

April 23, 2012

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

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, 2011."

Mayor Le Frois led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Deputy Mayor Diglio, seconded by Mrs. Becker and carried, the minutes of April 9, 2012 (Regular & Executive) meetings were unanimously approved as amended.

**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."*

Neil Flaherty, 154 Sparta Avenue, introduced two students from the Newton Robotics Team who are leaving tomorrow to attend the World Championship Robotics event in St. Louis, Missouri. Both students thanked the Town Council for their support over the years and noted that the Newton Robotics Team has a website @ [www.newtonroboticsteam.org](http://www.newtonroboticsteam.org) and noted that you can view the event in St. Louis live on the website.

Mayor Le Frois commended the students for their accomplishments and wished them the best of luck in St. Louis.

Glenn Vetrano, a representative of the Saint Patrick's Day Parade Committee, addressed the Council and thanked them for hosting the St. Patrick's Day Parade which was held on Saturday, March 17, 2012. Mr. Vetrano also thanked the Newton Police Department, especially Lt. Osborn, Department of Public Works, Shuttle Bus service and Mark Hontz (as Master of Ceremonies). As a token of thanks, Mr. Vetrano presented the Town with a check in the amount of \$500 for hosting the St. Patrick's Day parade.

Mayor Le Frois thanked Mr. Vetrano and the St. Patrick's Day Parade Committee for their generosity and looks forward to many more successful parades in Newton.

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John Ragsdale, 40 Halsted Street, addressed the Council to reiterate the problems which continue to occur at 39 Halsted Street. Mr. Ragsdale noted that this property is a boarding house and advised Council that there have been 28 police calls to this house since January, 2012. Mr. Ragsdale suggested that the Town require the boarding houses to obtain a license in order to operate which would allow for penalties as well as revocation if compliance is not met.

After a brief discussion, the Town Council directed legal Counsel to reach out to Department of Community Affairs (DCA) for further research on boarding home licenses. In addition, Mr. Russo will continue dialogue with Chief Richards on additional police patrols at 39 Halsted Street.

Joan Current, representative of the Sussex County Homestead Nursing Home Auxiliary, requested feedback from the Governing Body regarding "Saving the Sussex County Homestead Nursing Home" and inquired whether they have considered adopting a Resolution as did several other municipalities. After a brief discussion, the majority of the Town Council was not in favor of adopting a Resolution, because a majority felt that it was not their place to advise the County Freeholders what to do with their County facilities.

### **COUNCIL & MANAGER REPORTS**

Mayor Le Frois read the following Proclamation proclaiming the week of May 14<sup>th</sup> as "Relay for Life Days".

### **RELAY FOR LIFE**

**WHEREAS**, Relay for Life is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer; and

**WHEREAS**, money raised during Relay for Life of Sussex County supports the American Cancer Society's mission of saving lives and creating a world with less cancer and more birthdays—by helping people stay well, by helping people get well, by finding cures for cancer and by fighting back; and

**WHEREAS**, Relay for Life helped fund more than \$150 million in cancer research last year;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that we hereby proclaim the Week of May 14<sup>th</sup> as "**RELAY FOR LIFE DAYS**" and encourage citizens to participate in the Relay for Life event at Sussex County Community College from *Saturday, May 19<sup>th</sup> at 4:00pm to Sunday, May 20<sup>th</sup> at 6:00am.*

*In witness* whereof I have hereunto set my Hand and caused this seal to be affixed.

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Attest: \_\_\_\_\_

Date: April 23, 2012

Mr. Henry Pomerantz, a representative of Sussex County Community College (SCCC), was present to accept the Proclamation. Mr. Pomerantz outlined the Relay for Life event to take place at the SCCC on Saturday, May 19<sup>th</sup> beginning at 4:00 p.m. Mr. Pomerantz encouraged all residents to participate in this event.

Mr. Russo reminded everyone the 2<sup>nd</sup> Annual Neighbors Helping Neighbors event will take place on Saturday, April 28<sup>th</sup> from 8:30 a.m. to noon. Work will be conducted from 9 a.m. to noon at various locations throughout the Town and volunteers will reconvene at Memory Park for pizza. "It's not too late to volunteer," Mr. Russo concluded.

**ORDINANCES**

Mayor Le Frois directed the Clerk to read aloud the following Ordinance relative to final adoption.

**ORDINANCE #2012-14**

**A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$30,500.00 FOR VARIOUS IMPROVEMENTS IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY**

**BE IT ORDAINED** by the Town Council of the Town of Newton, in the County of Sussex, as follows:

**Section 1.** \$30,500.00 is hereby appropriated from the Capital Improvement Fund in the General Capital Fund for the following various improvements in the Town of Newton, including all costs necessary therefore or incidental thereto:

<b>High Band Portable Radios/ Pagers/ MDT's</b>	<b>\$12,000.00</b>
<b>Hurst Hydraulic Lines &amp; Appurtenances</b>	<b>\$ 5,500.00</b>
<b>Turnout Gear Dryers</b>	<b><u>\$13,000.00</u></b>
<b>TOTAL</b>	<b>\$30,500.00</b>

**Section 2.** The General Capital Budget of the Town of Newton is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 3.** This ordinance shall take effect as provided by the law.

Mayor Le Frois opened the hearing to the public. There being no one from the public to be heard, upon motion by Deputy Mayor Diglio, seconded by Mrs. Becker and unanimously carried, the hearing was closed.

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

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

This ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

Mayor Le Frois directed the Clerk to read aloud the following Ordinance relative to final adoption.

**ORDINANCE #2012-15**

**AN ORDINANCE AUTHORIZING THE SALE OF MUNICIPAL LANDS NOT NEEDED FOR PUBLIC USE BLOCK 18.02, LOT 32 FORMERLY KNOWN AS BLOCK 1301, LOT 1.07**

**WHEREAS**, the Town of Newton has title to a certain parcel of real property which is Lot 32 in Block 18.02 (formerly known as Lot 1.07 in Block 1301) as shown on the Newton Tax Map, which parcel is not needed for public use; and

**WHEREAS**, Lot 32 in Block 18.02 (formerly known as Lot 1.07 in Block 1301) is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon; and

**WHEREAS**, N.J.S.A. 40A:12-13.2 requires that such a parcel be offered to the owner or owners of real property contiguous to said parcel being offered for sale prior to it being offered at a public sale.

**NOW, THEREFORE BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF NEWTON IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY AS FOLLOWS:**

1. The Town Manager of the Town of Newton is hereby authorized to notify in writing, by certified mail, return receipt requested, all contiguous property owners of Lot 32 in Block 18.02 (formerly known as Lot 1.07 in Block 1301) that said lot is being offered for sale at a minimum price of \$24,000. Said notice shall state that:

(a) The minimum price requested for Lot 32 in Block 18.02 (formerly known as Lot 1.07 in Block 1301) as \$24,000.

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(b) An acceptance of an offer by a contiguous owner to purchase said lot shall not be binding upon the Town but shall be subject to confirmation by the Town Council, which confirmation shall be done by Resolution.

(c) In the event the Town accepts the offer of a contiguous offer and the conveyance is made, that the parcel shall annex to, merge with, and be considered one tract of land with the contiguous owner's existing property and modified March 26, 2007. A copy of said lease and modifications are on file in the Newton Town Clerk's Office.

(d) The Town of Newton reserves the right, in its sole discretion, to accept or reject any offer it deems in the best interest of the Town of Newton.

(e) Any contiguous property owner who wishes to purchase said lot shall execute an Offer to Purchase in the form attached hereto and pay a deposit by cash, bank check, cashier's check or attorneys trust account check in the amount of ten percent (10%) of the offered price. The balance of the monies due pursuant to the Offer to Purchase shall be paid in cash or certified check on delivery of a Deed which shall be no later than 2:00 p.m. on May 29, 2012, at the offices of the municipal attorney, Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Gacquin, Vandenberg & Hontz, LLC, located at 40 Park Place, Newton, New Jersey 07860, or at such other location as mutually agreed upon.

(f) The Town of Newton expressly disclaims any and all implied warranties of habitability or usability with respect to this property. The Offer to Purchase shall be in a "AS IS" condition, the Offer or having had ample and sufficient opportunity to inspect premises, examine its title, and review municipal ordinances and laws affecting said premises. No representations regarding the value, character, quality, habitability or condition thereof, including environmental conditions, have been made to the Buyer on behalf of the Town of Newton prior to making any offer. The Buyer of the lot, after closing, shall be responsible for all present and future defects of any and in any part of the property. This Agreement will survive the closing of title.

(g) The property will be conveyed by Bargain and Sale Deed and shall be subject to covenants, restrictions, conditions, reservations of record, easements of record, or by prescription and such state of facts as an accurate survey and inspection of the premises may disclose.

(h) In the event all the owners of contiguous property do not make an offer to purchase within sixty (60) days of the date of mailing of the notice of Offer to Sell to them, the lot may be sold at public auction at some future date to any member of the public at such price as will be acceptable to the Town of Newton at that time.

(i) In the event the Town receives more than one (1) offer to buy from a contiguous property owner, at the same price, said property shall then be sold to the highest bidder, at auction, from among all the contiguous property owners, after written notice of time and place of said auction, to all contiguous property owners.

(j) In the event that two (2) or more contiguous property owners would like to divide the lot between them and increase each of their properties by a portion of the offered lot, the Town may or may not agree to such division of the lot. Any legal or engineering fees necessary to accomplish such a subdivision will be the responsibility of the adjoining property owners.

2. The lot offered for sale is a portion of the same land and premises which the Town of Newton took title to by virtue of the following:

(a) A 6.873 acre tract of land as described in a Deed of Conveyance from Thomas F. Patten and Ralph S. Tyler, Jr., Trustees of the Erie Lackawanna Railway Company to the Town of Newton dated October 25, 1982 and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 1091 of Deeds on pages 682, etc.;

(b) A 4,352 square foot parcel of land as described in a Deed of Conveyance from Betty Heemer, Unmarried, to the Town of Newton, a Municipal Corporation, dated May 1979, and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 1033 of Deeds on pages 989, etc.;

(c) A parcel of land as described in a Deed of Conveyance from Peter John Kays and Beverly A. Kays, His Wife, to the Town of Newton, dated June 3, 1977 and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 989 of Deeds on pages 470, etc.;

3. The premises shall be sold subject to:

(a) The rights of any utilities or easements of record, should any exist;

(b) The rights of the public in Sparta Avenue, also known as Sussex County Route 616;

(c) A ground lease agreement between the Town of Newton and Thor Labs,

Inc. dated April 2003 as outlined in Town of Newton Ordinance No. 2003-2.

(d) Existing storm drainage infrastructure on Block **1301**, Lot **1.05**, discharging through Block **1301**, Lot **1.07**, to storm drainage in Sparta Avenue (Sussex County Route 616).

4. The purchaser of Lot 32 in Block 18.02 (formerly known as Lot 1.07 in Block 1301) shall have the right, at its sole cost and expense, to obtain a new survey of the lot. Provided such survey depicts the lot and is certified to be correct to the Town of Newton, the Town of Newton shall utilize the legal description drawn in accordance with such survey in the Deed of Conveyance provided the Purchaser provides such legal description and a copy of the certified survey to the Town of Newton not less than one (1) week prior to the date set for closing.

5. An Offer to Purchase Lot 32 in Block 18.02 (formerly known as Lot 1.07 in Block 1301) shall be accepted or rejected by a Resolution of the Newton Town Council no later than the second regular meeting of the governing body following May 14, 2012, or the date of any auction sale. No offer may be withdrawn prior to such Resolution.

6. The notice of any auction sale of said lot shall be advertised in The New Jersey Herald at least once a week during two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date of such sale.

Mayor Le Frois opened the hearing to the public. There being no one from the public to be heard, upon motion by Mr. Ricciardo, seconded by Mrs. Becker and unanimously carried, the hearing was closed.

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

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

This ordinance will take effect after publication and adoption according to law. 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 #2012-16**

**ORDINANCE APPROPRIATING \$285,000, INCLUDING A \$200,000 GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND \$85,000 AVAILABLE FROM THE CAPITAL**

April 23, 2012

**FUND BALANCE, FOR THE LOWER SPRING STREET BEAUTIFICATION PROJECT IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY**

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

Mrs. Becker	Yes	Mr. Elvidge	Absent
Mr. Ricciardo	Yes	Deputy Mayor Diglio	Yes
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 May 14, 2012.

**OLD BUSINESS**

**a. Utility Board Appeal – 19 Diller Avenue**

Mr. Hontz noted that an email was forwarded today advising that Ms. Columbus would not be appearing this evening to address her utility appeal. Mr. Hontz, Esq., recommended that the appeal be “dismissed without prejudice.”

**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.”*

**RESOLUTION #73-2012\***

**EXECUTE GRANT AGREEMENT WITH THE NEW JERSEY HISTORIC PRESERVATION OFFICE**

**WHEREAS**, the Town of Newton has received grant funding in the amount of \$17,865.00 to complete an update of the Historic Preservation Ordinance and site inventory of specific parcels in the downtown business district; and

**WHEREAS**, a match requirement of \$2,400.00 is required as the twenty percent (20%) match for the project;

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Municipal Clerk are hereby authorized to execute a grant agreement with the State of New Jersey in the amount of \$17,865.00 and to execute any amendments thereto which do not increase the Grantees’ in-kind obligations;

**BE IT FURTHER RESOLVED** that we hereby authorize and agree to provide a match in the amount of \$2,400.00 in compliance with the match requirements of the agreement. The Town of Newton agrees to comply with all applicable Federal, State, and municipal laws, rules and regulations in its performance pursuant to the grant agreement.

**RESOLUTION #74-2012\***

**RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT TO EXCEED \$11,000,000 PRINCIPAL AMOUNT OF REFUNDING BONDS OF THE TOWN OF NEWTON, IN THE COUNTY**

April 23, 2012

**OS SUSSEX, NEW JERSEY AND PROVIDING FOR THE SALE OF SUCH BONDS TO RBC CAPITAL MARKETS**

**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 members thereof affirmatively concurring) AS FOLLOWS:

**Section 1.** The Town of Newton, in the County of Sussex, New Jersey (referred herein as the "Town") hereby authorizes the sale of Refunding Bonds (the "Bonds"), in two or more series, in an amount not to exceed \$11,000,000, by virtue of its final adoption by a two-thirds majority of its full membership on March 12, 2012 of a refunding bond ordinance entitled, "Refunding Bond Ordinance of the Town of Newton, in the County of Sussex, New Jersey, Providing For the Refunding of All or a Portion of the Outstanding General Obligation Bonds of the Town, Dated October 30, 1997, Issued in the Original Principal Amount of \$2,417,000 to the United States Department of Agriculture Rural Development, All or a Portion of the Outstanding General Obligation Bonds of the Town, Dated November 30, 1998, Issued in the Aggregate Original Principal Amount of \$900,000 to the United States Department of Agriculture Rural Development, All or a Portion of the Outstanding General Obligation Bonds of the Town, Dated September 25, 2003, Issued in the Original Principal Amount of \$1,660,000 to the United States Department of Agriculture Rural Development, All or a Portion of the Outstanding General Obligation Bonds of the Town, Dated August 27, 2004, Issued in the Original Principal Amount of \$5,300,000 to the United States Department of Agriculture Rural Development, All or a Portion of the Outstanding General Obligation Bonds of the Town, Dated May 21, 2008, Issued in the Original Principal Amount of \$545,000 to the United States Department of Agriculture Rural Development, and All or a Portion of the Outstanding General Obligation Assessment Bonds of the Town, Dated October 27, 2008, Issued in the Original Principal Amount of \$1,000,000 to the United States Department of Agriculture Rural Development, Appropriating \$11,000,000 Therefor and Authorizing the Issuance of \$11,000,000 Refunding Bonds of the Town for Financing the Cost Thereof." The Bonds issued to refund the Bonds originally issued for general capital purposes in the original principal amount of \$1,660,000 dated September 25, 2003 and the Bonds issued in the original principal amount of \$545,000 dated May 21, 2008 shall be issued as and designated "General Improvement Refunding Bonds," and the Bonds issued to refund the Bonds originally issued for water and sewer utility improvements in the original principal amount of \$2,417,000 dated October 30, 1997, the Bonds issued in the original principal amount of \$900,000 dated November 30, 1998, the Bonds issued in the original principal amount of \$5,300,000 dated August 27, 2004 and the Bonds issued in the original principal amount of \$1,000,000 dated October 27, 2008 shall be issued as and designated "Water and Sewer Utility Refunding Bonds."

**Section 2.** The Bonds are hereby authorized to be sold to RBC Capital Markets (the "Underwriter") in accordance with the purchase contract to be entered into by and between the Underwriter and the Town (the "Purchase Contract"). The purchase price for the Bonds shall be as set forth in the Purchase Contract, plus unpaid accrued interest from the dated date of the Bonds to, but not including, the delivery date of the Bonds. The Mayor and/or the Chief Financial Officer is hereby authorized to enter into the Purchase Contract on behalf of the Town with the Underwriter in a form satisfactory to McManimon & Scotland, L.L.C., bond counsel for the Town ("Bond Counsel") for the sale of the Bonds to the Underwriter in accordance with the provisions of this resolution and otherwise in accordance with and subject to approval of the refunding bond ordinance by the Local Finance Board. The signature of the Mayor or Chief Financial Officer on the Purchase Contract shall be conclusively presumed to evidence any necessary approvals.

**Section 3.** The Bonds are being issued to incur interest cost savings by currently refunding all or a portion of the remaining outstanding (i) General Obligation Bonds of the Town originally issued in the principal amount of \$2,417,000 to the United States Department of Agriculture Rural Development dated October 30, 1997 (the "1997 Refunded Bonds"), (ii) General Obligation Bonds of the Town originally issued in the principal amount of \$900,000 to the United States Department of Agriculture Rural Development dated November 30, 1998 (the "1998 Refunded Bonds"), (iii) General Obligation Bonds of the Town originally issued in the principal amount of \$1,660,000 to the United States Department of Agriculture Rural Development dated September 25,

2003 (the "2003 Refunded Bonds"); (iv) General Obligation Bonds of the Town originally issued in the principal amount of \$5,300,000 to the United States Department of Agriculture Rural Development dated August 27, 2004 (the "2004 Refunded Bonds"); (v) General Obligation Bonds of the Town originally issued in the principal amount of \$545,000 to the United States Department of Agriculture Rural Development dated May 21, 2008 (the "May 2008 Refunded Bonds"); and (vi) General Obligation Bonds of the Town originally issued in the principal amount of \$1,000,000 to the United States Department of Agriculture Rural Development dated October 27, 2008 (the "October 2008 Refunded Bonds" and together with the 1997 Refunded Bonds, the 1998 Refunded Bonds, the 2003 Refunded Bonds, the 2004 Refunded Bonds and the May 2008 Refunded Bonds, the "Refunded Bonds"), which bonds are redeemable at the option of the Town on any date at 100% of the principal amount of bonds to be redeemed, plus unpaid accrued interest to the date fixed for redemption.

**Section 4.** The Bonds shall be issued in accordance with the terms and the conditions set forth in the Purchase Contract within the parameters set forth herein:

(A) The Bonds shall be issued in a par amount for each series determined to be necessary to pay costs of issuance and to provide for payment of (i) the Redemption Price of the Refunded Bonds and unpaid accrued interest on the date fixed for redemption, and (ii) costs of issuance for the Bonds, all in accordance with the Local Finance Board approval; and

(B) The Bonds shall be dated such date as established in the Purchase Contract; and

(C) The Bonds shall mature in the principal amounts on or about November 1 and May 1 of each year, commencing on or about November 1, 2012 and thereafter or otherwise as set forth in the Purchase Contract and shall bear interest at interest rates per annum on the unpaid principal balance on each May 1 and November 1 until maturity or earlier redemption, commencing on or about November 1, 2012, or as otherwise set forth in the Purchase Contract; and

(D) The General Improvement Refunding Bonds and the Water and Sewer Utility Refunding Bonds each shall be issued in the form of one or more bonds for each maturity except if all or any portion of the Bonds are issued as term bonds; and

(E) Each series of Bonds shall be numbered consecutively from GIR-1 and WSUR-1 upward and shall mature in such principal amounts with such mandatory call features and with such mandatory sinking fund payments as set forth below and as determined in the Purchase Contract; and

(F) The Bonds may be subject to optional redemption or not as set forth in the Purchase Contract; and

(G) Depending on market conditions at the time of the sale, the Bonds may be issued in one or more series as determined by the Chief Financial Officer, in consultation with Bond Counsel.

**Section 5.** The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Town to conform the Bonds to the requirements of the Purchase Contract.

**SAMPLE BOND FORM FOR INFORMATION  
ONLY - DO NOT COMPLETE**

REGISTERED  
NUMBER A. \_\_\_\_\_

REGISTERED  
\$ \_\_\_\_\_

April 23, 2012

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY

TOWN OF NEWTON,  
IN THE COUNTY OF SUSSEX

B. \_\_\_\_\_ REFUNDING BOND

DATED DATE	MATURITY DATE:	RATE OF INTEREST	CUSIP:
		PER ANNUM:	
___/___/12	___/1/___	_____%	_____

The TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (the "Town") hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, which will act as Securities Depository, on the Maturity Date specified above, the principal sum of \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_), and to pay interest on such sum from the Dated Date set forth above at the Rate of Interest Per Annum specified above semiannually on the first days of May and November in each year until maturity [or earlier redemption] commencing on November 1, 2012. Interest on this bond will be paid to the Securities Depository by the Town and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the April 15 and October 15 next preceding the date of such payments (the "Record Dates" for such payments). Principal of this bond, upon presentation and surrender to the Town, will be paid to the Securities Depository by the Town, and will be credited to the participants of The Depository Trust Company.

This bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

[The bonds of this issue maturing prior to May 1, 2023 are not subject to redemption prior to their stated maturities. The bonds of this issue maturing on or after May 1, 2023 are redeemable at the option of the Town in whole or in part on any date on or after May 1, 2022 upon notice as required herein at par, plus in each case unpaid accrued interest to the date fixed for redemption.]

[Insert Term Bond Provisions, if any]

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Town or a duly appointed Bond Registrar. Any failure of the Securities Depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings. If the Town determines to redeem a portion of the bonds prior to maturity, the bonds to be redeemed shall be selected by the Town. The bonds to be redeemed having the same maturity shall be selected by the Securities Depository in accordance with its regulations.

If notice of redemption has been given as provided herein, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the redemption price, together with unpaid accrued interest to the date fixed for redemption. Interest shall cease to accrue on the bonds after the date fixed for redemption. Payment shall be made upon surrender of the bonds redeemed.]

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of the State of New Jersey and a refunding bond ordinance of the

Town finally adopted March 12, 2012 and entitled, "Refunding Bond Ordinance of the Town of Newton, in the County of Sussex, New Jersey, Providing For the Refunding of All or a Portion of the Outstanding General Obligation Bonds of the Town, Dated October 30, 1997, Issued in the Original Principal Amount of \$2,417,000 to the United States Department of Agriculture Rural Development, All or a Portion of the Outstanding General Obligation Bonds of the Town, Dated November 30, 1998, Issued in the Aggregate Original Principal Amount of \$900,000 to the United States Department of Agriculture Rural Development, All or a Portion of the Outstanding General Obligation Bonds of the Town, Dated September 25, 2003, Issued in the Original Principal Amount of \$1,660,000 to the United States Department of Agriculture Rural Development, All or a Portion of the Outstanding General Obligation Bonds of the Town, Dated August 27, 2004, Issued in the Original Principal Amount of \$5,300,000 to the United States Department of Agriculture Rural Development, All or a Portion of the Outstanding General Obligation Bonds of the Town, Dated May 21, 2008, Issued in the Original Principal Amount of \$545,000 to the United States Department of Agriculture Rural Development, and All or a Portion of the Outstanding General Obligation Assessment Bonds of the Town, Dated October 27, 2008, Issued in the Original Principal Amount of \$1,000,000 to the United States Department of Agriculture Rural Development, Appropriating \$11,000,000 Therefor and Authorizing the Issuance of \$11,000,000 Refunding Bonds of the Town for Financing the Cost Thereof."

The full faith and credit of the Town are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Town, is within every debt and other limit prescribed by such constitution or statutes.

IN WITNESS WHEREOF, the TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Town Clerk and this bond to be dated the Date of Original Issue as specified above.

TOWN OF NEWTON, IN THE  
COUNTY OF SUSSEX, NEW JERSEY

By: \_\_\_\_\_ (facsimile)  
Mayor

By: \_\_\_\_\_ (facsimile)  
Chief Financial Officer

[SEAL]

ATTEST:

By: \_\_\_\_\_  
Clerk

**Section 6.** In each of the General Improvement Refunding Bonds the following language should be inserted in the places indicated by the corresponding letter in the form of the Bonds.

- A. GIR-\_\_.
- B. GENERAL IMPROVEMENT

**Section 7.** In each of the Water and Sewer Utility Refunding Bonds the following language should be inserted in the places indicated by the corresponding letter in the form of the Bonds.

- A. WSUR-\_\_.
- B. WATER AND SEWER UTILITY

**Section 8.** The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by Bond Counsel, complete except for omission of its date. The Town Clerk is hereby authorized and directed to file a signed duplicate of such written opinion in the Town Clerk's office. Alternatively, each Bond may be accompanied by the signed legal opinion or copy thereof.

**Section 9.** The Town hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986 (the "Code") in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, and that it will refrain from taking any action that would adversely affect the tax exemption of the Bonds under the Code. The Town authorizes the Chief Financial Officer to act and determine on behalf of the Town whether the Bonds will be designated as "bank qualified" within the meaning of Section 265 of the Code.

**Section 10.** Bond Counsel is authorized to arrange for the printing of the Bonds. The proper officials of the Town are hereby authorized and directed to execute the Bonds and to deliver them to the Underwriter in exchange for payment, including accrued interest from their date to the date of delivery, if any.

**Section 11.** The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with The Depository Trust Company, New York, New York, as may be necessary in order to provide that the Bonds will be eligible for deposit with The Depository Trust Company and to satisfy any obligation undertaken in connection therewith.

**Section 12.** In the event that The Depository Trust Company may determine to discontinue providing its service with respect to the Bonds or is removed by the Town and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds (the "Registered Bonds") in denominations of \$5,000, or any integral multiple thereof, except that an amount maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 will be in denominations of \$1,000, or any integral multiple thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of such Registered Bonds. The Town shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

**Section 13.** Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Town shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to 270 days from the end of each fiscal year, beginning December 31, 2012, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the SEC to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Town consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Town and certain financial information and operating data consisting of (1) Town and overlapping indebtedness including a schedule of outstanding debt issued by the Town; (2) the Town's most current adopted budget; (3) property valuation information; and (4) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law;

(b) if any of the following material events occur regarding the Bonds, a timely notice not in excess of ten business days after the occurrence of the event sent to EMMA:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

(c) Notice of failure of the Town to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

(d) If all or any part of the Rule ceases to be in effect or is not in effect for any reason, then the information required to be provided under this resolution, insofar as the provisions of the Rule not or no longer in effect required the provision of such information, shall not or no longer be required to be provided.

(e) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Town prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

(f) In the event that the Town fails to comply with the Rule requirements or the written contracts or undertakings specified in its undertaking, the Town shall not be liable for monetary damages. The sole remedy is hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

**Section 14.** If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

**Section 15.** The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Town prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

**Section 16.** In the event that the Town fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Town shall not be liable for monetary damages, remedy being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

**Section 17.** The Town hereby approves the preparation and the distribution of the Preliminary Official Statement in the form to be approved by the Chief Financial Officer. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Town by the Chief Financial Officer. The Preliminary Official Statement shall be prepared in final form in connection with the issuance of the Bonds and the Chief Financial Officer is authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Final Official Statements shall be delivered to the Underwriter within the earlier of seven business days following the sale of the Bonds or to accompany the Underwriter's confirmations that request payment for the Bonds. The Chief Financial Officer, Bond Counsel and/or Suplee, Clooney & Company, the Town's auditor, are further authorized to arrange on behalf of the Town for a rating for the Bonds from Moody's Investors Service and/or Standard & Poor's.

**Section 18.** The Chief Financial Officer, with the advice of the Underwriter and Bond Counsel, is authorized to arrange for bond insurance if advantageous based on the advice of the Underwriter to be provided at a premium not to exceed 89 basis points of the amount of principal and interest payable in order to obtain the best possible rates and the most cost effective financing and is authorized to take all steps on behalf of the Town necessary to do so.

**Section 19.** The Chief Financial Officer, with the advice of Bond Counsel, shall arrange for paying agent or redemption agent services with a banking institution if any portion of the Bonds are term bonds requiring a sinking fund.

**Section 20.** The Chief Financial Officer is also authorized and directed to pay the costs of issuance in connection with the sale of the Bonds pursuant to a certificate of the Chief Financial Officer to be executed upon delivery of the Bonds in an aggregate amount not to exceed the amount set forth in the application submitted to and approved by the Local Finance Board or, if any greater amount, only upon the prior approval of the Town in accordance with the customary procedure for approval and payment of bills.

**Section 21.** The Chief Financial Officer shall take all steps necessary to call the Refunded Bonds on the date fixed for redemption at 100% of par plus any unpaid accrued interest thereon and to take all steps necessary for the investment of the proceeds of the Refunded Bonds necessary to arrange for such redemption. The Town Clerk or Chief Financial Officer, with the advice of Bond Counsel, are hereby authorized to accept proposals for an escrow agent and to enter into an Escrow Deposit Agreement with such escrow agent in order to provide instructions regarding the deposit of securities purchased with the Bond proceeds and cash, if any, into an escrow account in order to pay the Redemption Price of and unpaid accrued interest on the Refunded Bonds on the date fixed for redemption.

**Section 22.** The Town Clerk or Chief Financial Officer, with the advice of Bond Counsel, are further authorized to accept proposals for verification agent services, if necessary, in order to enter into an agreement with a verification agent to confirm the accuracy of the arithmetical and mathematical computations supporting (i) the accuracy of the interest cost savings and the sufficiency of the amount in the escrow account to pay the interest due on the Refunded Bonds through the Redemption Date and pay the redemption price on the date fixed for redemption; and (ii) the calculations of yield supporting the conclusion of Bond Counsel that the Bonds are not "arbitrage bonds" as such meaning is set forth in the Code.

**Section 23.** The Town Clerk, the Chief Financial Officer and other appropriate representatives of the Town are hereby authorized to take all steps necessary to provide for the issuance of the Bonds and the redemption of the Refunded Bonds, including preparing and executing such agreements and documents on behalf of the Town and taking all steps necessary or desirable to implement the requirements of this resolution, such agreements, and documents as may be necessary and appropriate and the transactions contemplated thereby.

**Section 24.** This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

AYES: Becker  
Ricciardo  
Diglio  
Le Frois

NAYS:

ABSENT: Elvidge

**RESOLUTION #75-2012\***

**TO CANCEL CAPITAL APPROPRIATION BALANCES AND ACCOUNT RECEIVABLE BALANCE-DUE FROM ANDOVER TOWNSHIP IN THE GENERAL CAPITAL FUND**

**WHEREAS**, the Town of Newton adopted bond ordinance #2009-9 which included two projects with expected funding from Andover Township: DPW Truck Wash appropriation \$120,000 / account receivable from Andover \$60,000 and DPW Brine System appropriation \$120,000 / account receivable from Andover \$60,000; and

**WHEREAS**, there are unexpended balances totaling \$44,486.47 in the General Capital - Ordinance 2009-9 for Truck Wash \$22,023.61 and Brine System \$22,462.86; and

**WHEREAS**, the Town Manager and DPW Supervisor have determined that there are no additional capital costs for these projects; and

**WHEREAS**, there is an account receivable balance of \$14,002.48 on the account titled *Due from Township of Andover* (\$11,288.55 for the Truck Wash System and \$2,713.93 for the Brine System) on the General Capital balance sheet; and

**WHEREAS**, it is necessary to formally cancel the receivable balance and the unexpended improvement authorization balances;

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

**General Capital Fund**

Account Receivable-Twp. Andover (Ord #2009-9) #300140	\$14,002.48
Improvement Authorizations:	

Ord #2009-9 #3090933 DPW Truck Wash	\$22,023.61
Ord #2009-9 #3090634 DPW Brine System	\$22,462.86

**RESOLUTION #76-2012\***

**TO CANCEL CAPITAL APPROPRIATION BALANCES IN THE GENERAL CAPITAL FUND**

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

**WHEREAS**, the Town Manager and other Town Officials have reviewed and determined that there are no additional costs for these projects; and

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

**NOW, THEREFORE BE IT RESOLVED**, by a majority of the full membership of the Town Council of the Town of Newton that the following unexpended and dedicated balances of the General Capital appropriations totaling \$151,942.14 be cancelled:

<u>Ordinance Number</u>	<u>Date Auth.</u>	<u>Project Description</u>	<u>Amount Cancelled</u>	
			<u>Funded</u>	<u>Unfunded</u>
2007-22	9/10/07	DPW Roof/Storage Bldg		
2010-11	8/23/10	Amend description-Demolish	\$ 10,688.47	
2008-7	4/28/08	Various-Pave Streets	\$ 5,286.97	
2009-9	4/27/09	Various-DPW Safety Equip	\$ 2,923.29	
2009-9	4/27/09	Various-Fire Equip/Tool	\$74.66	
2009-16	6/8/09	Amend descript Road/Sidewalk	\$ 14,848.32	
2010-7	6/14/10	Various-Central Parking Lot	\$ 1,460.16	
2010-7	6/14/10	Various-Dump Truck/Plow	\$ 2,162.50	
2010-7	6/14/10	Various-Telephone System	\$ 449.51	
2011-1	2/14/11	Reapprop-UST at DPW	\$ 61,010.66	
2011-5	4/25/11	Various-Western Parking Lot	\$ 18,405.40	
2011-5	4/25/11	Various-Adams Parking Lot	\$ 29,132.08	
2011-5	4/25/11	Various-Police 4WD Vehicle	\$ 14.82	
2011-11	7/11/11	Reapprop-Aerator	\$ 5,485.30	

**RESOLUTION #77-2012\***

**APPOINTMENT OF JMC ENVIRONMENTAL CONSULTANTS, INC., AS TOWN OF NEWTON LSRP FOR THE DPW FACILITY SITE REMEDIATION**

**WHEREAS**, environmental consulting services is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance N.J.A.C. 40A:11-5(1)(a)(i); and

**WHEREAS**, the Town of Newton is required to retain a Licensed Site Remediation Professional ("LSRP"), pursuant to NJDEP regulatory requirements by May 7, 2012, for the DPW Facility site remediation; and

**WHEREAS**, JMC Environmental Consultants, Inc., has been performing the necessary remediation activities, including but not limited to groundwater monitoring and reporting, at the DPW site for the past four years in order to close out the NJDEP case, which originated in the early 1990s due to the release of fuel contamination from former underground tanks;

April 23, 2012

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with JMC Environmental Consultants, Inc. to retain and designate the firm as the LSRP for the DPW Facility site remediation;

**BE IT FURTHER RESOLVED that** a certified copy of this resolution be forwarded to both JMC Environmental and NJDEP and advertised according to State Statute.

**RESOLUTION #78-2012\***

**APPROVE PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY**

**WHEREAS**, the Town of Newton wishes to apply for funding for a project under the New Jersey Safe and Secure Communities Program (Grant # P-5502-12); and

**WHEREAS**, the Town Council of the Town of Newton has reviewed the application and has approved said request; and

**WHEREAS**, the project is a joint effort between the Department of Law and Public Safety and the Town of Newton for the purpose described in said application;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that:

- 1) As a matter of public policy, the Town of Newton wishes to participate to the fullest extent possible with the Department of Law and Public Safety; and
- 2) The Attorney General will receive funds on behalf of the applicant; and
- 3) The Division of Criminal Justice shall be responsible for the receipt and review of the application for said funds; and
- 4) The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

**BE IT FURTHER RESOLVED**, that the Town Manager is hereby authorized to execute any and all documents necessary to effectuate the funding for the Safe and Secure Communities Program Grant No. P-5502-12.

**RESOLUTION #79-2012\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 8.09, LOT 8**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 8.09, Lot 8 (Formerly Block 714, Lot 11), also known as 200 Spring Street, for 2009 delinquent real estate taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1332, was sold to US Bank cust for Empire Tax Fund I for 17% redemption fee; and

**WHEREAS**, Wells Fargo Bank, N.A., the owner's mortgage company, has effected the redemption of Certificate #1332 in the amount of \$34,585.95;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that, US Bank cust for Empire Tax Fund I is entitled to a redemption in the amount of \$34,585.95; and

April 23, 2012

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check, in the amount of \$34,585.95, for the redemption of Certificate #1332, to US Bank cust for Empire Tax Fund I, 50 S. 16th Street, Suite 1950, Philadelphia, PA 19102.

**RESOLUTION #80-2012\***

**AUTHORIZE REFUND OF MONIES TO OUTSIDE LIEN HOLDER FOR HOLDER FOR BLOCK 13.06, LOT 10**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 13.06, Lot 10 (Formerly Block 1006, Lot 6.01), also known as 76 Woodside Avenue, for 2009 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1337, and was sold to US Bank cust for Pro Capital I, LLC for 0% redemption fee; and

**WHEREAS**, Christopher R. Myers, owner of said property, has affected the redemption of Certificate #1337 in the amount of \$897.87;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank cust for Pro Capital I, LLC is entitled to a redemption in the amount of \$897.87; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check, in the amount of \$897.87, for the redemption of Certificate #1337, to US Bank cust for Pro Capital I, LLC 50 S. 16th Street, Suite 1950, Philadelphia, PA 19102.

**RESOLUTION #81-2012\***

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

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

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

**Utility Board recommends credit for minimum charges while the meter was stuck:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
15871	45 Merriam Avenue	\$150.00

**Utility Board recommends credit for sewer charges due to a leak:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
1580	99 Water Street	\$860.90

April 23, 2012

**RESOLUTION #82-2012\***

**CAPITAL BUDGET AMENDMENT**

**Whereas**, the local Capital Budget for the year 2012 was approved on the 26<sup>th</sup> day of March 2012, and

**Whereas**, it is desired to amend said adopted Capital Budget Section;

**Now, Therefore Be it Resolved**, by the Town Council of the Town of Newton, County of Sussex that the following Capital Budget amendment of 2012 be made:

RECORDED VOTE: (Insert last name)	AYES	( Becker ( Ricciardo ( Diglio ( Le Frois (	NAYS	( ( ( ( (	ABSTAIN	(  ( Elvidge
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**CAPITAL  
BUDGET  
(Current Year  
Action)  
2012**

PLANNED FUNDING SERVICES FOR CURRENT YEAR 2012									
PROJECT	PROJECT NUMBER	ESTIMATED COST	AMOUNTS RESERVED IN PRIOR YEARS	2012 BUDGET APPROPRIATIONS	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	DEBT AUTHORIZED	TO BE FUNDED IN FUTURE YEARS
Lower Spring Street Beautification Project	2	285,000				85,000	200,000		

April 23, 2012

TOTAL ALL PROJECTS		285,000				85,000	200,000		

**3 YEAR CAPITAL PROGRAM  
2012 - 2014  
Anticipated Project Schedule and Funding  
Requirements**

PROJECT	PROJECT NUMBER	ESTIMATED COST	ESTIMATED COMPLETION TIME	FUNDING AMOUNTS PER YEAR					TO BE FUNDED IN FUTURE YEARS
				BUDGET YEAR: 2012	2013	2014	2015	2016	
Lower Spring Street Beautification Project	2	285,000	2012	285,000					
TOTAL ALL PROJECTS		285,000		285,000					

**3 YEAR CAPITAL PROGRAM  
2012 - 2014  
SUMMARY OF ANTICIPATED FUNDING SOURCES  
AND AMOUNTS**

PROJECT	ESTIMATED COST	BUDGET APPROPRIATIONS					BONDS AND NOTES			
		CURRENT YEAR 2012	FUTURE YEARS	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	GENERAL	SELF LIQUIDATING	ASSESSMENT	SCHOOL

April 23, 2012

Lower Spring Street	285,000				85,000	200,000			
Beautification Project									
TOTAL ALL PROJECTS	285,000				85,000	200,000			

**Be It Further Resolved**, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services and one copy be forwarded to the Town Auditor and Chief Financial Officer.

It is hereby certified that this is a true copy of a resolution amending the Capital Budget section, adopted by the Governing Body on the 23<sup>rd</sup> day of April, 2012.

Certified by:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lorraine A. Read, RMC  
Municipal Clerk

**RESOLUTION #83-2012\***

**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 2011 and 2012 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**

48.93	Quill Corporation	30239
448.00	E.A. Morse & Company	30240
2,709.75	Pellow, Harold & Assoc., Inc.	30241
1,500.00	Decker's Fire & Safety	30242
1,682.15	NUI Corporation	30243
245.86	Centurylink Communications, Inc.	30244
21.76	Centurylink Communicatons, Inc.	30245
3,929.85	Centurylink Communications, Inc.	30246
2,754.84	Centurylink Communications, Inc.	30247
7,958.00	Hollander, Strelzik, Pasculli, Hinkes	30248
718,749.67	County of Sussex	30249
19,237.31	County of Sussex	30250
52,244.24	County of Sussex	30251
235.77	Campbell's Small Engine	30252
579.00	Neopost Leasing	30253
117.11	Tri-State Rentals, Inc.	30254
179.64	Hamburg Plumbing Supply Co. Inc.	30255
2,850.00	Ferraioli, Cerullo & Cuva	30256
29.95	Holzhauer, Scott	30257
375.00	J & D Sales and Service	30258
62.00	Galls Incorporated	30259
637.66	Dempsey Uniform & Supply Inc.	30260
9,000.00	Greater Newton Chamber of Commerce	30261
9.98	Airgas East	30262
50,259.78	Statewide Insurance Fund	30263
50.00	Sussex & Warren Tax Col. Assoc.	30265
2,319.27	Verizon Wireless	30265
863.00	Accurate Door, Inc.	30266
200.00	MCAA of New Jersey	30267
6,171.09	County of Sussex	30268
75.78	Mr. John	30269
660.78	Cooper Electric Supply Co.	30270
659.76	The Phillips Companies	30271
298.81	Vogel, Chait, Collins, Schneider, PC	30272
95.83	Advance Auto Parts	30273
1,699.26	Fire & Safety Services, LTD.	30274
171.56	Oraton Custom Products	30275
368.00	Treasurer, State of New Jersey	30276
350.00	Scarinci & Hollenbeck, LLC	30277
72.88	Paint Spot	30278
66.00	Matthew Bender & Company	30279
1,312.97	Staples Business Advantage	30280
64.78	Lowes	30281
650.00	Franklin Sussex Auto Body	30282
300.00	Northeast Fire Protection, Inc.	30283
960.00	Liberty Sod Farms, Inc.	30284
3,178.50	Rachles/Michele's Oil Company	30285
4,549.51	Taylor Oil Company	30286
350.00	Firefighter One	30287
2,250.00	Laddey, Clark & Ryan, LLP	30288
350.00	JMC Environmental Consultants, Inc.	30289

April 23, 2012

69.40	Thomas S. Russo, Jr.	30290
168.00	Jersey Central Power & Light	30291
181.50	Porter Lee Corporation	30292
108.00	EM Signs	30293
305.00	Pool Operation Management	30294
6,312.86	Direct Energy Business	30295
99.99	Tractor Supply Company	30296
2,325.00	Rullo & Juliet Associates, Inc.	30297
2,023.56	Woodruff Energy US, LLC	30298
34.00	Mulch Concepts	30299
1,020.35	Safari Telecom	30300
103.85	Looseleaf Law Publications, Inc.	30301
269.25	D. Lovenbergs Portable Toilet Rent	30302
800.00	Naeti	30303
345.60	Ocean Place Resort	30304
176,445.63	Payroll Account	121025

**CAPITAL**

7,001.75	Pellow, Harold & Associates, Inc.	7894
5,300.00	ABCode Security	7895
1,746.00	Hollander, Strelzik, Pasculli, Hinkes	7896
12.13	Hamburg Plumbing Supply Company Inc.	7897
27,034.40	Current Account	7898
409.99	Galls Incorporated	7899
10,964.80	Access Control Technology	7900
275.32	YRC Freight	7901

**Total TOWN BILLS \$1,147,310.41**

**WATER AND SEWER ACCOUNT**

100.00	NJ Dept. of Environmental Protection	12821
600.00	NJ Dept. of Transportation	12822
100.00	Treasurer, State of New Jersey	12823
232.27	Montague Tool & Supply	12824
2,765.00	Pellow, Harold & Associates, Inc.	12825
553.51	NUI Corporation	12826
14.00	Havens, Paul M.	12827
14,799.00	Coyne Chemical Corporation, Inc.	12828
31.79	Centurylink Communications, Inc.	12829
1,205.32	Centurylink Communications, Inc.	12830
126.00	Hollander, Strelzik, Pasculli, Hinkes	12831
794.70	Beaver Run Farms	12832
4,536.00	Garden State Laboratories, Inc.	12833
21.84	Hamburg Plumbing Supply Company Inc.	12834
3,150.00	Ferraioli, Cerullo & Cuva	12835
13,728.32	Sparta Township Tax Collector	12836
677.25	Lubrication Engineers Inc.	12837
2,326.62	Weldon Asphalt Company	12838
308.49	Dempsey Uniform & Supply Inc.	12839
147.85	Airgas East	12840
45,344.22	Statewide Insurance Fund	12841
168.92	Verizon Wireless	12842
1,250.00	Smalley, John	12843
2.69	Advance Auto Parts	12844
402.50	Town of Newton	12845
632.74	Sussex County Mailing Service	12846
675.40	Sussex County Mailing Service	12847
588.37	Airmati Ccompressor Systems, Inc.	12848
5,269.36	Scottsdale Insurance Company	12849
11,804.76	Direct Energy Business	12850
146.46	One Call Concepts	12851
649.81	Woodruff Energy US, LLC.	12852

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408.14	Safari Telecom	12853
33,655.60	Payroll Account	126011

**CAPITAL**

150.00	Pellow, Harold & Associates, Inc.	2215
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**Total WATER & SEWER BILLS \$147,266.93**

**TRUST ACCOUNT**

3,760.50	Pellow, Harold & Associates, Inc.	3000
1,211.00	Pellow, Harold & Associates, Inc.	3001
558.00	Hollander, Strelzik, Pasculli, Hinkes	3002
1,333.33	Sloan, James P., PC	3003
495.00	Vogel, Chait, Collins, Schneider, PC	3004
134.94	Simon Peter Sport	3005
752.06	Elizabethtown Gas	3006
538.96	Payroll Account	126011
1,719.00	Pellow, Harold & Associates, Inc.	1080
184.50	McManimon & Scotland	1081
345.00	Vogel, Chait, Collins, Schneider, PC	1082
1,206.00	Hollander, Strelzik, Pasculli, Hinkes	123

**Total TRUST ACCOUNT BILLS \$12,238.29**

**FEDERAL AND STATE GRANT ACCOUNT**

458.00	E.A. Morse & Company	1084
75.80	Montague Tool & Supply	1085
70.00	Galls Incorporated	1086

**Total FED AND STATE GRANT ACCT. BILLS \$603.80**

**RESOLUTION #84-2012\***

**RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY  
AUTHORIZING THE PLANNING BOARD OF THE TOWN TO INVESTIGATE WHETHER  
CERTAIN PROPERTIES ON SOUTH PARK DRIVE SHOULD BE DESIGNATED AS AN AREA  
IN NEED OF REDEVELOPMENT**

**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 in accordance with the Act, including Section 5 thereof; and

**WHEREAS**, the Town wishes to utilize the Planning Board's knowledge and expertise in exploring whether two parcels located on South Park Drive within the Town, and identified on the official tax map of the Town as Block 10.01, Lots 5 and 6 (collectively, the "Study Area") meet the criteria established by the Act; and

**WHEREAS**, the Town therefore seeks to authorize and direct the Planning Board to conduct a preliminary investigation of the Study Area and to make recommendations to the Town, all in accordance with the Act;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and 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. INVESTIGATION OF STUDY AREA AUTHORIZED**

The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A.40A:12A-6* to determine whether all or a portion of the Study Area satisfies the criteria set forth in the Act, including *N.J.S.A.40A:12A-5*, to be designated as an area in need of redevelopment.

**III. MAP TO BE PREPARED**

As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the proposed redevelopment areas and the location of the various parcels contained therein.

**IV. PUBLIC HEARING REQUIRED**

The Planning Board shall conduct a public hearing, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a redevelopment area.

At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a redevelopment area. All objections to a determination that all or a portion of the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

**V. PLANNING BOARD TO MAKE RECOMMENDATIONS**

After conducting its investigation, preparing a map of the proposed redevelopment area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Town as to whether the Town should designate all or part of the Study Area as an area in need of redevelopment.

**VI. 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.

**VII. AVAILABILITY OF THE RESOLUTION**

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

**VIII. EFFECTIVE DATE**

This Resolution shall take effect immediately.

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

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

Mayor Le Frois noted that Resolution #85-2012 needs to be added to the agenda for Councils consideration. Upon motion of Mr. Ricciardo, seconded by Mrs. Becker and carried, that Resolution #85-2012 be added to the agenda.

**RESOLUTION #85-2012**

**ACCEPTANCE OF THE PROPOSED ELEVATOR UPGRADE PROJECT AS COMPLETE**

**WHEREAS**, the Town Council of the Town of Newton awarded a contract for the Proposed Elevator Upgrade Project to ThyssenKrupp Elevator Corporation of Cranford, New Jersey in the amount of \$112,048.00 by Resolution #184-2011, which was adopted on August 22, 2011; and

**WHEREAS**, during construction, additional drilling costs were not incurred as conservatively planned for in the original bid thus a Change Order is required which will decrease the total contract amount by \$10,700.00 to a total of \$101,348.00.

**WHEREAS**, Robert Corcoran, from VDA, LLC, the Town Consultant for the project has recommended that the change order be approved and that the project be accepted as complete by the Town Council so the final paperwork can be started;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the Change Order for the project decreasing the total contract amount to \$101,348.00 and hereby accepts the Proposed Elevator Upgrade Project as complete based on the recommendation of the Town Consultant so that the final paperwork can be started and a one (1) year Maintenance bond be secured by ThyssenKrupp Elevator Corporation.

A motion was made by Deputy Mayor Diglio to approve the **RESOLUTION #85-2012**, seconded by Mrs. Becker and roll call resulted as follows:

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

**INTERMISSION** - None

**DISCUSSION**

**a. KATIE'S HOUSE**

Mrs. Millikin provided an overview of the application submitted by Katie's House, Inc., requesting Trust Fund monies from Newton's Affordable Housing Trust Fund. Mrs. Millikin advised that the Founder of Katie's House is requesting a total of \$20,000 of Newton's Housing Trust Fund money to rehabilitate a home located at 26 Mason Avenue, Newton, which they are purchasing. It was noted that Katie's House, Inc. is a 501(c)3 non-profit corporation that provides supportive housing to people with autism. This particular home is being purchased to house only men with autism.

Mrs. Millikin informed Council that Katie's House is not a group home, therefore the Town would not qualify for affordable housing units credits under the group home criteria. The Town would however be eligible for one rehabilitation unit towards affordable housing, with a 10-year deed restriction.

After a brief discussion, a motion was made to grant approval of the application,

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for \$20,000, submitted by Katie's House and roll call resulted as follows:

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

**b. TRUCK ROUTE SIGNAGE**

Mr. Harold Pellow, P.E., Town Engineer, made a brief presentation and outlined the truck routes in and around the Town of Newton. After a brief discussion, the Council agreed with the recommendation of Mr. Pellow, as outlined in his memo, dated April 4, 2012, which would allow the North/South truck routes for State Routes 94 and 206 to be acceptable.

**OPEN TO THE PUBLIC**

There being no one from the public to be heard, Mayor Le Frois closed the meeting to the public.

**COUNCIL & MANAGER COMMENTS**

Mayor Le Frois announced various events that were happening over the coming weekend.

Mayor Le Frois, noting that the Town had decided to cancel the Spring Brush Cleanup, inquired whether the Town would consider doing a brush cleanup during the Fall, when the leaves are picked up by Department of Public Works.

After a brief discussion, the Town Manager concurred that it was a good idea and would like to confer with the Supervisor of Department of Public Works prior to confirming the brush pick up in the Fall.

There being no further business to be conducted, upon motion of Mr. Ricciardo, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk