

July 25, 2011

The regular meeting of the Town Council of the Town of Newton was held on the above date at 8:00 p.m. Present were Mrs. Becker, Mr. Elvidge, Mr. Ricciardo, Mayor Le Frois, Mr. Thomas S. Russo, Jr., Town Manager and Mark Hontz, Esq., Town Attorney. Deputy Mayor Diglio was excused.

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

Mayor Le Frois led the Pledge of Allegiance to the flag. The Clerk called the roll and upon motion of Mr. Ricciardo, seconded by Mrs. Becker, the minutes of July 1, 2011 (Reorganization), July 11, 2011 (Regular & Executive) meetings were approved.

#### **OPEN TO THE PUBLIC**

Mayor Le Frois read the following statement:

*"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to limit their comments to 5 minutes. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes."*

Mr. Donald Scott, 33 Trinity Street, addressed the Council and expressed his disappointment with a recent parking ticket he received while in front of his home. Mr. Scott indicated that the previous Chief of Police and Town Manager had a verbal agreement which allowed him a designated parking space in front of his home, due to the elimination of a portion of his driveway (when police department was constructed). Mr. Scott advised that he spoke to the current Town Manager and current Chief of Police with no success of retrieving his privilege of parking in front of his home. Reluctantly he paid the parking ticket.

Mr. Scott further outlined several observations with maintenance issues in and around the neighborhood which he has requested to be addressed by the Town.

Mayor Le Frois acknowledged Mr. Scott's comments and will have these

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issues addressed by the Town Manager.

Mr. Anwar Qarmout, 45 Woodside Avenue, questioned Ordinance 2011-15, which would authorize the Town of Newton to implement a five-year exemption and abatement law for certain improvements to construction of residential dwellings, multiple dwellings, industrial structures and commercial structures within the downtown Historic District. Mr. Qarmout expressed his opinions and ideas with regard to this Ordinance.

Mr. Ray Storm, 202 Main Street, addressed the Council with an issue which involved his neighbor at 204 Main Street. Mr. Storm advised that several years ago the new owner of 204 Main Street cut down a majority of the trees on his property which was a violation of a current variance in place which requires a buffer. At that time, the property owner was required to replant several trees to restore the buffer. Mr. Storm advised that this weekend seven additional trees, 40 – 50 feet high, were cut down. Mr. Storm would like the Town to address this issue with the property owner.

Mrs. Thea Unhoch, 17 Condit Street, addressed complaints with regard to the annual Town-wide garage sale. The fee increase from \$10.00 to \$12.00, with no senior discounts and feels that it is a hardship for seniors to participate. Mrs. Unhoch also complained that the dates were moved from September to August and feels that this is a conflict with the New Jersey State Fair.

Mr. Wayne Levante, 5 East Stuart Street, informed the Council that there are families in Newton who are joining the New Jersey State Park at a cost of \$50.00 in lieu of joining the Newton pool at a cost of \$200.00.

#### **COUNCIL & MANAGER REPORTS**

a. **County of Sussex – Solar PPA Project**

Mr. John Eskilson, County Administrator, Ms. Cadence Bowden, of Gabel Associates and Mr. Gerry Genna, of Birdsall Services Group, made a lengthy presentation on the Sussex County Renewable Energy Program Initiative. Ms. Bowden outlined the reasons and benefits for going solar. Mr. Genna reviewed the two types of solar energy systems proposed and noted that the two sites

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proposed for Newton are the Department of Public Works (roof mounted) and Wastewater Treatment Plant (ground mounted). Mr. Eskilson advised that this program is beneficial for the Town with no capital costs to the Town. The Council unanimously agreed to move forward with this program. Mr. Russo noted that several of the Town's facilities were analyzed by an engineering firm but only the two sites proposed had met the engineering standards.

**ORDINANCES**

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

**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**

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

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

**BE IT RESOLVED** by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading with hearing on same to be held on August 8, 2011.

The Clerk will advertise the above Ordinance according to law.

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

**ORDINANCE #2011-15**

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

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

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

**BE IT RESOLVED** by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading with hearing on same to be held on August 8, 2011.

The Clerk will advertise the above Ordinance according to law.

**OLD BUSINESS**

There was no old business to be discussed.

**CONSENT AGENDA**

Mayor Le Frois read the following statement:

*“All items listed with an asterisk (\*) are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.”*

Mr. Russo provided an overview of the resolutions on the Consent Agenda.

**RESOLUTION #157-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 711, LOT 26**

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

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

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

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

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

**RESOLUTION #158-2011\***

**ACCEPTANCE OF THE PAVING OF VARIOUS STREETS PROJECT AS COMPLETE**

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

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

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

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

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

**RESOLUTION # 159-2011\***

**APPROVE BILLS AND VOUCHERS FOR PAYMENT**

**BE IT RESOLVED** by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2010 and 2011 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

**TOWN BILLS**

89.95	B & R Uniform	29027
124.50	M G L Printing Solutions	29028
117.00	ABCCode	29029
100.00	Sussex Car Wash, Inc.	29030
836.35	NUI Corporation	29031
8,873.41	JCP&L	29032
234.00	Pumping Services	29033
352.44	SCMUA	29034
390.00	B & G Elevator	29035
123.99	Centurylink Communications, Inc.	29036
56.96	Centurylink Communications, Inc.	29037
2,982.19	Centurylink Communications, Inc.	29038
5,796.00	Hollander, Strelzik, Pasculli, Hinkes	29039
70.00	Newton Medical Center	29040
59.99	Campbell's Small Engine	29041
600.00	Office Equipment Corpotion	29042
199.00	JRF Tire Inc.	29043
275.00	Treasurer, State of New Jersey	29044
249.62	T.A. Mountford Company	29045
137.00	Galls Incorporated	29046
330.00	MaryPaul Laboratories	29047
660.00	Minisink Press Inc.	29048
59.17	Ann M. Rosellen	29049
455.90	Sussex County Clerk	29050
1,041.37	Sussex County Bd. Of Elections	29051
6.36	Airgas East	29052
240.07	Boonton Tire Supply	29053

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2,000.00	Treasurer, State of New Jersey	29054
43,477.03	Statewide Insurance Fund	29055
957.00	Grinnell Recycle	29056
1,581.69	Verizon Wireless	29057
76.13	Mr. John	29058
3,150.00	Gold Type Business Machines	29059
187.50	Cooper Electric Supply Co.	29060
976.01	Buckman's Inc.	29061
96.90	Ward's Flowers and Gifts	29062
205.52	Matthew Bender & Co.	29063
139.90	Universal Uniform	29064
88.25	Tritec Office Equipment, Inc.	29065
198.32	Staples Business Advantage	29066
3,282.22	Rachles/Michele's Oil Company	29067
7,172.45	Taylor Oil Co.	29068
76.38	Dawn Babcock	29069
1,063.26	Firefighter One	29070
2,250.00	Laddey, Clark & Ryan LLP	29071
1,500.70	Garden State Highway Products	29072
480.95	Penteledata	29073
103,781.96	NJMEBF	29074
8,157.81	Direct Energy Business	29075
63.50	Krave	29076
41.01	Janien N. Roberts	29077
704.94	Woodruff Energy	29078
378.50	VOID	29079
309.00	American Society of Composers	29080
995.00	John H. Stamler Police ACAD	29081
103.75	Carolyn Pampanin	29082
200.00	John and Renee Crepeau	29083
75.00	Newton Family Drug	29084
1,339,439.00	Newton Board of Education	111036
177,867.85	Payroll Account	111037

**CAPITAL**

3,019.19	Montague Tool & Supply	7734
756.00	Hollander, Strelzik, Pasculli, Hinkes	7735
5,271.83	McManimon & Scotland	7736
99.06	Limecrest Quarry Developers, C	7737
1,230.36	Grinnell Recycle	7738
18,290.00	Access Control Technology	7739
505.49	Barco Products	7740
800.00	Global Industrial Equipment	7741
312.50	Air Purifiers, Inc.	7742
620.06	Lafayette Asphalt	7743
44,789.92	Brent Material Company	7744
2,100.00	Jersey Boring and Drilling Co., Inc.	7745
320,000.00	Current Account	7746

**Total TOWN BILLS \$2,122,953.71**

**WATER AND SEWER ACCOUNT**

687.77	Montague Tool & Supply	12279
124.50	M G L Printing Solutions	12280
3,946.14	MWH Americas Inc.	12281
142.86	Hach Company	12282
262.88	NUI Corporation	12283

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4,008.61	JCP&L	12284
7,365.62	Pumping Services	12285
186.39	SCMUA	12286
14.00	Paul M. Havens	12287
9,169.22	Coyne chemical Corp., Inc.	12288
28.10	Centurylink Communications, Inc.	12289
1,347.60	Centurylink Communications, Inc.	12290
1,782.00	Hollander, Strelzik, Pasculli, Hinkes	12291
3,002.00	Garden State Laboratories, Inc.	12292
419.94	Hamburg Plumbing Supply Co., Inc.	12293
14,576.09	Sparta Township Tax Collector	12294
1,829.85	Diamond Sand & Gravel, Inc.	12295
182.16	Airgas East	12296
1,933.66	Limecrest Quarry Developers, C	12297
50,240.97	Statewide Insurance Fund	12298
2,702.88	Grinnell Recycle	12299
1,637.30	Univar USA Inc.	12300
1,250.00	John Smalley	12301
959.10	Main Pool & Chemical Company	12302
102.25	Cooper Electric Supply Co.	12303
168.00	Process Tech Sales and Service	12304
40.65	Staples Business Advantage	12305
44.00	Eric Tompkins	12306
962.00	Andy Matt, Inc.	12307
139.90	Penteledata	12308
14,007.04	NJMEBF	12309
8,781.04	Direct Energy Business	12310
203.84	One Call Concepts	12311
184.54	Woodruff Energy	12312
246.48	Lafayette Asphalt	12313
34,187.07	Payroll Account	12314

**CAPITAL**

494.50	McManimon & Scotland	2184
1,000,000.00	Current Account	116103
1,214.32	Payroll Account	116104
92.90	Payroll Account	116104

**Total WATER & SEWER BILLS \$1,168,675.17**

**TRUST ACCOUNT**

1,980.00	Hollander, Strelzik, Pasulli, Hinkes	2914
1,333.33	James P. Sloan, PC	2915
1,560.00	Vogel, Chait, Collins, Schneider, PC	2916

**Total TRUST ACCOUNT BILLS \$4,873.33**

**FED. STATE GRANT**

1,422.18	Current Account	1075
926.87	Payroll Account	111103

**Total FED. STATE GRANT BILLS \$2,349.05**

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**RESOLUTION #160-2011\***

**APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB OWNER'S LICENSE  
SUBMITTED BY DORAGAIL SPICER T/A DADS TAXI & LIMO**

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

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

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

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

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

**RESOLUTION #161-2011\***

**APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER'S LICENSE  
SUBMITTED BY DORAGAIL SPICER**

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

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

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

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

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

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**RESOLUTION #162-2011\***

**APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER'S LICENSE  
SUBMITTED BY GLENN T. SPICER**

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

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

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

**RESOLUTION #163-2011\***

**APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER'S LICENSE  
SUBMITTED BY RALPH E. DRAKE**

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

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

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

**RESOLUTION #164-2011\***

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

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

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

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of

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

**RESOLUTION #165-2011\***

**AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS**

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

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

**Payment Charged To Incorrect Account**

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

**Penalty Charged Erroneously**

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

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

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

**Utility Board Recommends Credit for Late Penalties on Disputed Bill**

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

**RESOLUTION #166-2011\***

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

**BACKGROUND**

**WHEREAS**, The Morris County Improvement Authority (including any successors and assigns, the "Authority") has been duly created by Resolution No. 42 entitled "Resolution of the Board of Chosen Freeholders of Morris County, New Jersey creating the Morris County Improvement Authority" duly adopted by the Board of Chosen Freeholders (the "Morris County Board of Freeholders") of the County of Morris (the "County of Morris") in the State of New Jersey (the "State") on April 10, 2002 as a public body corporate and politic of the State pursuant to and in accordance with the County Improvement Authorities Law, constituting

Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto (the "Act") and other applicable law; and

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

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

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

**WHEREAS**, pursuant to the terms hereof and of the Act, the Authority intends to finance the acquisition and installation of certain capital equipment and the acquisition, construction, renovation and installation of certain property and infrastructure improvements (collectively, the "County of Morris Project") as set forth on Exhibit A to the Property and Infrastructure Lease Purchase Agreement (including a Ground Lease if necessary) to be entered into between the Authority and the County of Morris as a Local Unit in connection herewith (collectively, the "Lease Agreement"), through the issuance of the Authority's "Lease Revenue Bonds, Series 2011A" (the "Initial Lease Revenue Bonds"), the Authority's "Lease Revenue Notes, Series 2011A" (the "Initial Lease Revenue Notes") the Authority's "Lease Revenue Bonds, Series 2012" (the "Series 2012 Lease Revenue Bonds") and any additional bonds or notes in an amount which together with the Initial Lease Revenue Bonds, Initial Lease Revenue Notes and the Series 2012 Lease Revenue Bonds does not exceed \$24,000,000 (the "Additional Lease Revenue Bonds" and together with the Initial Lease Revenue Bonds, the Initial Lease Revenue Notes, and the Series 2012 Lease Revenue Bonds, the "Authority Lease Revenue Bonds"); and

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

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

**WHEREAS**, the Town of Newton has (i) heretofore issued its General Improvement Bonds dated August 1, 2002 issued in the original principal amount of \$4,900,000 and originally issued to finance various projects as set forth in several bond ordinances of Newton (the "Town of Newton Prior Bonds") and now desires to refund the Town of Newton Prior Bonds pursuant to a refunding bond

ordinance, duly adopted and published by Newton as required by law (the Newton Refunding Bond Ordinance") and (ii) further desires to permanently finance maturing bond anticipation notes issued under various bond ordinances and to finance additional projects authorized by various bond ordinances (collectively referred to as the "Newton Bond Ordinances" all as more particularly described in a resolution of the Town Council of Newton combining the issues of bonds into a single issue of bonds, adopted on this date (the "Combination Resolution)" (the purposes are referred to collectively as the "Town of Newton Project"), all as set forth on Exhibit A to an agreement (the "Town of Newton Loan Agreement" and together with the Town of Rockaway Loan Agreement, the "Loan Agreements; and

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

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

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

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

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

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

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

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

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

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

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

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

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from the levy of ad valorem taxes upon all the taxable property within the jurisdiction of the County of Morris, without limitation as to rate or amount; and

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

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

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

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

**WHEREAS**, pursuant to the terms of the Pooled Program Bond Resolution, the Authority (i) shall not be considered a "materially obligated person" within the meaning and for the purposes set forth in Rule 15c2-12 and (ii) shall be required

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to provide certain material events notices in accordance with Rule 15c2-12, and accordingly, the Authority (a) may be required to enter into a separate continuing disclosure agreement, or alternatively, may need to execute the Local Unit Continuing Disclosure Agreements and/or the County Continuing Disclosure Agreement, and (b) shall be required to provide such material events notices under the terms of the Local Unit Continuing Disclosure Agreements and the County Continuing Disclosure Agreement, all in order to satisfy the secondary market disclosure requirements of Rule 15c2-12 (the "Authority Continuing Disclosure Agreement" and together with the Local Unit Continuing Disclosure Agreements and the County Continuing Disclosure Agreement, the "Continuing Disclosure Agreements"); and

**WHEREAS**, in order to market and sell the Bonds in one or more series, the Authority will have to (i) make an application (the "Local Finance Board Application") to, and seek, obtain, and officially recognize the findings from the Local Finance Board (the "Local Finance Board") in the Department of Local Government Services of the State Department of Community Affairs, all in accordance with N.J.S.A. 40A:5A-6, 7 and 8 of the Local Authorities Fiscal Control Law and in connection with the Authority Lease Revenue Bonds and the Pooled Program Bonds, which Local Finance Board Application, hearing and process shall to the extent permitted by applicable law, incorporate the requests for approval by the Local Finance Board of certain matters related to the Borough of Rockaway Bonds, (ii) authorize the distribution of a preliminary official statement "deemed final" within the meaning and for the purposes of Rule 15c2-12 describing the terms of the Pooled Program Bonds, the Project and the other transactions contemplated hereby (the "Preliminary Official Statement"), (iii) enter into one or more bond purchase agreements with one or more underwriters (the "Underwriter") selected by the Authority in accordance with its policy for the selection of underwriters as established by Authority resolution no 02-10 adopted July 24, 2002 and entitled "RESOLUTION ADOPTING A POLICY FOR THE SELECTION OF UNDERWRITERS AND OTHER ANCILLARY SERVICE PROVIDERS IN CONNECTION WITH THE SALE OF SECURITIES" (the "Underwriter Selection Policy") and a fair and open process for the sale of all of the Pooled Program Bonds (the "Bond Purchase Agreement"), (iv) execute and deliver a final Official Statement incorporating the terms of the sale of the Pooled Program Bonds and certain other information into the Preliminary Official Statement (the "Official Statement"), (v) obtain the required resolutions and ordinances of the Local Units necessary in order to authorize the Projects and the financing of the Projects through the Pooled Program Bonds (the "Local Unit Official Action"), (vi) cause the Local Units to make certain representations, warranties and covenants concerning the Projects, the Privately Placed Bonds and the other transactions contemplated hereby prior to their respective execution and delivery of the Lease Agreement and Loan Agreements, but no later than the execution and delivery of the Bond Purchase Agreement (the "Local Unit Letter of Representations") and (vii) cause the Local Units to make certain representations, warranties and covenants concerning the applicable Projects and Privately Placed Bonds, the use of the funds attributable to the Projects and the transactions contemplated hereby prior to their respective execution and delivery of the Lease Agreement and Loan Agreements, but no later than the execution and delivery of the Bond Purchase Agreement, all in connection with preserving the exclusion of the interest of the Bonds from the gross income of the holders thereof for federal income tax purposes (the "Local Unit Tax Letter of Representations" and together with the Preliminary Official Statement, the Bond Purchase Agreement, the Official Statement and the Local Unit Letter of Representations, the "Sale Documents"); and

**WHEREAS**, the Authority shall have no obligation with respect to the Project other than the financing thereof; accordingly, the payment of the Privately

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Placed Bonds shall remain the sole responsibility of the respective Local Units; and

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

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

**WHEREAS**, it is the desire of Newton to: (i) authorize and approve the issuance, sale and award of the Newton Bonds in the aggregate principal amount not to exceed \$7,450,000, which Newton Bonds shall secure the Loan Payments (the "Loan Payments") owed to the Authority pursuant to the Town of Newton Loan Agreement; (ii) authorize and approve the execution and delivery of the Town of Newton Loan Agreement; and (iii) authorize certain related determinations, covenants and action in connection with the foregoing;

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

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

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

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

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

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

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

Section 7. The preparation of a final official statement ("Official Statement") with respect to the Authority Bonds including information pertaining to Newton is hereby authorized and directed. Within seven (7) business days of the sale of the Authority Bonds and in sufficient time to accompany any confirmation that requests payment from a customer, the Authority shall deliver sufficient copies of the Official Statement to the purchaser of the Authority Bonds

in order for the Authority to comply with Paragraph (b)(4) of Rule 15c2-12. The Mayor of Newton, Town Chief Financial Officer or Treasurer are hereby authorized to approve any information pertaining to Newton to be included in the Official Statement in final form, and the distribution thereof to purchasers and others is hereby authorized and directed. The execution of a certificate in connection with the final Official Statement shall constitute conclusive evidence of approval by Newton of the changes therein from the Preliminary Official Statement. The Mayor, and Chief Financial Officer or Treasurer are each hereby severally authorized to approve any amendments of or supplements to the Official Statement.

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

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

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

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

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

Section 13. The Bond Resolution, the Newton Loan Agreement, the Newton Bonds, the Newton Tax Certificate between the Authority and Newton related to the loan of the proceeds of the Newton Bonds (the "Newton Tax

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

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

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

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

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

The foregoing resolution was adopted by the following vote:

AYES:           Mrs. Becker  
                  Mr. Elvidge  
                  Mr. Ricciardo  
                  Mayor Le Frois

NAYS:

ABSENT:       Deputy Mayor Diglio

**RESOLUTION #167-2011\***

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

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

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

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

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

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

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

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

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

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

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

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

Section 5. This resolution shall take effect immediately.

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The foregoing resolution was adopted by the following vote:

AYES: Mrs. Becker  
Mr. Elvidge  
Mr. Ricciardo  
Mayor Le Frois

NAYES:

ABSENT: Deputy Mayor Diglio

**RESOLUTION #168-2011\***

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

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

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

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

The Clerk presented an application for an off-premise raffle from HSA St. Joseph RC Church, 17 Elm Street, Newton, to be held on Friday, October 28, 2011 at 7:30 pm at St. Joseph Community Center, 20 Jefferson Street, Newton. It was noted the application was in order and accompanied by the prescribed fee.

The Clerk presented an application for membership to the Newton Fire Department from Mr. Kyle A. Inga, 16 Birch Drive, Newton. It was noted that the application is in order and signed by the Chief of the Fire Department.

The Clerk presented an application for Special Permit for a Social Affair from the Greater Newton Chamber of Commerce, P.O. 386, Newton, NJ to be held on Monday, September 12, 2011 from 7:00 to 10:00 pm on Spring Street, Newton, New Jersey. It was noted that the application was in order and signed by the Chief of Police.

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The Clerk presented an application for Special Permit for a Social Affair from the Newton Fire Department, 58 Woodside Avenue, Newton, NJ to be held on Saturday, August 27, 2011 from 4:00 pm to 9:00 pm at the Newton VFW Post #5360, 85 Mill Street, Newton, New Jersey. It was noted that the application was in order and signed by the Chief of Police.

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

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

**RESOLUTIONS**

**RESOLUTION #169-2011**

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

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

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

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thereto (as codified at N.J.S.A. 40:37A-44 *et seq.*, the "*Act*"), and other applicable law; and

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

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

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

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

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

**WHEREAS**, it may be necessary, desirable or convenient, in connection with the financing, design, permitting, acquisition, construction, installation, operation

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

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

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

(i) Fredon Township, Green Township and Town of Newton (collectively, the "*Municipal Series 2011 Local Units*"); and

(ii) Byram Township School District, Frankford Board of Education, Franklin Borough Board of Education, Hardyston Township Board of Education, High Point Regional Board of Education, Kittatinny Regional School District, Lafayette Township Board of Education, Lenape Valley Board of Education, Newton Board of Education (collectively, the "*Board of Education Series 2011 Local Units*"); and

(iii) County, Sussex County Municipal Utilities Authority and Sussex County Technical School (the "*County Series 2011 Local Units*");

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

**WHEREAS**, prior to the issuance of the Series 2011 Bonds and in accordance with N.J.S.A. 40:37A:54(l) of the Act and N.J.S.A. 40A:5A-6, 7 and 8 of the Local Authorities Fiscal Control Law, the Authority shall have made an application (the "*Local Finance Board Application*") to, and seek, obtain, and officially recognize the findings from, the Local Finance Board (the "*Local Finance Board*") in the Department of Local Government Services of the State Department of Community Affairs; and

**WHEREAS**, the governing body of the Series 2011 Local Unit adopting this resolution (the "*Participant*") desires to authorize the Authority and its consultants to submit the Local Finance Board Application on their behalf to finance the proposed Renewable Energy Project(s) for the Participant (the "*Participant*")

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*Project*") set forth in Schedule A to **Exhibit A** attached hereto (it being understood that the Participant is taking no action in connection with the other Renewable Energy Projects of the other Series 2011 Local Units as set forth on **Schedule A** to **Exhibit A** hereto and further that a final detailed Participant Project list will be sent to each Series 2011 Local Unit prior to their signing the certificate attached hereto as Exhibit A); and

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

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

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

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

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

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

**Section 2.** The Mayor, Town Manager, and the Chief Financial Officer (CFO) of the Town of Newton (including their designees in writing, each an "*Authorized Officer*") are each hereby severally authorized to assist the Authority with the preparation and submission of the Local Finance Board Application for the purpose of financing the Participant Project through the issuance of the Series 2011 Bonds, and to take all action necessary, desirable, or convenient in connection therewith. Accordingly, the Authorized Officers, and any consultants of their choosing, shall, if necessary, represent the Participant at any public hearing held by the Local Finance Board in connection with the Local Finance Board Application.

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

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

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

**Section 5.** The Authorized Officer shall direct the Participant official in charge of the officially adopted resolutions of the governing body of the Participant to (a) prepare an official, certified copy of this resolution, as adopted, and (b) deliver such certified copy in accordance with Section 10 below. Further, the Participant hereby consents to such certified copy of the resolution, and any further information regarding the Participant and/or the Participant Project, as the Authorized Officer shall determine to be necessary, desirable or convenient in connection with the Local Finance Board Application, to be submitted as part of, or pursuant to the Local Finance Board Application.

**Section 6.** The Authorized Officers are hereby severally authorized to take such other actions, and execute such other certificates, documents, and instruments, as such Authorized Officers shall deem to be necessary, desirable, or convenient to assist the Authority in developing the Participant Project, producing the contemplated energy savings for the Participant, issuing the Company RFP and selecting the Company through the most desirable Company Proposal in accordance with the terms of the Company RFP and applicable law, marketing, selling, and issuing the Series 2011 Bonds, procuring the final terms of the Renewable Energy Program documents, or any other action related to the implementation of the Renewable Energy Program for the Series 2011 Local Units.

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

**Section 8.** To the extent the Series 2011 Bonds are issued in any year other than 2011, references herein to "2011" may without any further action be changed to the year of issuance of such Series 2011 Bonds.

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

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

**Section 11.** This resolution shall take effect immediately.

[remainder of this page left intentionally blank]

A motion was made by Mrs. Becker to approve **RESOLUTION #169-2011**, seconded by Mr. Elvidge and roll call resulted as follows:

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

**INTERMISSION**

**DISCUSSION**

**a. Merriam Gateway Redevelopment Plan–Newton TownSquare,LLC Application**

Mr. Robert Cunningham, of Cunningham Engineering & Land Development Services, 213 Newton-Swartzwood Road, Newton, representing Newton Townsquare Redevelopment addressed the Council with two issues regarding the Newton Townsquare Redevelopment project. 1) Approval is needed by the Town Council in order to develop on the proposed portion of Town-owned property. 2) Plan Amendment is needed in order to amend the setback dimensions.

After a brief discussion, Council unanimously agreed to have legal Counsel work on investigating avenues in order to have the project continue on Town-owned property, with the stipulation that costs would be taken from the applicant's escrow account. In addition, Council agreed to have the Town Planner and Redevelopment Counsel move forward with the Plan Amendment, to address setback dimensions.

**b. Pay to Play Ordinance**

Mr. Russo had legal Counsel create a draft for the Pay to Play Ordinance, which formally regulates limits that a business entity can contribute to a political organization or party. Mr. Russo noted that the Town should have adopted this Ordinance several years ago. After a brief discussion, Mr. Russo advised that he will place the Ordinance, for introduction, on the agenda for August 8<sup>th</sup>.

**c. Super Senior Nomination**

Mr. Russo requested nominations for "Super Senior" to be submitted to the New Jersey State Fair by Mr. Louis Ruggiero. After a brief discussion, Mayor Le Frois made one nomination and suggested that she will call her fellow Councilmember's by mid-week to see if any additional nominations are suggested. Nominations are required to be submitted to Mr. Ruggiero by August 1<sup>st</sup>.

**d. Parking Authority Overnight Parking Pass**

Mr. Russo presented Council with a draft ordinance that would allow for overnight parking passes to be purchased either monthly or annually. There is no change to the fee structure. After a brief discussion, a majority of the Council agreed and Mr. Russo will move forward with this Ordinance.

Mr. Russo read correspondence from Fire and Safety Services, requesting permission to allow Fire and Safety Services to use the Town's Arrow XT 95' mid-mount platform apparatus as a display piece at the 2011 NJ State Firemen's Convention in Wildwood from September 15-17. During all times that it is under Fire and Safety Services care, custody and control, it will be secured by our insurance and a certificate of insurance naming the Town as an additional insured must be provided by Fire and Safety Services.

Upon motion of Mayor Le Frois, seconded by Mr. Ricciardo and carried, that permission be granted to allow Fire and Safety Services permission to use the Town's Arrow XT 95' mid-mount platform apparatus as a display piece at the 2011 NJ Sate Firemen's Convention in Wildwood, NJ from September 14 - 17, 2011, with the stipulation that all insurance is covered, as stated in the memo.

Roll call resulted as follows:

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

Mr. Russo read the letter from Kevin D. Kelly, Esq. regarding Main Street Promotions and Main Street Promotions.

Dear Tom:

Thank you for your letter dated July 13, 2011. On July 15<sup>th</sup>, I forwarded your letter with recommendations and responses to those on your mailing list, including Main Street Newton's (MSN) Board. Based upon the replies received, the following are our responses to the questions presented in your letter:

1. A legal entity entitled "The New Spring Street Group, LLC" has been established;

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2. MSN does not object to the re-allocation of promotions funds and, in fact, supports these efforts completely; and
3. It is understanding that, although separate legal entities do exist, many of the individuals involved are common to both and will coordinate efforts to maximize results.

Thanks to you and the Council for all assistance. There remains substantial interest in the improvement of downtown Newton.

Sincerely,

s/KELLY & WARD, LLC

After a brief discussion, Mr. Hontz believes this is not a formal resolution/official approval from Main Street Newton. It was noted that an official meeting was requested to no avail. The majority of the Council was comfortable with the letter received. Mr. Russo will work with the Mayor and Deputy Mayor to resubmit a plan to the Governing Body for review.

Mr. Russo distributed and reviewed samples of the updated proposed wayfinding signs, which were amended based on comments from the Newton Historic Commission. After a brief discussion, Council approved the submitted samples with the addition of the word "Historic" on the "Welcome to Newton" signs.

Mayor Le Frois thanked her fellow colleagues for moving the meeting to 8:00 p.m. this evening.

#### **OPEN TO THE PUBLIC**

Mr. Wayne Levante, 5 East Stuart Street, suggested that there should be a discount for the overnight parking passes if an individual were to pay for the annual pass of \$180.00.

Mr. Anwar Qarmout, 45 Woodside Avenue, addressed several areas of concern regarding maintenance of buildings on Spring Street. Council suggested that he reach out to Spring Street merchants with his concerns.

There was no one else from the public to be heard.

#### **COUNCIL & MANAGER COMMENTS**

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There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Mr. Elvidge and unanimously carried, the meeting was adjourned at 10:00 pm.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk