1,271.40	James & Nancy Ransnorth	28931
189.42	Verizon Wireless	28932
1,326.69	Verizon Wireless	28933
955.00	Accurate Door, Inc.	28934
76.13	Mr. John	28935
851.04	Tilcon New Jersey	28936
45.00	Wildflowers With Tami	28937
75.00	Morris County Police Academy	28938
102.00	Brian Fox	28939
1,847.24	Vogel,Chait,Collins,Schneider,PC	28940
250.00	Moore-Wallace North America	28941
579.00	Larry E. Romyns	28942
1,158.00	Thomas & Bulah Morris	28943
100.00	Tania L. Ell	28944
18.50	Seely Brothers	28945
40.22	AW Direct Inc.	28946
1,168.82	Staples Business Advantage	28947
1,158.00	Douglas Cummins	28948
6,361.96	Taylor Oil Co.	28949
2,250.00	Laddey Clark & Ryan LLP	28950
1,158.00	Ronald Clouse	28951
30.00	Lea Data Technologies	28952
750.00	CDW Government, Inc.	28953
85.00	Law Enforcement Accreditation	28954
452.00	Sparctech Solutions, LLC	28955
579.00	James J. Kilduff	28956
471.80	Penteledata	28957
192.72	Custom Products Corp.	28958
160.00	Rutgers, Center for Government Serv.	28959
6,561.24	Direct Energy Business	28960
998.20	Woodruff Energy	28961
553.58	Harter Equipment Inc.	28962
692.40	Michael A. Pandiscia	28963
922,785.00	Newton Board of Education	111032
185,490.20	Payroll Account	111033

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CAPITAL

60.00	NJ Motor Vehicle Services	7712
15,845.63	Harold Pellow & Assoc., Inc.	7713
180.25	New Jersey Herald	7714
72.00	Hollander, Strelzik, Pasculli, Hinkes	7715
652.50	Diamond Sand & Gravel, Inc.	7716
392.05	Limecrest Quarry Developers	7717
2,600.00	McCullough Tree Service	7718
1,888.35	The Phillips Companies	7719
3,027.00	Performance Trailers, Inc.	7720
32.34	Excelsior Lumber Company	7721
176.92	Lowe's	7722
3,200.00	FKA Architects	7723
370.94	Custom Products Corp.	7724
1,330.00	Level G Associates, LLC	7725
36,255.50	Donnelly energy Solutions	7726
1,562.75	Excel Environmental Resources, Inc.	7727
145.11	Wingle Supply Company Inc.	7728

Total TOWN BILLS \$1,244,142.29

WATER AND SEWER ACCOUNT

4,138.74	Current Account	116022
51,196.38	Payroll Account	116021
1,990.87	E S C Enterprises	12201
8,939.00	Harold Pellow & Assoc., Inc.	12202
325.00	Municipal Software, Inc.	12203
3,746.02	MWH Americas, Inc.	12204
508.83	NUI Corporation	12205
296.40	New Jersey Herald	12206
9,360.00	Pumping Services	12207
18.62	Sussex County Plumbing	12208
16.00	Paul M. Havens	12209
18,434.49	Coyne Chemical Corp., Inc.	12210
28.14	Centurylink Communications, Inc.	12211
1,350.32	Centurylink Communications, Inc.	12212
936.00	Hollander, Strelzik, Pasculli, Hinkes	12213
110.00	Campbell's Small Engine	12214
600.00	Garden State Laboratories Inc.	12215
173.81	Hamburg Plumbing Supply Co., Inc.	12216
4,505.50	William H. Wilson Contracting, Inc.	12217
1,196.34	Joseph Carr	12218
47.77	Zee Medical	12219
363.62	Dempsey Uniform & Supply, Inc.	12220
750.00	Frank Semeraro Construction, Inc.	12221
135.45	Airgas East	12222
39.00	Ervin Lasso	12223
1,157.16	Limecrest Quarry Developers	12224
1,100.00	Instrumentation Tech Systems, Inc.	12225
167.80	Verizon Wireless	12226
10,482.00	Simmons Transport, Inc.	12227
6,336.00	Passaic Valley Sewerage Comm.	12228
3,566.00	John Smalley	12229
764.50	Main Pool & Chemical Company	12230
12,792.00	Allan J. May, Jr.	12231
1,410.88	The Home Depot	12232
983.04	Sussex County Mailing Service	12233

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3,404.25	Pall Corporation	12234
541.59	Lowe's	12235
22.90	Dominick's Pizza	12236
51.00	Eric Tompkins	12237
962.00	Andy Matt, Inc.	12238
250.00	CDW Government, Inc.	12239
452.00	Sparctech Solutions, LLC	12240
139.90	Penteledata	12241
60.00	Dustin McGarry	12242
8,299.18	Direct Energy Business	12243
203.84	One Call Concepts	12244
265.74	Woodruff Energy	12245

CAPITAL

195.00	Harold Pellow & Assoc., Inc.	2176
34.65	New Jersey Herald	2177
935.98	Gardens of the World	2178

Total WATER & SEWER BILLS \$163,784.09

TRUST ACCOUNT

438.91	Payroll Account	117113
2,996.00	Harold Pellow & Assoc., Inc.	2901
2,592.00	Hollander, Strelzik, Pasculli, Hinkes	2902
1,333.33	James P. Sloan, P.C.	2903
185.00	Walmart	2904
810.00	Vogel, Chait, Collins, Schneider, PC	2905
998.95	Sussex County Mailing Service	2906
103.97	Staples Business Advantage	2907
1,000.23	Foremost Promotions	2908
212.47	Imprint	2909

Total TRUST ACCOUNT BILLS \$10,670.86

FED. STATE GRANT

918.40	Payroll Account	111101
340.00	Minisink Press Inc.	1073

Total FED. STATE GRANT BILLS \$1,258.40

The Clerk presented an application for an on-premise raffle (Tricky Tray) from HSA St. Joseph School, 20 Jefferson Street, Newton to be held on Friday, September 30, 2011 from 5:00 p.m. – 10:00 p.m. at St. Joseph Regional School, 20 Jefferson Street, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

A motion was made by Mr. Ricciardo to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Mr. Elvidge and roll call resulted as follows:

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Mr. Elvidge	Yes	Mr. Ricciardo	Yes
Mrs. Diglio	Yes	Deputy Mayor Le Frois	Yes
	Mayor Becker	Yes	

Mr. Russo noted that the next two resolutions were removed from the Consent Agenda for separate discussion.

RESOLUTION #130-2011

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

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

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

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

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

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

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

I. GENERAL

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

II. PLANNING BOARD DIRECTED TO REVIEW PROPOSED AMENDMENT

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

III. SEVERABILITY

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

IV. AVAILABILITY OF THE RESOLUTION

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

V. EFFECTIVE DATE

This Resolution shall take effect upon final passage.

Upon motion of Deputy Mayor Le Frois, seconded by Mrs. Diglio and roll call resulted as follows:

Mr. Elvidge	Yes	Mr. Ricciardo	Yes
Mrs. Diglio	Yes	Deputy Mayor Le Frois	Yes
	Mayor Becker	Yes	

RESOLUTION #135-2011

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

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

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

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

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

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

Upon motion of Mr. Elvidge, seconded by Mrs. Diglio and roll call resulted as follows:

June 27, 2011

Mr. Elvidge	Yes	Mr. Ricciardo	No
Mrs. Diglio	Yes	Deputy Mayor Le Frois	Yes
	Mayor Becker	Yes	

ORDINANCES

Mayor Becker directed the Clerk to read aloud the following Ordinance relative to introduction of same.

ORDINANCE #2011-11

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

The following **ORDINANCE** was offered by Mr. Elvidge, who moved its introduction, seconded by Mr. Ricciardo with corrections and roll call resulted as follows:

Mr. Elvidge	Yes	Mr. Ricciardo	Yes
Mrs. Diglio	Yes	Deputy Mayor Le Frois	Yes
	Mayor Becker	Yes	

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading with hearing on same to be held on July 11, 2011.

The Clerk will advertise the above Ordinance according to law.

Mayor Becker directed the Clerk to read aloud the following Ordinance relative to introduction of same.

ORDINANCE #2011-12

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

The following **ORDINANCE** was offered by Mr. Ricciardo, who moved its introduction, seconded by Mrs. Diglio and roll call resulted as follows:

June 27, 2011

Mr. Elvidge	Yes	Mr. Ricciardo	Yes
Mrs. Diglio	Yes	Deputy Mayor Le Frois	Yes
Mayor Becker		Yes	

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading with hearing on same to be held on July 11, 2011.

The Clerk will advertise the above Ordinance according to law.

ORDINANCE #2011-13

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

The following **ORDINANCE** was offered by Deputy Mayor Le Frois, who moved its introduction, seconded by Mrs. Diglio and roll call resulted as follows:

Mr. Elvidge	Yes	Mr. Ricciardo	Yes
Mrs. Diglio	Yes	Deputy Mayor Le Frois	Yes
Mayor Becker		Yes	

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading with hearing on same to be held on July 11, 2011.

The Clerk will advertise the above Ordinance according to law.

DISCUSSION

a. Utility Board Appeal - Toner

Noting that there was no representation for the Utility Board Appeal, Mr. Hontz indicated that the decision made by the Utility Board will be the final decision. A letter will be sent by the Town Manager to the applicant.

b. Smoke-Free Campus – 39 Trinity Street

Mayor Becker addressed the issue of a potential smoke-free campus at the Newton Municipal Building. Mayor Becker noting that people are currently allowed to smoke in front of the Municipal Building is seeking for a smoke-free campus. After a brief discussion, there was no consensus and further discussion will take place.

c. Spring Street Promotions Budget Request

Sara Ann Megletti, owner of PB&J Stores located at 219 Spring Street, made a presentation on behalf of the Spring Street Promotions (SSP) group. Ms. Megletti noted that Spring Street Promotions group is a volunteer organization which is committed to funding the activities and events that promote Spring Street.

Ms. Megletti presented a proposed budget and requested funding from the Town of Newton to help subsidize their budget.

Mr. Russo noted that there is a balance of approximately \$4,000.00 in the 2011 Municipal budget designated for Main Street Newton and suggested that these funds could be used for Spring Street Promotions group.

After a lengthy discussion, the consensus was to forward a letter to Main Street Newton advising that the Town is looking to reallocate the funds to Spring Street Promotions group.

INTERMISSION

d. Land Use Ordinance – J. Caldwell

Jessica Caldwell, Town Planner, made a lengthy presentation on the draft Land Use Ordinance update for the Town of Newton. Mrs. Caldwell reviewed Chapter 19, Land Subdivision & Site Plan; Chapter 20, Form-Based Code; as well as Chapter 20A, Historic Preservation.

The Governing Body addressed questions and upon conclusion indicated that the next step is to refer this document to the Newton Planning Board.

OPEN TO THE PUBLIC

There was no one from the public to be heard.

COUNCIL & MANAGER COMMENTS

Deputy Mayor Le Frois commended Mayor Becker for her representation as Mayor this past year.

Councilman Ricciardo also commended Mayor Becker for her time and accessibility during her term as Mayor.

June 27, 2011

Mayor Becker thanked her fellow colleagues as well as all the professional staff and employees of the Town. "Thank you for a great year," Mayor Becker concluded.

There being no further business to be conducted, upon motion of Deputy Mayor Le Frois, seconded by Mrs. Diglio and unanimously carried, the meeting was adjourned at 9:51 pm.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk