



AGENDA
NEWTON TOWN COUNCIL
AUGUST 22, 2011
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

- IV. APPROVAL OF MINUTES** - JULY 25, 2011 REGULAR MEETING
AUGUST 8, 2011 REGULAR MEETING

V. OPEN TO THE PUBLIC

AT THIS POINT IN THE MEETING, THE TOWN COUNCIL WELCOMES COMMENTS FROM ANY MEMBER OF THE PUBLIC ON ANY TOPIC. TO HELP FACILITATE AN ORDERLY MEETING AND TO PERMIT THE OPPORTUNITY FOR ANYONE WHO WISHES TO BE HEARD, SPEAKERS ARE ASKED TO LIMIT THEIR COMMENTS TO 5 MINUTES. IF READING FROM A PREPARED STATEMENT, PLEASE PROVIDE A COPY AND EMAIL A COPY TO THE CLERK'S OFFICE AFTER MAKING YOUR COMMENTS SO IT MAY BE PROPERLY REFLECTED IN THE MINUTES.

VI. COUNCIL & MANAGER REPORTS

- a. FIRE TRUCK INSURANCE – K. MITCHELL
- b. UTILITY BOARD APPEAL – WUNDERLICH
- c. BEST PRACTICES INVENTORY
- d. FIRE DEPARTMENT'S 175TH ANNIVERSARY CELEBRATION

VII. ORDINANCES

- a. 2ND READING AND PUBLIC HEARING

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

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

ORDINANCE 2011-16

AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE TOWN OF NEWTON IN THE COUNTY OF SUSSEX

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

ORDINANCE 2011-17

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

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

ORDINANCE 2011-18

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

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

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 #177-2011* RESOLUTION TO RENEW MEMBERSHIP IN THE NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND
- b. RESOLUTION #178-2011* RESOLUTION SUPPORTING A-3412 SHARING THE BURDEN OF PROPERTY ASSESSMENT APPEAL REFUNDS

- c. RESOLUTION #179-2011* AWARD THE CONTRACT FOR THE PAVING OF VARIOUS STREETS PROJECT TO TILCON, NEW YORK AND DENVILLE LINE STRIPING
 - d. RESOLUTION #180-2011* AWARD BID FOR PURCHASE OF THE SINGLE AXLE SEWER CLEANER
 - e. RESOLUTION #181-2011* AWARD BID FOR PROPOSED LIGHTING IMPROVEMENTS PROJECT
 - f. RESOLUTION #182-2011* CONCUR WITH THE TOWN MANAGER'S APPOINTMENT OF SCHOOL CROSSING GUARDS
 - g. RESOLUTION #183-2011* APPOINTMENT OF LUCY M. DELORETO, C.M.C.A., AS MUNICIPAL COURT ADMINISTRATOR
 - h. RESOLUTION #184-2011* AWARD BID FOR THE PROPOSED ELEVATOR UPGRADE AT THE TOWN MUNICIPAL BUILDING
 - i. RESOLUTION #185-2011* ACCEPT THE BEST PRACTICES INVENTORY QUESTIONNAIRE AND AUTHORIZE ITS SUBMISSION TO THE STATE OF NEW JERSEY DIVISION OF LOCAL GOVERNMENT SERVICES
 - j. RESOLUTION #186-2011* APPROVE BILLS AND VOUCHERS FOR PAYMENT
 - k. APPLICATIONS* APPLICATION FOR MEMBERSHIP TO THE NEWTON FIRE DEPARTMENT FROM LOUIS R. RATTI, 26 STILLWATER ROAD, NEWTON, NJ 07860
- APPLICATION FOR AN ON-PREMISE 50/50 FROM THE PRIDE FOUNDATION, 44 RYERSON AVENUE, NEWTON TO BE HELD SEPTEMBER 10, 2011 AT 1:00PM, OCTOBER 1, 2011 AT 2:00PM, OCTOBER 15 AND 29, 2011 AT 1:00PM AND NOVEMBER 5, 2011 AT 1:00PM AT 44 RYERSON AVENUE, NEWTON

X. INTERMISSION

XI. DISCUSSION

- a. GARDNER AVENUE WELL – DAVE SIMMONS & PAUL BALDWIN

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. 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/APEAL BOARD PROCEDURE

- [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.

14-3.4-1 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 was amended and reintroduced at a regular meeting of the Town Council on August 8, 2011, and said Ordinance was adopted after public hearing at a regular meeting of the Town Council of the Town of Newton held in the Council Chambers, 39 Trinity Street, Newton, New Jersey, on August 22, 2011.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE 2011-16

AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE TOWN OF NEWTON IN THE COUNTY OF SUSSEX

WHEREAS, large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and by-laws as necessary and proper for good government, as well as the public health, safety and welfare; and

WHEREAS, pursuant to P.L.2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract; and

WHEREAS, in the interest of good government, the people and the government of the Town of Newton desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections;

NOW, THEREFORE, BE IT RESOLVED, it shall be the policy of the Town of Newton to create such a regulation which states that a Business Entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the Town of Newton; and

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

DEFINITIONS

As used in this ordinance:

- (a) “Campaign Committee” means (i) every candidate for the Town of Newton elective municipal office; (ii) every candidate committee established by or for the benefit of a candidate for the Town of Newton elective municipal office; (iii) every joint candidate committee established in whole or in part by or for the benefit of a candidate for the Town of Newton elective municipal office; (iv) every political party committee of the Town of Newton; (v) every political party committee of the Town of Newton; and (vi) every political committee, continuing political committee, or other form of association or organization that regularly engages in the support of candidates for the Town of Newton municipal or Sussex County elective offices or Town of Newton municipal or Sussex County political parties or political party committees. The terms in the foregoing paragraph have the meaning prescribed in N.J.A.C. 19:25-1.7.
- (b) “Contribution” has the meaning prescribed in N.J.A.C. 19:25-1.7. By way of illustration, and not limitation, this definition includes pledges, loans, and in-kind contributions.
- (c) A “contract for professional or extraordinary services” means all contracts for “professional services” and “extraordinary unspecifiable services” as such term is used in N.J.S.A. 40A:11-5.
- (d) For purposes of this Ordinance, a “Business Entity” whose contributions are regulated by this ordinance means: (i) an individual including the individual’s spouse, and any child/children; (ii) a firm; corporation; professional corporation; partnership; limited liability company; organization; association; and any other manner and kind of business entity; (iii) any person who owns 10% or more of the equity or ownership or income interests in a person or entity as defined in sections (i) and (ii) above and their spouses and child/children; (iv) all partners or officers of such an entity, in the aggregate, and their spouses and child/children; (v) any person, subcontractor, subsidiary, corporation, firm, partnership, limited liability company, organization or association who has received or indefeasibly acquired the right to receive, from a person described in subparagraph (i) above, more than \$100,000.00 in

compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gifts), in any twelve (12) month period prior to the award of, or during the term of, a contract subject to this ordinance; and (vi) all persons who are an "affiliate" of a Business Entity as defined in sections (i), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).

SECTION 1 – PROHIBITION ON AWARDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS

- (a) To the extent that it is not inconsistent with state or federal law, the Town of Newton and any of its departments, instrumentalities or purchasing agents shall not enter into any agreement or otherwise contract to procure "professional services" as such term is defined at N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i) and/or banking, insurance or other consulting service (hereinafter "Professional Services"), nor "extraordinary unspecified services" as such term is defined at N.J.S.A. 40A:11-2(7) and used at N.J.S.A. 40A:11-5(1)(a)(ii) and/or media, public relations, lobbying, parking garage management or other consulting and/or management service (hereinafter "Extraordinary Unspecified Services") from any Business Entity if such Business Entity has solicited or made any Contribution to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in the Town of Newton or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any Town of Newton or Sussex County political committee or political party committee, or (iii) to any continuing political committee or political action committee that regularly engages in the support of Town of Newton municipal or Sussex elections and/or Town of Newton municipal or Sussex County candidates, candidate committees, joint candidate committees, political committees, political parties, political party committees, (hereinafter "PAC"), in excess of the thresholds specified in subsection (g) within one calendar year immediately preceding the date of the contract or agreement.

(b) No Business Entity who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement with the Town of Newton or any of its departments or instrumentalities, for the rendition of Professional Services or Extraordinary Unspecified Services shall knowingly solicit or make any Contribution, to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in the Town of Newton, or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any Town of Newton or Sussex political committee or political party committee, or (iii) any PAC between the time of first communication between that Business Entity and the municipality regarding a specific agreement for Professional Services or Extraordinary Unspecified Services, and the later of the termination of negotiations or rejection of any proposal, or the completion of the performance or specified time period of that contract or agreement.

(c) The monetary thresholds of this Ordinance are: (i) a maximum of \$300 per calendar year each for any purpose to any candidate or candidate committee for mayor or governing body, or \$500 per calendar year to any joint candidates committee for mayor or governing body, or \$300 per calendar year to a political committee or political party committee of the Town of Newton; (ii) \$500 maximum per calendar year to a Sussex County political committee or political party committee; and (iii) \$500 maximum per calendar year to any PAC. However, for each Business Entity party to a contract for Professional or Extraordinary Unspecified Services as defined in subparagraph (a), or engaged in negotiations for a contract defined in subparagraph (a), when such Business Entity's Contribution is aggregated with all "persons" defined in subparagraph (d) of "Definitions" above, by virtue of their affiliation to that Business Entity party, a maximum of \$2,500 to all Town of Newton candidates, candidate committees, joint candidate committees, and holders of public office having ultimate responsibility for the award of a contract, all Town of Newton or Sussex County political committees and political party committees as described herein combined, without violating subsection (a) of this section.

- (d) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be (i) the Town of Newton Mayor or Governing body, if the contract requires approval or appropriation from the Mayor or Governing body, or (ii) the Mayor of the Town of Newton, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.
- (e) Rules regarding subcontractors. No person may be awarded a subcontract to perform under a contract subject to this Ordinance, if the subcontractor would be disqualified by paragraph (a) from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by paragraph (a) from receiving the contract perform substantially all of obligations described in a contract for professional or extraordinary services that is subject to this ordinance.

SECTION 2 - CONTRIBUTIONS MADE PRIOR TO THE EFFECTIVE DATE

No Contribution or solicitation of contributions made prior to the effective date of this Ordinance shall be deemed to give rise to a violation of this Ordinance.

SECTION 3 - CONTRACT RENEWAL

No contract subject to this ordinance may be renewed, extended, or materially modified unless the resulting renewal, extension, or modification would be allowable under the provisions of this ordinance if it were an initial contract.

SECTION 4 - CONTRIBUTION STATEMENT BY BUSINESS ENTITY

- (a) Prior to awarding any contract or agreement to procure Professional Services" or Extraordinary Unspecified Services" from any Business Entity, the Town of Newton or its purchasing agents and departments, as the case may be, shall receive a sworn statement from said Business Entity which is the intended recipient of said contract that he/she/it has not made a Contribution in violation of Section 1 of this Ordinance. The Town of Newton, its purchasing agents and departments shall be responsible for informing the Town Council of the Town of Newton that the aforementioned sworn statement has been received and that the Business Entity is not in violation of this ordinance, prior to awarding the contract or agreement.

- (b) A Business Entity shall have a continuing duty to report to the Town of Newton any Contributions that constitute a violation of this act that are made during the negotiation, proposal process or the duration of a contract. The Town of Newton, its purchasing agents and departments shall be responsible for informing the governing body within ten (10) business days after receipt of said report from the Business Entity, or at the next meeting of the Town Council of the Town of Newton following receipt of said report from the Business Entity, or whichever comes first.
- (c) The certification required under this subsection shall be made prior to entry into the contract or agreement with the Town of Newton, or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

SECTION 5 - RETURN OF EXCESS CONTRIBUTIONS

A Business Entity that is a party to a contract for Professional Services or Extraordinary Unspecified Services may cure a violation of Section 1 of this Ordinance, if, within 30 days after the date on which the applicable ELEC report is published, said Business Entity notifies the municipality in writing and seeks and receives reimbursement of the Contribution from the recipient of such Contribution.

SECTION 6 - EXEMPTIONS

The contribution limitations prior to entering into a contract in Section 1(a) do not apply to contracts which (i) are awarded to the lowest responsible bidder after public advertising for bids and bidding therefor within the meaning of N.J.S.A. 40A:11-4, or (ii) are awarded in the case of emergency under N.J.S.A. 40A:11-6. There is no exemption for contracts awarded pursuant to a "Fair and Open Process" under N.J.S.A. 19:44A-20 et seq.

SECTION 7 - PENALTY

- (a) It shall be a material breach of the terms of a Town of Newton agreement or contract for Professional Services or Extraordinary Unspecified Services when a Business Entity that is a party to such agreement or contract has: (i) made or solicited a Contribution in violation of this Ordinance; (ii) knowingly concealed or misrepresented a Contribution given or received;

(iii) made or solicited Contributions through intermediaries for the purpose of concealing or misrepresenting the source of the Contribution; (iv) made or solicited any Contribution on the condition or with the agreement that it will be re-contributed to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in the Town of Newton, or a holder of public office having ultimate responsibility for the award of a contract, or any Town of Newton or Sussex County political committee or political party committee, or any PAC; (v) engaged or employed a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any Contribution, which if made or solicited by the professional Business Entity itself, would subject that entity to the restrictions of this Ordinance; (vi) funded contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engaged in any exchange of Contributions to circumvent the intent of this Ordinance; or (viii) directly or indirectly, through or by any other person or means, done any act which if done directly would subject that entity to the restrictions of this Ordinance.

(b) Furthermore, any Business Entity that violates Section 7 (a) (i-viii) shall be disqualified from eligibility for future Town of Newton contracts for a period of four (4) calendar years from the date of the violation.

(c) Any person who knowingly, purposely, or recklessly violates any provision of this ordinance, or who conspires with another person to violate any provision of this ordinance, or who, with the purpose of promoting or facilitating a violation of this ordinance, solicits another person to commit it, or aids or agrees, or attempts to aid another person in planning or committing it, shall be subject to punishment including fines and/or imprisonment as fixed by law for violations of the ordinances of the Town of Newton.

SECTION 8 - CITIZENS PRIVATE RIGHT OF ACTION

In addition to any rights that were heretofore available, or which may hereafter be available, to citizens, taxpayers, or associations, to challenge violations of this ordinance, every person aggrieved by a violation of the ordinance, or any taxpayer or resident of the Town of Newton has the right, consistent with the Rules of Court, to file charges in a court of competent jurisdiction, and/or to pursue a civil action for a violation of this ordinance in a court of competent

jurisdiction, and to seek and obtain declaratory, injunctive, or other legal or equitable relief, including but not limited to, attorneys fees and costs, arising from or related to a violation of this ordinance.

SECTION 9 - SEVERABILITY

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 10 – INDEXING

The monetary thresholds of “Definitions” Section (d) and Section 1(c) of this ordinance shall be increased effective March 1 of each calendar year by the percentage increase, in the prior calendar year, of the consumer price index for all urban consumers (CPI-U) for the New York-Northern New Jersey-Long Island region, rounded to the nearest \$10.00. The Clerk of the Town of Newton shall, by no later than April 1 of each calendar year, prepare and publish the revised thresholds on the official municipal website and in an official municipal newspaper.

SECTION 11 - REPEALER

All ordinances or parts of ordinances which are inconsistent with any provisions of this Ordinance are hereby repealed as to the extent of such inconsistencies.

SECTION 12 - EFFECTIVE DATE

This Ordinance shall become effective twenty (20) days following the final adoption thereof by the Town Council of the Town of Newton and shall be published as required by law.

TAKE NOTICE that the above entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton held on August 8, 2011. It was adopted, after public hearing and final reading thereon, at a regular meeting of said Governing Body conducted on August 22, 2011, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON
ORDINANCE 2011-18

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

WHEREAS, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.*, (the “Redevelopment Law” or the “Act”) authorizes municipalities to determine whether certain parcels of land within the municipality constitute an area in need of redevelopment, and to prepare and adopt a redevelopment plan therefor; and

WHEREAS, on December 10, 2007, the Town of Newton, acting by Resolution, designated Block 1201.02, Lots 2 & 2.01 as an area in need of redevelopment pursuant to the Act (hereinafter, the “Redevelopment Area”); 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 the Paterson Avenue Redevelopment Plan governing the Redevelopment Area (the “Initial Redevelopment Plan”, attached hereto as Exhibit A); and

WHEREAS, due to changes in the national, regional and local economies occurring since the time of adoption of the Initial Redevelopment Plan that made development of the housing uses contemplated therein unlikely to occur in the near future, the Town wished to consider the addition of alternative uses and standards to the Initial Redevelopment Plan in order to provide additional options for the revitalization of the Redevelopment Area; and

WHEREAS, in accordance with the Act, the Town prepared proposed amendments to the Initial Redevelopment Plan (the “Proposal”, attached hereto as Exhibit B); and

WHEREAS, on June 27, 2011, the Town Council, acting by Resolution, referred the Proposal to the Planning Board for its review and comment in accordance with Section 7 of the Act; and

WHEREAS, at a duly noticed and constituted public meeting of the Planning Board held on July 20, 2011, Jessica Caldwell, P.P., A.I.C.P. of Harold E. Pellow & Associates, Inc. (the “Planning Consultant”) presented the Proposal and further addressed any questions and comments presented by the Planning Board; and

WHEREAS, the members of the public were given the opportunity to provide their own testimony regarding the Proposal; and

WHEREAS, after due consideration of the Proposal, the testimony of the Planning Consultant, and the testimony of the public, the Planning Board determined by Resolution dated July 20, 2011 (the “Planning Board Resolution”, attached hereto as Exhibit C), that while the Proposal is not consistent with the permitted uses for the Redevelopment Area recommended by the Town's Master Plan, it is consistent with the overarching goals of the Master Plan, and recommended to the Town Council that it adopt a modified version of the Proposal, with such changes as summarized at Exhibit B to the Planning Board Resolution (the “Planning Board Recommendations”); and

WHEREAS, the Planning Board Resolution included the following recommendation:

“The Planning Board recommends that the Town ascertain the height of the existing buildings within the Redevelopment Area, and provide for a maximum height for office, light industrial, research and development and warehouses uses that is the lesser of 40 feet or the height of the tallest building currently existing within the Redevelopment Area.”; and

WHEREAS, the Town Engineer has determined that the tallest building currently existing within the Redevelopment Area has an approximate height of 36.3 feet, and has recommended that a maximum height of 40 feet be established for office, light industrial, research and development and warehouse uses within the Redevelopment Area (the “Height Amendment”); and

WHEREAS, the Town wishes to adopt the Proposal, as modified by the Planning Board Recommendations, as further modified by the Height Amendment (as so modified and attached hereto as Exhibit D, the “Plan Amendments”); and

WHEREAS, the Town acknowledges that the Plan Amendments are not consistent with the recommended uses set forth in the Master Plan, but wishes to adopt the Plan Amendments for the reasons set forth therein,

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

Section 1. The recitals hereto are hereby incorporated herein by reference as if set forth at length.

Section 2. The Plan Amendments, as filed in the Office of the Town Clerk, attached hereto as Exhibit D, are hereby approved. Any portion of the Initial Redevelopment Plan not modified by the Plan Amendments shall remain in full force and effect.

Section 3. The zoning map of the Town of Newton is hereby amended to incorporate the provisions of the Plan Amendments and delineate the boundaries of the Paterson Avenue Redevelopment Area.

Section 4. This ordinance shall take effect as provided in 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 August 8, 2011, and said Ordinance was adopted after public hearing at the regular meeting of the Town Council of the Town of Newton held in the Council Chambers, 39 Trinity Street, Newton, New Jersey, on August 22, 2011, and shall take effect according to law.

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

EXHIBIT A

INITIAL REDEVELOPMENT PLAN

ON FILE IN THE CLERK'S OFFICE

EXHIBIT B

PROPOSAL



TOWN OF NEWTON
RESOLUTION #130-2011

June 27, 2011

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

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

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

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

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

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

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

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

I. GENERAL

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

II. PLANNING BOARD DIRECTED TO REVIEW PROPOSED AMENDMENT

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

III. SEVERABILITY

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

IV. AVAILABILITY OF THE RESOLUTION

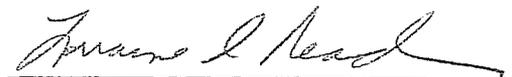
A copy of this resolution shall be available for public inspection at the offices of the Town.

V. EFFECTIVE DATE

This Resolution shall take effect upon final passage.

CERTIFICATION

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



Lorraine A. Read, RMC
Municipal Clerk

PATERSON AVENUE REDEVELOPMENT
PLAN AMENDMENT

Draft

June 13, 2011

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

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

PLAN CONSISTENCY REVIEW

BACKGROUND

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

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

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

AMENDMENTS TO THE REDEVELOPMENT PLAN

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

REDEVELOPMENT PLAN GOALS

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

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

TOWN OF NEWTON MASTER PLAN GOALS

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

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

SUSSEX COUNTY STRATEGIC GROWTH PLAN GOALS

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

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

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

Traditional Town Centers -

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

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

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

...

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

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

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

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

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

STATE DEVELOPMENT AND REDEVELOPMENT PLAN

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

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

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

PATERSON AVENUE REDEVELOPMENT PLAN AMENDMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Landscaping:

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

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

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

Buffering:

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

EXHIBIT C

PLANNING BOARD RESOLUTION



Interoffice Memorandum

To: Town Council

Cc: Debra Millikin, Deputy Town Manager

FROM: Kathy Citterbart, Planning Board Secretary

DATE: July 21, 2011

RE: Paterson Avenue Redevelopment Plan Amendment

At its regular meeting on July 20, 2011 the Newton Planning Board recommended to the Town Council that the Paterson Avenue Redevelopment Plan Amendments proposed by the Town be adopted, as modified by recommendations enumerated by the attached resolution of the Planning Board.

**RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF
NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY
RECOMMENDING THE ADOPTION OF AMENDMENTS TO THE
PATERSON AVENUE REDEVELOPMENT PLAN**

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

WHEREAS, on December 10, 2007, the Town of Newton, acting by Resolution, designated Block 1201.02, Lot 2 & 2.01 as an area in need of redevelopment pursuant to the Act (hereinafter, the “Redevelopment Area”); 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 the Paterson Avenue Redevelopment Plan governing the Redevelopment 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 wished to consider the addition of alternative uses and standards to the Redevelopment Plan in order to provide additional options for the revitalization of the Redevelopment Area; and

WHEREAS, in accordance with the Act, the Town prepared proposed amendments to the Redevelopment Plan, which are attached hereto as Exhibit A (the “Proposal”); and

WHEREAS, on June 27, 2011, the Town Council, acting by Resolution, referred the Proposal to the Planning Board for its review and comment in accordance with Section 7 of the Act; and

WHEREAS, at a duly noticed and constituted public meeting of the Planning Board held on July 20, 2011, Jessica Caldwell, P.P., A.I.C.P. of Harold E. Pellow & Associates, Inc. (the “Planning Consultant”) presented the Proposal and further addressed any questions and comments presented by the Planning Board; and

WHEREAS, the members of the public were given the opportunity to provide their own testimony regarding the Proposal; and

WHEREAS, after due consideration of the Proposal, the testimony of the Planning Consultant, and the testimony of the public, the Planning Board has determined that while the Proposal is not consistent with the permitted uses for the Redevelopment Area recommended by the Town's Master Plan, it is consistent with the overarching goals of the Master Plan, and therefore the Planning Board wishes to recommend to the Town Council that it adopt a modified version of the Proposal (the “Revised Proposal”) as an amendment to the Redevelopment Plan. The Revised Proposal shall consist of the Proposal as modified by the revisions enumerated at Exhibit B attached hereto.

EXHIBIT A

PROPOSAL

4. At page 7, prior to sub-heading entitled “At Section 4.1...” add the following:

Generally:

Notwithstanding any other provision of this Redevelopment Plan to the contrary, graphics included in this Redevelopment Plan which represent residential and home office uses, including but not necessarily limited to Section 1.8, Development Axonometric; Section 1.9, Illustrative Site Plan; and Section 4.1, Land Use Plan, shall continue to apply to residential and home office uses under this Redevelopment Plan and shall not be construed to prohibit the office, light industrial, manufacturing, research and development and warehouse uses that are permitted in accordance with Section 4.1 of this Redevelopment Plan.

5. At page 7, prior to sub-heading entitled, “At Section 6.2...”, add the following:

At Section 5.0, Mobility Regulating Plan, add the following at the end of Section 5.1, Introduction:

The requirements of this Section 5.0 shall apply with respect to residential and home office uses. The location and detail of any thoroughfares within the Redevelopment Area in connection with development of office, light industrial, manufacturing, research and development and warehouse uses, shall be subject to the approval of the Planning Board in consultation with the Town Engineer.

At Section 6.0, Building Regulations, add the following at the end of Section 6.1, Introduction:

Notwithstanding any other provision of this Redevelopment Plan to the contrary, the provisions of Section 6.4 – Building Mass; Section 6.5 – Building Type Plan; Section 6.6 – Building Typologies; Section 6.7 – Architectural Regulations, items #3 (architectural styles), #4 (building design) and #5 (story height); Section 6.8 – Façade Regulations, items #1 (varied façade designs); #2 (façade materials); #3 (façade colors); #4 (accent colors); #5 (soffit emphasis) and #6 (soffits); and Section 6.9 Building Window and Roof Regulations shall apply to residential and home office uses only. With respect to office, light industrial, manufacturing, research and development and warehouse uses the overall mass and design of the building shall be presented to the Planning Board in connection with site plan review.

6. At page 7, prior to sub-heading entitled “At Section 6.12...”, add the following:

- e. The maximum permitted floor area ratio of office, light industrial, manufacturing, research and development and warehouse uses shall be established as a mathematical function of the bulk standards set forth above and the maximum height set forth at Section 6.3, and shall not be impacted by any deviations that may sought and granted with respect to one or more of these bulk standards.

EXHIBIT D

PLAN AMENDMENTS

PATERSON AVENUE REDEVELOPMENT
PLAN AMENDMENT

August 8, 2011

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

Jessica Caldwell, P.P., A.I.C.P, Town Planner, P.P. # 5944

PLAN CONSISTENCY REVIEW

BACKGROUND

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

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

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

AMENDMENTS TO THE REDEVELOPMENT PLAN

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

REDEVELOPMENT PLAN GOALS

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

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

PROPOSED AMENDMENTS TO THE PATERSON AVENUE REDEVELOPMENT PLAN:

At Section 1.4, Statutory Basis of the Plan, under the heading Statutory Requirements, B1, replace "...as residential uses." with "...in accordance with this Redevelopment Plan."

At Section 1.7, Goals of the Plan, under the heading Redevelopment Goals, #3, Replace first sentence with "To replace and redirect existing light industrial and commercial activity in the Paterson Avenue Redevelopment Area elsewhere within Newton or to ensure that to the extent light industrial uses are developed within the Paterson Avenue Redevelopment Area, they are developed in a manner that do not create a nuisance to the surrounding residential neighborhood."

TOWN OF NEWTON MASTER PLAN GOALS

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

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

The Town of Newton Master Plan recommended zoning of the Redevelopment Area as T-3, Neighborhood Residential. The Paterson Avenue Redevelopment Plan established permitted uses in accordance with that recommendation. However, due to dramatic changes in the local, regional and national economies since the time of the adoption of the Paterson Avenue

Redevelopment Plan and the Town of Newton Master Plan, particularly with respect to the housing markets, residential development of the Redevelopment Area is not considered likely in the near future. Therefore, this Proposed Amendment recommends the retention of residential development as a permitted use under the Paterson Avenue Redevelopment Plan, while also recommending the addition of other non-residential permitted uses in order to increase the alternatives and options available for the revitalization of the Redevelopment Area.

This approach, while not entirely consistent with the specific uses recommended for the Redevelopment Area pursuant to the Town of Newton Master Plan, is believed to be consistent with the overarching goals of the Town of Newton Master Plan, as set forth above, and to reflect changing market realities since the adoption of the Town of Newton Master Plan and the Paterson Avenue Redevelopment Plan.

SUSSEX COUNTY STRATEGIC GROWTH PLAN GOALS

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

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

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

Traditional Town Centers -

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

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

In September 2004 the Board of Chosen Freeholders adopted the Sussex County Strategic Growth Plan. This comprehensive document incorporated the goals of the New Jersey State Development and Redevelopment Plan, reflected the concerns of

the County's residents and businesses, and articulated a clear and concise vision for the County.

...

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

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

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

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

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

STATE DEVELOPMENT AND REDEVELOPMENT PLAN

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

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

Based upon the foregoing, it is recommended that the following amendments be made to the Paterson Avenue Redevelopment Pan.

PATERSON AVENUE REDEVELOPMENT PLAN AMENDMENT

OFFICES, LIGHT INDUSTRIAL, RESEARCH AND DEVELOPMENT AND WAREHOUSES

Generally:

Notwithstanding any other provision of this Redevelopment Plan to the contrary, graphics included in this Redevelopment Plan which represent residential and home office uses, including but not necessarily limited to Section 1.8, Development Axonometric; Section 1.9, Illustrative Site Plan; and Section 4.1 Land Use Plan; shall continue to apply to residential and home office uses under this Redevelopment Plan and shall not be construed to prohibit the office light industrial, research and development and warehouse uses that are permitted in accordance with Section 4.1 of this Redevelopment Plan.

At Section 3.0, Definitions, add the following:

Light Industry - Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Finished or semi-finished products may be temporarily stored outdoors pending shipment.

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

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

At Section 5.0, Mobility Regulating Plan, add the following at the end of Section 5.1,

Introduction:

The requirements of this Section 5.0 shall apply with respect to residential and home office uses. The location and detail of any thoroughfares within the Redevelopment Area in connection with development of office, light industrial, manufacturing, research and development and warehouse uses, shall be subject to the approval of the Planning Board in consultation with the Town Engineer. In reviewing the location and detail of thoroughfares within the Redevelopment Area,

the Planning Board and the Town Engineer shall consider safe traffic circulation and pedestrian safety, and the minimization of traffic conflicts and traffic impacts.

At Section 6.0, Building Regulations, add the following at the end of Section 6.1,

Introduction:

Notwithstanding any other provision of this Redevelopment Plan to the contrary, the provisions of Section 6.4 – Building Mass; Section 6.5 – Building Type Plan; Section 6.6 – Building Typologies; Section 6.7 – Architectural Regulations, items #3 (architectural styles), #4 (building design) and #5 (story height); Section 6.8 – Façade Regulations, items #1 (varied façade designs); #2 (façade materials); #3 (façade colors); #4 (accent colors); #5 (soffit emphasis) and #6 (soffits); and Section 6.9 Building Window and Roof Regulations shall apply to residential and home office uses only. With respect to office, light industrial, manufacturing, research and development and warehouse uses the overall mass and design of the building shall be presented to the Planning Board in connection with site plan review.

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

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

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

- a. Minimum lot area: 87,120 square feet.
- b. Minimum lot frontage: 200 feet.
- c. Minimum lot width: 250 feet.
- d. Minimum yards - principal and accessory structures**:
 1. Front yard: 40 feet.
 2. Rear yard: 30 feet.
 3. Side yard: 15 feet one side; 30 feet total.
- e. The maximum permitted floor area ratio of office, light industrial, manufacturing, research and development and warehouse uses shall be established as a mathematical function of the bulk standards set forth above and the maximum height set forth at Section 6.3, and shall not be impacted by any deviations that may sought and granted with respect to one or more of these bulk standards.

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

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

One (1) space for each 1,100 sq. ft. for the Office, Light Industrial, and Research and Development uses, and one (1) space per 2,500 sq. ft. for Warehouses. These requirements may be reduced by deviation granted by the Board if parking studies of similar style facilities and/or actual usage illustrates that less parking spaces are required. In parking lots containing more

than 10 spaces, at least 5% of the interior parking area shall be landscaped with plantings. Parking lot street frontage screening and perimeter screening shall be a minimum of 10 feet wide. A snow removal/disposal plan shall be provided.

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

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

At Section 6.3, Minimum and Maximum Height Regulations, add the following:

Office/Light Industrial/Manufacturing/Research and Development/Warehouses: Maximum building height of 40 feet, composed of one or more stories. Notwithstanding any other provision of this Redevelopment Plan to the contrary, this Redevelopment Plan does not impose a minimum or maximum story height for office, light industrial, manufacturing, research and development or warehouse uses.

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

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

Landscaping:

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

8. Local soil conditions and water availability shall be considered in the choice of landscaping.
9. Existing trees located within 10 feet of any street right-of-way shall be maintained unless shown to be removed as part of an approved plan. The existing grade within that space shall not be disturbed without such approval.
10. Entrances to nonresidential lots shall be landscaped.
11. The impact of any proposed landscaping plan at various time intervals shall be considered. For example, shrubs can grow and eventually block sight distances and foundation plants can block out buildings.
12. Impervious materials shall not be used in any landscape area. Weed retardant mulch, porous nonwoven synthetic landscape fabric or other materials shall be used.
13. Decorative stones are discouraged as a ground cover. Vegetative ground cover is encouraged.
14. On site re-use of rainwater and grey water for irrigation is encouraged.

Buffering:

- a. Visual screens provided through landscaping shall be designed in such a manner as to provide a barrier on a year-round basis around the view of the area to be screened.
- b. Existing vegetation within the buffer shall be preserved, where possible, and supplemented with plantings and other buffer devices to provide screening of residences.
- c. Buffer dimensions shall be measured from property lines.
- d. No buildings, signs (other than directional signs), structures, storage of materials or parking shall be permitted within the buffer area.
- e. All plantings shall be installed according to accepted horticultural standards.
- f. Design. Arrangement of plantings in buffer shall provide maximum protection to adjacent properties and avoid damage to existing plant material. The plantings shall be arranged in double staggered rows where possible. If planting berms are used, the minimum top width shall be four feet and the maximum side slope shall be 2:1. No berm shall be so high in height or mass as to be disproportionate to the characteristics of its setting.
- g. Planting specifications. Plant materials shall be a minimum of six feet in height and planted in such a fashion that a screen at least eight feet in height shall be produced within three growing seasons. All plantings shall be deer resistant, such as Blue Spruce, and installed according to accepted horticultural standards.
- h. Maintenance. Plantings shall be watered regularly with a sprinkler system or other means preferably using recycled water in a manner appropriate for the specific plant species through the first growing season, and dead or dying plants shall be replaced by the developer during the next planting season. No buildings, structures, storage of materials or parking shall be permitted within the buffer area. Buffer areas shall be maintained and kept free of all debris, rubbish, weeds and tall grass.
- i. Basic standards. The following buffer requirements shall apply unless it is shown or apparent to the Board that an alternative arrangement is more suitable:
 1. Along the side and rear lot lines of all commercial industrial and other nonresidential uses: 10 feet.
 2. Along the front lot line of light industrial or other higher intensity nonresidential uses: 10 feet.

3. Along the rear lot lines of nonresidential uses that abut residential zones and uses: 20feet.
4. Buffers need not be added cumulatively to setback requirements; a buffer area shall instead be an overlay of a required setback.

At Section 9.5, under the heading “Affordable Housing”, strike the first paragraph and replace with the following:

All development within the Redevelopment Area must comply with State affordable housing regulations, and local affordable housing regulations, if any, which are applicable at the time of the site plan application.



TOWN OF NEWTON

RESOLUTION #177-2011

August 22, 2011

"Resolution to Renew Membership in the North Jersey Municipal Employee Benefits Fund"

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND, hereafter referred to as "the FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq.; and

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date; and

WHEREAS, the statutes and regulations governing the creation and operation of a joint health insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such the FUND; and

WHEREAS, the governing body of the TOWN OF NEWTON, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE BE IT RESOLVED, that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Renew membership with the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
 - a.) Health Insurance and/or Dental Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

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, August 22, 2011.

Lorraine A. Read, RMC
Municipal Clerk

**NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND
INDEMNITY AND TRUST AGREEMENT**

THIS AGREEMENT made this 22nd day of August, 2011, in the County of Sussex, State of New Jersey, By and Between the NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND, hereinafter referred to as "The FUND" and the governing body of the TOWN OF NEWTON a duly constituted LOCAL UNIT OF GOVERNMENT, hereinafter referred to as "LOCAL UNIT".

WITNESSETH:

WHEREAS, the governing bodies of various local units of government, as defined in N.J.A.C. 11:15-3.2, have collectively formed a Joint Health Insurance Fund as such an entity is authorized and described in N.J.S.A. 40A:10-36 et. seq. and the administrative regulations promulgated pursuant thereto; and

WHEREAS, the LOCAL UNIT has agreed to become a member of the FUND in accordance with and to the extent provided for in the Bylaws of the FUND and in consideration of such obligations and benefits to be shared by the membership of the FUND;

NOW THEREFORE, it is agreed as follows:

1. The LOCAL UNIT accepts the FUND's Bylaws as approved and adopted and agrees to be bound by and to comply with each and every provision of said Bylaws and the pertinent statutes and administrative regulations pertaining to same.
2. The LOCAL UNIT agrees to participate in the FUND with respect to health insurance, as defined in N.J.S.A. 17B:17-4, and as authorized in the LOCAL UNIT's resolution to join.
3. The LOCAL UNIT agrees to become a member of the FUND and to participate in the health insurance coverages offered for an initial period, (subject to early release or termination pursuant to the Bylaws), such membership to commence on **January 1, 2012** and ending on **January 1, 2015 at 12:00 AM** provided, however, that the LOCAL UNIT may withdraw at any time upon **90 day** written notice to the Fund.
4. The LOCAL UNIT certifies that it has never defaulted on payment of any claims if self-insured and has not been cancelled for non-payment of insurance premiums for a period of at least two (2) years prior to the date of this Agreement.
5. In consideration of membership in the FUND, the LOCAL UNIT agrees that it shall jointly and severally assume and discharge the liability of each and every member of the FUND, for the periods during which the member is receiving coverage, all of whom as a condition of membership in the FUND shall execute an Indemnity and Trust Agreement similar to this Agreement and by execution hereto, the full faith and credit of the LOCAL UNIT is pledged to the punctual payments of any sums which shall become due to the FUND in accordance with the Bylaws thereof, this Agreement or any applicable Statute. However, nothing herein shall be construed as an obligation of the LOCAL UNIT for claims and expenses that are not covered by the FUND, or for that portion of any claim or liability within the LOCAL UNIT retained limit or in an amount which exceeds the FUND's limit of coverage.

6. If the FUND in the enforcement of any part of this Agreement shall incur necessary expenses or become obligated to pay attorney's fees and/or court costs, the LOCAL UNIT agrees to reimburse the FUND for all such reasonable expenses, fees, and costs on demand.

7. The LOCAL UNIT and the FUND agree that the FUND shall hold all moneys in excess of the LOCAL UNIT's retained loss fund paid by the LOCAL UNIT to the FUND as fiduciaries for the benefit of the FUND claimants all in accordance with N.J.A.C. 11:15-3 et. seq.

8. The FUND shall establish and maintain Claims Trust Accounts for the payment of health insurance claims in accordance with N.J.S.A. 40A:10-36 et. seq., N.J.S.A. 40A:5-1 and such other statutes and regulations as may be applicable. More specifically, the aforementioned Trust Accounts shall be utilized solely for the payment of claims, allocated claim expense and stop loss insurance or reinsurance premiums for each risk or liability as follows:

- a) Employer contributions to group health insurance and/or dental insurance
- b) Employee contributions to contributory group health insurance and/or dental insurance
- c) Employer contributions to contingency account
- d) Employee contributions to contingency account
- e) Other trust accounts as required by the Commissioner of Insurance

9. Notwithstanding 8 above, to the contrary, the FUND shall not be required to establish separate trust accounts for employee contributions provided the FUND provides a plan in its Bylaws for the recording and accounting of employee contributions of each member.

10. Each LOCAL UNIT of government who shall become a member of the FUND shall be obligated to execute an Indemnity and Trust Agreement similar to this Agreement.

DATE ADOPTED: _____

BY: _____
Helen R. Le Frois, Mayor

ATTEST:

Lorraine A. Read, RMC, Municipal Clerk



TOWN OF NEWTON

RESOLUTION #178-2011

August 8, 2011

“Resolution Supporting A-3412 Sharing the Burden of Property Assessment Appeal Refunds”

WHEREAS, when County Tax Board appeals are granted, the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

WHEREAS, the municipal tax collector makes the adjustment from the appeal as a credit on the 4th quarter tax bill resulting in the municipality's fund balance for the preceding year to diminish, if not completely deplete; and

WHEREAS, a recent League of Municipalities' survey has measured the extent to which resident have filed and won tax appeals in 2010; and

WHEREAS, on hundred fifty (150) municipalities, representing both large and small municipalities in all 21 counties that participated in the survey reported property value declines of more than \$87,900,000 which resulted from 19,788 tax appeals filed in 2010; and

WHEREAS, those responding to the survey indicated that 13,760 appeals were filed in 2009 compared to 19,788 in 2010, representing an increase of 43.7%; and

WHEREAS, a municipality often experiences an increase in tax appeals because they have conducted a revaluation; however, only 5 of 150 municipalities, which participated in the survey, indicated that their 2010 appeals resulted from revaluations; and

WHEREAS, as a way of comparison, 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to County Tax Boards; and

WHEREAS, the 2010 spike in appeals should be attributed to the economic downturn, which lowered property values and placed increased stress on the income of homeowners all around our Garden State; and

WHEREAS, the survey also indicated that in 2010 the various County Tax Boards have granted average property value reductions of close to \$5,000 per appeal; and

WHEREAS, fifty-six (56%) percent of those responding indicated that the successful tax appeals would have an impact on fund balances and place additional pressures on local officials during 2011; and

WHEREAS, although the survey was a snapshot picture in time, it can be used to project what might follow in 2011, since the reductions, which were granted by County Tax Boards in 2011, will have a multiplier effect when neighbors learn of their neighbor's tax reduction, which will likely increase the appeals and, in the alternative, Tax Assessors could be forced to adjust property values based upon the appeal information; and

WHEREAS, successful tax appeals have a three-fold negative impact on municipal budgets. First, the municipality, as the collector of taxes for the school district, county and special districts, must fund the full cost of the legal defense of the assessment. Second, since State law guarantees to the county and school district 100% of their levies, the municipality bears the full cost of any re-imbursements resulting from the appeal (as well as the full burden for any uncollected taxes). Third, the end result will be further decline in the property tax base used to support municipalities, county governments and school systems; and

WHEREAS, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public; and

WHEREAS, Assemblyman Carroll has recently introduced A-3412, which requires fire districts, school districts, and county governments to share in the burden of property assessment appeal refunds;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby urges the swift passage and signing of A-3412; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to Governor Chris Christie, Senate President Stephen Sweeney, Assembly Speaker Sheila Oliver, Senator Steven Oroho, Assemblyman Gary Chiusano, Assemblywoman Alison McHose, NJ League of Municipalities and all Sussex County municipalities.

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, August 22, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #179-2011

August 22, 2011

“Award the Contract for the Paving of Various Streets Project to Tilcon, New York and Denville Line Striping”

WHEREAS, the Governing Board of the Town of Newton adopted Resolution #205-2007 on December 10, 2007 in an effort to save budgeted monies and improve services for itself by participating in the Morris County Cooperative Pricing Council; and

WHEREAS, Tilcon New York, 625 Mt. Hope Road, Wharton, New Jersey was awarded Contract #6, Road Surfacing in the Morris County Co-Op's portion for municipalities with regard to Resurfacing of Roads; and

WHEREAS, Denville Line Striping, Inc; 2 Green Pond Road, Rockaway, New Jersey was awarded Contract #36, Traffic Striping on Roadways in the Morris County Co-op; and

WHEREAS, the Town Engineer, Harold E. Pellow, has recommended that Tilcon New York and Denville Line Striping, Inc. be retained for the Paving of Various Streets Project (Hillside Avenue, Overlook Road, Slate Hill Road, Shady Lane, Alley next to Brenda's Diner, Alley between Spring Street and Moran Street, Western Plaza (Lot #3) and Theatre Parking Lot) in the Town of Newton, based on the Morris County Cooperative Pricing Council as outlined in the memo dated August 10, 2011, revised August 15, 2011, which is attached to and made part of this resolution; and

WHEREAS, in addition to the items through the Morris County Co-op, the Town Engineer has recommended additional items that are needed to complete the project that are not covered under the Morris County Co-op which are also outlined in his memo; and

WHEREAS, traffic control will be required for the completion of said project, which staff and costs will be supplied by the Town of Newton also outlined in the Engineer's memo:

To be awarded to Tilcon New York through the Morris County Co-op	\$258,828.55
To be awarded to Tilcon New York not covered by the Morris County Co-op	<u>\$12,570.00</u>
Total to be awarded to Tilcon New York	\$271,398.55
To be awarded to Denville Line Striping through the Morris County Co-op	\$5,341.70
To be awarded to Denville Line Striping not covered by the Morris County Co-op	<u>\$2,820.00</u>
Total to be awarded to Denville Line Striping	\$8,161.70
Total cost for Police Traffic Control (162 Man Hours @\$73.50 per hour)	\$11,907.00
Total for the Paving of Various Streets Project	\$291,467.25

WHEREAS, the Chief Financial Officer has certified that funds are available to support this project as per attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the contract for the Proposed Resurfacing of Various Streets Project (Hillside Avenue, Overlook Road, Slate Hill Road, Shady Lane, Alley next to Brenda's Diner, Alley between Spring Street and Moran Street, Western Plaza (Lot #3) and Theatre Parking Lot) in the Town of Newton is hereby awarded to Tilcon New York in the amount of \$271,398.55, and Denville Line Striping, Rockaway, New Jersey in the amount of \$8,161.70 based on the Morris County Cooperative Pricing Council bid results and the Town of Newton will be responsible for the cost of Police Traffic Control in the amount of \$11,907.00 with a total contract amount of \$291,467.25.

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, August 22, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

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

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 179-2011

APPROVING: DENVILLE LINE PAINTING, INC.

FOR THE PURPOSE OF: LINE STRIPING

(through Morris County Coop \$5,341.70)
(and not through Morris County Coop \$2,820.00)

IN THE AMOUNT OF: \$8,161.70

APPROPRIATED BY: CAPITAL - ORD.#2011-5

#3091151	IMPROVE VARIOUS ROADS	\$ 283.20
#3091152	WESTERN PLAZA PARKING LOT	\$ 7,878.50

DATED THIS 22ND DAY OF AUGUST, 2011

BY

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

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

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 179-2011

APPROVING: TILCON NEW YORK, INC.
(through Morris County Cooperative Pricing Council \$258,828.55)
And (not through Morris County CO-OP \$12,570.00)

FOR THE PURPOSE OF: PAVING OF VARIOUS STREETS

IN THE AMOUNT OF: NOT TO EXCEED \$271,398.55

APPROPRIATED BY: CAPITAL - ORD.#2011-5

#3091151 VARIOUS ROAD IMPROVEMENTS \$208,557.19 **

#3091152 WESTERN PLAZA PARKING LOT \$ 48,205.00

CAPITAL - ORD.#2011-11

#3091111 ALLEYWAYS BRENDA & SPRING/MORAN \$ 14,636.36

** Not to exceed \$6,500 was previously certified to Tilcon per R#170-2011. That CAF can be disregarded.

The \$208,557.19 amount includes \$4,856.11 for paving the Theater Parking Lot. This amount is more accurate.

DATED THIS 22ND DAY OF AUGUST, 2011

BY

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



HAROLD E. PELLOW & ASSOCIATES, INC.

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NJ - P.E.

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

August 10, 2011

Revised August 15, 2011

FAX: (973) 383-8961

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

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

SUBJECT: **RECOMMENDATION OF AWARD**

Proposed Resurfacing of Various Streets, Parking Lots & Alleyways

Town of Newton, Sussex County

HPA Nos.:

11-088 – Resurfacing of Hillside Avenue;

11-089 – Resurfacing of Overlook Road;

11-090 – Resurfacing of Slate Hill Road;

11-091 – Resurfacing of Shady Lane;

11-132 – Resurfacing of Alley Next to Brenda's Diner – Spring Street;

11-133 – Resurfacing of Alley Between Spring Street & Moran Street;

11-130 – Western Plaza Parking Lot; and

Theater Parking Lot

RECEIVED
AUG 17 2011

BY:

Dear Tom:

The paving contract for 2011 will be awarded to Tilcon New York, Inc., 625 Mt. Hope Road, Wharton, New Jersey 07881, using the Morris County Cooperative bids. Following are costs for each project based on Tilcon's bid in December 2010 with the Asphalt Adjustment added to their bid based on the August 1, 2011 Price Index for Asphalt Oil.

The Asphalt Oil Price Index in December 2010 when the Co-op was bid was \$477.50/ton and \$610.00/ton on August 1, 2011, a difference of \$132.50/ton.

Item #11 – Hot Mix Asphalt 12.5 M64 uses 5.0% oil per ton of asphalt. Therefore, the escalation per ton is $\$132.50 \times 0.05 = \$6.63/\text{ton}$ above the bid price of \$52.25, or \$58.88/ton as of August 1, 2011.

Item #10 – Hot Mix Asphalt 19 M64 uses 5.5% of oil per ton of asphalt. Therefore, the escalation per ton is $\$132.50 \times 0.055 = \$7.29/\text{ton}$ above the bid price of \$55.55/ton, or \$62.84/ton as of August 1, 2011.

OVERLOOK ROAD

Item No.	Description	Quantity	Morris County Co-op Bid	Adjusted Bid for Asphalt Oil Price Adjustment	Contract as of 8/1/2011
4	Milling, 4" Thick	1,229 SY	\$3.50 / SY	N/A	\$4,301.50
5	HMA 12.5 M64 Surface Course, 2" Thick	157 Tons	\$52.25 / Ton	\$58.88 / Ton	\$9,244.16
6	HMA 19 M64 Base Course, 2" Thick	157 Tons	\$55.55 / Ton	\$62.84 / Ton	\$9,865.88
Total:					\$23,411.54

HILLSIDE AVENUE

Item No.	Description	Quantity	Morris County Co-op Bid	Adjusted Bid for Asphalt Oil Price Adjustment	Contract as of 8/1/2011
4	Milling, 3½" Thick	4,634 SY	\$3.50 / SY	N/A	\$16,219.00
5	HMA 12.5 M64 Surface Course, 1½" Thick	419 Tons	\$52.25 / Ton	\$58.88 / Ton	\$24,670.72
6	HMA 19 M64 Base Course, 2" Thick	501 Tons	\$55.55 / Ton	\$62.84 / Ton	\$31,482.84
Total:					\$72,372.56

SHADY LANE

Item No.	Description	Quantity	Morris County Co-op Bid	Adjusted Bid for Asphalt Oil Price Adjustment	Contract as of 8/1/2011
4	Milling, 3½" Thick	2,861 SY	\$3.50 / SY	N/A	\$10,013.50
5	HMA 12.5 M64 Surface Course, 1½" Thick	259 Tons	\$52.25 / Ton	\$58.88 / Ton	\$15,249.92
6	HMA 19 M64 Base Course, 2" Thick	345 Tons	\$55.55 / Ton	\$62.84 / Ton	\$21,679.80
Total:					\$46,943.22

SLATE HILL ROAD

Item No.	Description	Quantity	Morris County Co-op Bid	Adjusted Bid for Asphalt Oil Price Adjustment	Contract as of 8/1/2011
4	Milling, 2" Thick	3,744 SY	\$1.75 / SY	N/A	\$6,552.00
5	HMA 12.5 M64 Surface Course, 1½" Thick & 2" Thick	352 Tons	\$52.25 / Ton	\$58.88 / Ton	\$20,725.76
6	HMA 19 M64 Base Course, 2" Thick	400 Tons	\$55.55 / Ton	\$62.84 / Ton	\$25,136.00
Total:					\$52,413.76

WESTERN PLAZA PARKING LOT

Item No.	Description	Quantity	Morris County Co-op Bid	Adjusted Bid for Asphalt Oil Price Adjustment	Contract as of 8/1/2011
4	Milling, 2" Thick	1,300 SY	\$1.75 / SY	N/A	\$2,275.00
5	HMA 12.5 M64 Surface Course, 2" Thick	750 Tons	\$52.25 / Ton	\$58.88 / Ton	\$44,160.00
Total:					\$46,435.00

THEATER PARKING LOT

Item No.	Description	Quantity	Morris County Co-op Bid	Adjusted Bid for Asphalt Oil Price Adjustment	Contract as of 8/1/2011
4	Milling, 1½" Thick	301 SY	\$1.75 / SY	N/A	\$526.75
5	HMA 12.5 M64 Surface Course, 1½" Thick	72 Tons	\$52.25 / Ton	\$58.88 / Ton	\$4,329.36
Total:					\$4,856.11

ALLEY BETWEEN SPRING STREET & MORAN STREET

Item No.	Description	Quantity	Morris County Co-op Bid	Adjusted Bid for Asphalt Oil Price Adjustment	Contract as of 8/1/2011
4	Milling, 4" Thick	561 SY	\$3.50 / SY	N/A	\$1,963.50
5	HMA 12.5 M64 Surface Course, 2" Thick	68 Tons	\$52.25 / Ton	\$58.88 / Ton	\$4,003.84
6	HMA 19 M64 Base Course, 2" Thick	36 Tons	\$55.55 / Ton	\$62.84 / Ton	\$2,262.24
Total:					\$8,229.58

ALLEY NEXT TO BRENDA'S DINER – SPRING STREET

Item No.	Description	Quantity	Morris County Co-op Bid	Adjusted Bid for Asphalt Oil Price Adjustment	Contract as of 8/1/2011
4	Milling, 4" Thick	247 SY	\$3.50 / SY	N/A	\$864.50
5	HMA 12.5 M64 Surface Course, 1½" Thick	23 Tons	\$52.25 / Ton	\$58.88 / Ton	\$1,354.24
6	HMA 19 M64 Base Course, 2" Thick	31 Tons	\$55.55 / Ton	\$62.84 / Ton	\$1,948.04
TOTAL:					\$4,166.78

Total contract to be awarded to Tilcon for milling and paving = **\$258,828.55**.

After Tilcon's contract is signed, the Town to prepare a change order for items not covered by the Morris County Co-op and for which I have received quotes from Tilcon, as follows:

ITEM NO.	DESCRIPTION	UNIT MEASURE	QUANTITY	UNIT PRICE	AMOUNT
	OVERLOOK ROAD				\$0.00
	HILLSIDE AVENUE				
2	Construction Signs	Sq. Ft.	32	\$35.00	\$1,120.00
9	8" Inlet Heads, Type "N"	Unit	6	\$650.00	\$3,900.00
Total:					\$5,020.00
	SHADY LANE				
2	Construction Signs	Sq. Ft.	32	\$35.00	\$1,120.00
Total:					\$1,120.00
	SLATE HILL ROAD				
2	Construction Signs	Sq. Ft.	32	\$35.00	\$1,120.00
9	8" Inlet Heads, Type "N"	Unit	2	\$650.00	\$1,300.00
Total:					\$2,420.00
	WESTERN PLAZA PARKING LOT				
2	Construction Signs	Sq. Ft.	32	\$35.00	\$1,120.00
9	8" Inlet Heads, Type "N"	Unit	1	\$650.00	\$650.00
Total:					\$1,770.00
	ALLEY BETWEEN SPRING STREET & MORAN STREET				
2	Construction Signs	Sq. Ft.	48	\$35.00	\$1,680.00
Total:					\$1,680.00
	ALLEY NEXT TO BRENDA'S DINER – SPRING STREET				
2	Construction Signs	Sq. Ft.	16	\$35.00	\$560.00
Total:					\$560.00

ITEM NO.	DESCRIPTION	UNIT MEASURE	QUANTITY	UNIT PRICE	AMOUNT
TOTAL TILCON CHANGE ORDER:					\$12,570.00

The line striping will be awarded to Denville Line Striping, Inc., 2 Green Pond Road, Rockaway, New Jersey using the Morris County Co-op bids as follows:

ITEM NO.	DESCRIPTION	UNIT MEASURE	QUANTITY	UNIT PRICE	AMOUNT
OVERLOOK ROAD					\$0.00
HILLSIDE AVENUE					
8	Stop Bar, 24" Wide, Long Life, Thermoplastic	Lin. Ft.	10	\$4.26	\$42.60
Total:					\$42.60
SHADY LANE					
8	Stop Bar, 24" Wide, Long Life, Thermoplastic	Lin. Ft.	10	\$4.26	\$42.60
Total:					\$42.60
SLATE HILL ROAD					
8	Stop Bar, 24" Wide, Long Life, Thermoplastic	Lin. Ft.	30	\$4.26	\$127.80
13	Traffic Stripes, Long Life, Epoxy Resin	Lin. Ft.	260	\$0.27	\$70.20
Total:					\$198.00
WESTERN PLAZA PARKING LOT					
8	Stop Bar, 24" Wide, Long Life, Thermoplastic	Lin. Ft.	25	\$4.26	\$106.50
10	Parking Space Striping, 4" Wide, Thermoplastic	Lin. Ft.	4,000	\$0.71	\$2,840.00
11	Traffic Markings, Arrows, the Word "Stop", Long Life, Thermoplastic	Sq. Ft.	384	\$5.50	\$2,112.00
Total:					\$5,058.50
ALLEY BETWEEN SPRING STREET & MORAN STREET					\$0.00
ALLEY NEXT TO BRENDA'S DINER - SPRING STREET					\$0.00
TOTAL CONTRACT TO BE AWARDED TO DENVILLE LINE STRIPING BASED ON THE MORRIS COUNTY CO-OP PRICE:					\$5,341.70

Mr. Thomas S. Russo, Jr.
 RE: Various 2011 Paving Projects
 August 10, 2011; Revised August 15, 2011

A change order will have to be issued to Denville Line striping for the following items not bid with the Co-op:

ITEM NO.	DESCRIPTION	UNIT MEASURE	QUANTITY	UNIT PRICE	AMOUNT
	WESTERN PLAZA PARKING LOT				
	Paving Numbers on Each Space	L.S.	100%	\$600.00	\$600.00
	Handicap Designation, Blue	Ea.	6	\$200.00	\$1,200.00
	Handicap Lines, Blue	Lin. Ft.	340	\$3.00	\$1,020.00
Total:					\$2,820.00
TOTAL DENVILLE LINE STRIPING CONTRACT (\$5,341.70 + \$2,820.00):					\$8,161.70

The traffic control to be undertaken by the Town Police Department for each street as follows:

Hillside Avenue	30 Mn. Hrs. @ \$73.50 = \$ 2,205.00
Overlook Road	0 Mn. Hrs.
Slate Hill Road	30 Mn. Hrs. @ \$73.50 = \$ 2,205.00
Shady Lane	30 Mn. Hrs. @ \$73.50 = \$ 2,205.00
Brenda's Diner – Alley	16 Mn. Hrs. @ \$73.50 = \$ 1,176.00
Spring Street – Alley	32 Mn. Hrs. @ \$73.50 = \$ 2,352.00
Western Plaza Parking Lot	24 Mn. Hrs. @ \$73.50 = \$ 1,764.00
Total:	162 Mn. Hrs. @ \$73.50 = \$11,907.00

I have enclosed a summary of costs for all projects less the four items as indicated.

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\11-088 - RESURFACING VARIOUS STS, PARKING LOTS AND ALLEYWAYS\RUSO04.DOC

Enclosure

cc: VIA FAX ONLY @ (973) 383-8961
 Debra Millikin, Newton Deputy Town Manager
 Dawn Babcock, Newton Finance Director/CFO



TOWN OF NEWTON

RESOLUTION #180-2011

August 22, 2011

“Award Bid for Purchase of the Single Axle Sewer Cleaner”

WHEREAS, the Town of Newton publicly opened and read bids for the purchase of the Single Axle Sewer Cleaner on Tuesday, August 16, 2011 at 10:00am as follows:

<u>Name and Address of Bidder</u>	<u>Bid Price</u>	<u>Option 1</u>	<u>Option 2</u>	<u>Option 3</u>
Eagle Equipment, Inc. d/b/a Pierce Equipment Co. 3388 Route 22 West Branchburg, NJ 08876	\$338,181.00	\$4,600.00	\$3,800.00	\$2,700.00

WHEREAS, the Qualified Purchasing Agent and the Water and Sewer Supervisor have reviewed the bids and recommend the contract for the Purchase of the Single Axle Sewer Cleaner be awarded to Eagle Equipment Inc., d/b/a Pierce Equipment Co., of Branchburg, New Jersey whose low bid was \$338,181.00, including Option 1 in the amount of \$4,600.00 and Option 3 in the amount of \$2,700.00 for a total amount of \$345,481.00; 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 Purchase of the Single Axle Sewer Cleaner be awarded to Eagle Equipment Inc., d/b/a Pierce Equipment Co., Branchburg, New Jersey in the amount of \$345,481.00.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, August 22, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

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

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 180-2011

APPROVING: EAGLE EQUIPMENT, INC.

FOR THE PURPOSE OF: SINGLE AXLE SEWER CLEANER
(including Option 1 and Option 3)

IN THE AMOUNT OF: \$345,481.00

APPROPRIATED BY:

2011 W/S UTILTY - CIF, RESERVE FOR ACQUISITION OF FLUSHER

#6089312 \$250,000.00

W/S CAPITAL Ord.#2011-6 ACQUISITION OF FLUSHER

#61911062 \$95,481.00

DATED THIS 22ND DAY OF AUGUST, 2011

BY

DAWN L. BABCOCK

CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #181-2011

August 22, 2011

“Award Bid for Proposed Lighting Improvements Project”

WHEREAS, the Town of Newton publicly opened and read bids for the Proposed Lighting Improvements Project on Wednesday, August 17, 2011 at 11:00am as follows:

<u>Name and Address of Bidder</u>	<u>Bid Price</u>
Manor II Electric, Inc. 3 Ardsley Court Holmdel, NJ 07733	\$30,285.00
A.L. M. Electric Co., Inc. 78 Fanny Road Boonton, NJ 07005	\$36,400.00
High Point Electric, Inc. 719 Route 519 Wantage, NJ 07461	\$42,470.00

WHEREAS, the Qualified Purchasing Agent and the Town's Engineer, Harold E. Pellow and Associates, Inc., have reviewed the bids and recommend the contract for Proposed Lighting Improvements Project be awarded to Manor II Electric, Inc., of Holmdel, New Jersey whose low bid was \$30,285.00; 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 Lighting Improvements Project be awarded to Manor II Electric, Inc., of Holmdel, New Jersey in the amount of \$30,285.00.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, August 22, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

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

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 181-2011

APPROVING: MANOR II ELECTRIC

FOR THE PURPOSE OF: PROPOSED LIGHTING IMPROVEMENTS

IN THE AMOUNT OF: \$30,285.00

APPROPRIATED BY: CAPITAL - ORD.#2011-11

#3091111 MILL/PAVE/SIDEWALK/ALLEYWAY/LIGHTING \$16,604.00

CAPITAL - ORD.#2011-5

#3091152 PAVE WESTERN PLAZA PARKING LOT \$13,681.00

DATED THIS 22ND DAY OF AUGUST 2011

BY

DAWN L. BABCOCK

CHIEF FINANCIAL OFFICER



HAROLD E. PELLOW & ASSOCIATES, INC.

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS

Established 1969

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

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

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 - PP, A.I.C.P.

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

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

THOMAS G. KNUTELSKY
NJ - PE.

August 17, 2011

FAX: (973) 383-8961

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

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

SUBJECT: RECOMMENDATION OF AWARD
Proposed Lighting Improvements
HPA Nos. 11-130, 11-132 & 11-133

Dear Tom:

I have reviewed the three (3) bids received on August 17, 2011 at 11:00 AM for the above referenced project and recommend the contract be awarded to Manor II Electric, Inc., 3 Ardsley Court, Holmdel, New Jersey 07733, whose low bid was \$30,285.00.

Enclosed herewith please find the *Summary of Bids* for your review.

Very truly yours,

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

HEP:mnc
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\11-130, 11-132, 11-133 - LIGHTING IMPROVEMENTS\RUSO02.DOC

Enclosure

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

Harold E. Fallow and Associates, Inc.
 Consulting Engineers, Planners and Land Surveyors
 17 Plains Road
 Augusta, NJ 07822-2009
 Ph: (973) 948-6463; Fax: (973) 948-2916

SUMMARY OF BIDS

Project:		Proposed Lighting Improvements													
Municipality:		Town of Newton													
County:		Sussex													
ENGINEER'S ESTIMATE															
Item #	Description	Quantity	Unit	Unit Price	Amount	Contractor Name	City	Street Address	State/Zip	Amount	Contractor Name	City	Street Address	State/Zip	Amount
1	Western Plaza Parking Lot Improvements	100%	L.S.	\$20,000.00	\$20,000.00	Manor II Electric, Inc.	Holmdel, NJ	07733		\$13,681.00	A.L.M. Electric Co., Inc.	Bonnton, NJ	07905		\$17,500.00
2	Alley Between Spring & Moran Streets	100%	L.S.	\$10,000.00	\$10,000.00	3 Ardley Court				\$8,584.00	78 Pearly Road				\$9,400.00
3	Spring St. Alley Adj. to Brenda's Diner	100%	L.S.	\$10,000.00	\$10,000.00	Holmdel, NJ 07733				\$8,020.00	Street Address				\$9,500.00
TOTAL ESTIMATED COST OF CONSTRUCTION:					\$40,000.00					\$30,285.00					\$36,400.00
															\$42,470.00

I hereby certify that this is a true copy of the bids received on August 17, 2011 at 11:00 AM.

Harold E. Fallow
 (Engineer)



TOWN OF NEWTON

RESOLUTION #182-2011

August 22, 2011

“Concur with the Town Manager’s Appointment of School Crossing Guards”

WHEREAS, New Jersey Statute 40A:9-154.1 states *“The governing body, or the chief executive, or the chief administrative officer, as appropriate to the form of government of any municipality, may appoint adult school crossing guards for terms not exceeding one year...”*;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body concurs with the Town Manager’s appointment of the following individuals as School Crossing Guards for the 2011-2012 school year:

Lisa Alex

Debbie Alger

Diane Bell

Carol Blanchard

Doug Bowne

June Bowne

Mark Clark

Louise Cort

Helen Critelli

Debbie Dellamo

Carolyn Dipple

Betty Francis

Lisa Huber

Peter Kays

Glenn Kinney

Tiera McCullough

Barbara Meininger

Karen Mokrzycki

Martha Morris

Ray Natoli

Theresa Owens

Krista Rannou

Dawn Rude

Steve Stoll

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, August 22, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #183-2011

August 22, 2011

“Appointment of Lucy M. DeLoreto, C.M.C.A., as
Municipal Court Administrator”

WHEREAS, Ann Rosellen, Newton's Municipal Court Administrator, retired effective August 1, 2011; and

WHEREAS, the Town of Newton exhausted a search for a qualified replacement; and

WHEREAS, Lucy M. DeLoreto, C.M.C.A., best fits the needs and requirements for the position as Municipal Court Administrator;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton, that Lucy M. DeLoreto, C.M.C.A., be appointed as Municipal Court Administrator for the Town of Newton effective August 1, 2011.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, August 22, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #184-2011

August 22, 2011

“Award Bid for the Proposed Elevator Upgrade at the Town Municipal Building”

WHEREAS, the Town of Newton publicly opened and read bids for the Proposed Elevator Upgrade at the Town Municipal Building on Thursday, July 28, 2011 at 10:00am as follows:

<u>Name and Address of Bidder</u>	<u>Bid Price</u>	<u>Bond</u>	<u>Drilling Cost</u>
ThyssenKrupp Elevator Corporation 125 Moen Avenue Cranford, NJ 07016	\$93,499	\$7,849	\$10,700
Standard Elevator Corporation PO Box 2204 Clifton, NJ 07015	\$162,215	\$4,000	Included in Bid Price

WHEREAS, the Town Consultant, Robert Corcoran from VDA, LLC., has reviewed the bids and recommends the contract for the Proposed Elevator Upgrade at the Town Municipal Building be awarded to ThyssenKrupp Elevator Corporation, of Cranford, New Jersey whose low bid was \$93,499, a Bond of \$7,849, and drilling cost of \$10,700 for a total amount of \$112,048.00; 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 Elevator Upgrade at the Town Municipal Building to be awarded to ThyssenKrupp Elevator Corporation, Cranford, New Jersey in the amount of \$112,048.00.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, August 22, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

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

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 184-2011

APPROVING: THYSSENKRUPP ELEVATOR CORPORATION

FOR THE PURPOSE OF: ELEVATOR UPGRADE

(including Drilling cost \$10,700 and Bond \$7,849)

IN THE AMOUNT OF: \$112,048.00

APPROPRIATED BY: GENERAL CAPITAL FUND:

ORD.#2010-7 #30910791 IMPROVEMENTS TO MUNICIPAL
BUILDING \$64,001.50

ORD.#2011-5 #3091156 ELEVATOR TOWN HALL
\$48,046.50

DATED THIS 22ND DAY OF AUGUST, 2011

BY *Dawn L. Babcock*

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER

Vertical
Transportation
Systems
Consultants



212-868-9090
Fax: 212-868-9099
E-mail: contact@vdassoc.com

VDA LLC • Seven Penn Plaza, Suite 404 • New York, NY 10001-0020

August 10, 2011

VIA E-MAIL: cstoner@hpellow.com

Mr. Cory Stoner
Newton Municipal Building
39 Trinity Street
Newton, NJ 07860

Re: 39 Trinity Street, Newton, NJ - Elevators– VDA No. 10679

Dear Mr. Stoner:

We have compared the elevator bids for the above referenced project. There were two bids received for this project, one from ThyssenKrupp Elevator and the other from Standard Elevator Corporation. The total prices are listed below not including the bond:

ThyssenKrupp Elevator	\$93,499
Standard Elevator	\$162,215

If the bond is added to the above the pricing is as follows:

ThyssenKrupp Elevator	\$101,348
Standard Elevator	\$162,215

ThyssenKrupp has an additional price of drilling, if required of \$5,350 per day. Both companies are equally qualified to perform the work. The out of service times are relatively equal. ThyssenKrupp can obtain the material within a 10-12 week time frame and complete the project within 6 weeks of field installation. It is our recommendation to either award the project to ThyssenKrupp Elevator or obtain more bids for the project. If the contract is awarded to ThyssenKrupp Elevator, the drilling should be limited to not to exceed two days, and the alternate deduct for installation of their own manufactured equipment should not be accepted due to the difficulty for other elevator contractors to maintain the equipment.

Please feel free to call me at 973-830-0284 if you have any additional questions on this project.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert Corcoran', written over a light blue horizontal line.

Robert Corcoran
Senior Associate

RC/kl
Enclosure
f:10679-mem



TOWN OF NEWTON

RESOLUTION #185-2011

August 22, 2011

“Accept the Best Practices Inventory Questionnaire and Authorize its Submission to the State of New Jersey Division of Local Government Services”

WHEREAS, Local Finance Notice 2011-18R sets forth the requirements regarding the Best Practices Inventory Questionnaire; and

WHEREAS, the final 5% allocation of state aid for CMPTRA and ETR will be disbursed based upon the results of this inventory; and

WHEREAS, the completed form must be an agenda item for discussion at a municipal governing body meeting. The purpose is to ensure that local officials have been apprised of the response. This can happen before or after actual submission of the inventory form; and

WHEREAS, the Municipal Clerk must subsequently file a certification confirming that the Inventory was discussed publicly; and

WHEREAS, attached to this resolution is the Best Practices Worksheet CY 2012 . The Town of Newton’s responses to this inventory qualify the Town to receive 100% funding of the final 5% aid payment;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it has been apprised of the responses, and does hereby authorize the Chief Financial Officer to email the worksheet to the State by the CY 2011 filing deadline of September 1, 2011 and authorizes the Municipal Clerk to file a certification confirming that the inventory was discussed publicly and submit such to the Division of Local Government Services to comply with the state requirements regarding the Best Practices Inventory Questionnaire.

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, August 22, 2011.

Lorraine A. Read, RMC
Municipal Clerk

**Best Practices Worksheet CY 2012
Newton Town (Sussex)**

		Answer	Comments
1915	Question	Answer	Comments
General Management			
1	<p>Has your municipality adopted a pay-to-play ordinance pursuant to N.J.S.A. 40A:11-51? This law allows the municipality and its agencies to prohibit the award of public contracts to business entities that have made certain campaign contributions exceeding \$300 and to limit the contributions that the holders of a contract can make during the term of a contract to \$300. A model ordinance concerning pay-to-play can be found at: www.nj.gov/dea/lgs/muniaid/pay_to_play_ordinance-contractor.doc</p>	Prospective	Pay-to-play ordinance introduced Aug 8, 2011: to be adopted 8/22/11.
2	Did your municipality evaluate and/or enter into at least one new shared service or cooperative agreement in 2010, outside of joining cooperative purchasing system?	Yes	
3	Does your municipality maintain an up-to-date municipal website containing, but not limited to: past three years adopted budgets; and the current year proposed budget including the full adopted budget for current year when approved by the governing body; most recent annual financial statements and audits; notification(s) for solicitation of Bids and RFPs; employee contact information; and meeting dates, minutes and agendas for the governing body, planning board, board of adjustment and all commissions?	Yes	
4	Does your municipality's legal counsel review procurement specifications and sign off on all major professional service contracts before the documents are signed?	Yes	
5	Does your municipality have an ongoing policy cross referencing the submittal of Certificates of Occupancy from the Construction Official to the Tax Assessor?	Yes	
6	Is your municipality's computer information backed up regularly, pursuant to a written backup policy and is data stored offsite?	Prospective	Computer information is presently backed up daily and tapes are taken offsite daily. This policy will be put in writing.
7	Does your municipality require its elected officials to attend basic courses on responsibilities and obligations in local government (i.e. budgeting, policy setting, local government contracting, risk management, and compliance with the Open Public Records Act)?	No	
8	If your municipality assigns employees with vehicles that can be taken home after work hours, is there a written policy in place to prohibit personal use and does that policy ensure that the commuting miles are reflected in employee W-2s?	No	

Best Practices Worksheet CY 2012

Newton Town (Sussex)

			Question	Answer	Comments
	1915				
	9	Does your municipality sell personal property (fire trucks, road equipment, confiscated items, etc.) through an approved online auction system to broaden the market area for increased revenue?	Yes		
	10	Are ordinances codified on an annual basis and made available electronically and/or in an existing ordinance book for the public?	Prospective		The Town has encumbered the funds for General Code to codify ordinances.
	11	Has your municipality established an "Absence from Meetings Policy" for elected officials and appointed board members?	Yes		
Financial Standards					
	1	Does your municipality's newly (within the last six months) negotiated public employee contracts refrain from increasing base salary items by more than an average of two (2%) percent annually over the aggregate amount expended in the final year of the previous contract?	Prospective		The Town is presently in negotiations.
	2	Is there a system of checks and balances over the purchasing and disbursement functions, including payroll (e.g., the same employee who prepares the checks also reconciles the bank account would not be a proper system of checks and balances)?	Yes		
	3	Does your municipality have written procedures pertaining to cash receipts and cash disbursements including but not limited to: receiving, recording and preparing deposits for cash receipts; and processing, reviewing, and approving disbursements?	Prospective		The Town has a cash management plan addressing investments and authorized banks. The CR and CD procedures will be written down.
	4	Does management (department heads) review and approve all payroll disbursements, invoices, and purchase orders before final approval of the governing body by resolution?	Yes		
	5	Are bank statements and related canceled checks and validated deposit slips, reviewed and reconciled monthly to the general ledger balances?	Yes		
	6	Are contracts for services over the pay-to-play threshold of \$17,500 awarded using bids or a fair and open process?	Yes		
	7	Does your municipality maintain all documentation regarding bids including but not limited to: notices to potential bidders that include the plans, specifications, and contracts; documentation that the bids were properly advertised; and bid opening documentation that include the submitted bids, bid tabulation sheet, and indication of which bid was accepted?	Yes		

Best Practices Worksheet CY 2012

Newton Town (Sussex)

	Question	Answer	Comments
1915			
8	Does your municipality perform an audit of your utility (telephone, fax, electric meters) accounts at least once every three years to ensure that inactive accounts are cancelled?	Yes	

Newton Town (Sussex)

1915		Question	Answer	Comments
Budget Preparation & Presentation				
1	Has your governing body reviewed the municipality's annual financial statement with particular emphasis on surplus generation and usage, tax collection rates (including the status of tax liens), and delinquent tax collection statements?	Yes		
2	Did your municipality prepare a five (5) year summary showing the amount of surplus anticipated and the percentage of the budget that this represents?	Yes		
3	Does your municipal CFO or auditor evaluate your capital balances annually to review and cancel unspent funds at the closure of capital projects?	Yes		
4	Do elected officials receive quarterly (or more frequent) reports on the status of all budget revenues and appropriations as they correspond to the annual adopted budget?	Prospective		Elected officials presently receive monthly revenue reports. Will implement sending quarterly budget reports for both the Current and Utility budgets.
5	Was a budget history and projection showing three years of history prepared in a "Viewer Friendly" style for public use?	No		
Health Insurance				
1	If your municipality does not participate in the State Health Benefits Plan (SHBP), a joint insurance fund (JIF), or a healthcare insurance fund (HIF), have competitive proposals for insurance been solicited in the last three years?	N/A		Newton participates in the NJMEBF (HIF).
2	If your municipality is a member of the SHBP, have you transitioned from Chapter 88 (lifelong retirement benefits & Medicare Part B payouts) to Chapter 48 (healthcare cafeteria and select cost-saving provisions for all current and future employees)? N.J.S.A. 52:14-17.38(b1) to 52:14-17.38 (b2)	N/A		
3	Does your municipality perform an annual review of health benefit covered lives in an effort to delete employees, spouses or dependents who should no longer be receiving coverage?	Yes		
4	Do your municipal firefighters receive annual heart screening in conformance with NFPA Standard 1582, Chapter 7.4-7.7?	No		

Best Practices Worksheet CY 2012

Newton Town (Sussex)

1915	Question	Answer	Comments
Personnel			
1	Does your municipality make available to the public free of charge, either through an internet posting or on-site review, documents that show the current salaries of all personnel and additional documents that would allow the public to understand how your municipality's aggregate salaries have changed over a three year period?	No	
2	Has your municipality, consistent with N.J.S.A. 34:13A-8.2, filed a copy of all negotiated public employee contracts with the Public Employment Relations Commission, or will your municipality bring itself into compliance by having all contracts emailed to contracts@perc.state.nj.us .	Yes	
3	Are all applicants and employees hired, promoted and retrained in accordance with established equal employment opportunity (EEO) and non-discrimination policies?	Yes	
4	Does your municipality limit health benefits to full-time (35 or more hours weekly), employees and exclude from coverage all part-time employees, elected or appointed officials?	No	
5	Are standardized absentee forms completed and filed for all employee absences?	Yes	
6	Are formal records maintained by your Personnel Department (Human Resources office) to account for vacation and sick leave earned and taken by all employees?	Yes	
7	Does supervisory staff review and approve employee time and attendance reports before submitting to management?	Yes	
8	Does your municipality limit the carry forward of accrued vacation time to no more than one year's worth of such time (meaning no employee hired after the effective date of the limitation policy can have more than two (2) years of vacation time on the books in any given year)?	Yes	
9	Does the municipal governing body approve all payments of accumulated/uncompensated absence benefits?	Prospective	Going forward a resolution will be prepared when a payment of
10	Does your municipality's personnel manual include policies covering the use of municipal computers, including internet/e-mail use?	Yes	accum/uncomp absence benefits are to be paid.
11	Does your municipality have a transitional duty program (light duty) to encourage employees out on workers compensation to return to work?	Yes	
12	Does your municipality provide annual employment practice liability training for elected officials, managers, administrators, department heads and supervisors?	Yes	

Best Practices Worksheet CY 2012

Newton Town (Sussex)

1915	Question	Answer	Comments
Public Safety			
1	Does your municipality have an emergency management plan that is updated bi-annually and verified yearly through practical exercises and written reports distributed to all affected parties (police, fire, OEM, etc.) as required pursuant to L.1989, c.222, s.20?	Yes	
2	Is your municipality's police department accredited by the Commission on Accreditation of Law Enforcement Agencies, Inc. (CALEA), or have senior officers had advanced training through professional agencies/academies?	Yes	
3	Are all required hazard-use inspections and reports performed in accordance with state standards, needed-relevant information disseminated to emergency response organizations and a copy of the report sent to local fire and police agencies?	Yes	
4	Does your municipality have formal written mutual aid agreements for all emergency response organizations?	NO	
5	Does your municipality have a formal procedure to ensure that all park and recreation facilities are inspected/assessed periodically to determine whether proper maintenance is being done to ensure the safety of the using public?	Yes	
Energy			
1	Has your municipality conducted an energy audit within the last three years to evaluate whether the energy consumption (i.e. heating, lighting, ventilation and air conditioning) of municipal facilities can be reduced?	Yes	
2	If your municipality issues published or posted newsletters to its residents, did such publications promote recycling efforts and solid waste management in compliance with the storm water regulations? N.J.A.C. 7:8 et seq.	Yes	

Best Practices Worksheet CY 2012

Newton Town (Sussex)

	Question	Answer	Comments
1915			
	Municipal/School Relations		
1	Has your municipality held or scheduled a "Joint Yearly Open Public Meeting" between the local school board(s) and the governing body to discuss community needs, shared services, and the school and municipal budgets?	Yes	
2	Do you share playing fields, recreation services, and/or equipment with the local board(s) of education?	Yes	
3	Has your municipality entered into any shared services with local board(s) of education pertaining to maintaining of fields, sharing of equipment, purchasing of gasoline, snow plowing, etc.?	Yes	
	Select	0	
	Yes	34	
	No	7	
	N/A	2	
	Prospective	7	
	Total Answered:	50	
	Score (Yes + N/A + Prospective)	43	
	Score %	86%	
	Percent Withheld	0%	
	Chief Financial Officer Completion Certification:		



TOWN OF NEWTON

RESOLUTION #186-2011

August 22, 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, August 22, 2011.

Lorraine A. Read, RMC
Municipal Clerk