



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**SEPTEMBER 12, 2012**  
**7:00 P.M.**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. OPEN PUBLIC MEETINGS ACT STATEMENT**

- IV. APPROVAL OF MINUTES** - AUGUST 27, 2012 REGULAR MEETING  
AUGUST 27, 2012 SPECIAL MEETING

- V. OPEN TO THE PUBLIC**

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

- VI. COUNCIL & MANAGER REPORTS**

- VII. ORDINANCES**

- a. 2<sup>ND</sup> READING & PUBLIC HEARING**

- ORDINANCE 2012-23

AN ORDINANCE ADOPTING AMENDMENTS TO THE MERRIAM GATEWAY REDEVELOPMENT PLAN

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

- VIII. OLD BUSINESS**

- IX. CONSENT AGENDA**

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

- a. RESOLUTION #186-2012\*** AUTHORIZE ENTERING INTO AN INTERLOCAL SHARED SERVICES AGREEMENT WITH THE BOROUGH OF NETCONG FOR THE SALE OF EQUIPMENT
  - b. RESOLUTION #187-2012\*** AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 15.01, LOT 8 (FORMERLY BLOCK 801, LOT 8)
  - c. RESOLUTION #188-2012\*** AFFIRM THE ISSUANCE OF A \$950,000 BOND ANTICIPATION NOTE
  - d. RESOLUTION #189-2012\*** TO AUTHORIZE EXECUTION OF A BANKING SERVICES AGREEMENT WITH LAKELAND BANK

e. RESOLUTION #190-2012\*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

f. RESOLUTION #191-2012\*

TO CANCEL GRANT RECEIVABLE AND APPROPRIATED RESERVE AND CURRENT PUBLIC & PRIVATE REVENUE AND OFFSETTING APPROPRIATION FOR UNREALIZED CLEAN COMMUNITY GRANT IN THE AMOUNT OF \$209.32

g. RESOLUTION #192-2012\*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

**X. INTERMISSION**

**XI. DISCUSSION**

a. TREE BANK ORDINANCE – JESSICA CALDWELL

**XII. OPEN TO THE PUBLIC**

**XIII. COUNCIL & MANAGER COMMENTS**

**XIV. ADJOURNMENT**

**TOWN OF NEWTON  
ORDINANCE 2012-23**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE MERRIAM  
GATEWAY REDEVELOPMENT PLAN**

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

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

**WHEREAS**, in November 2010, after review and comment by the Planning Board in accordance with the Act, the Town implemented a redevelopment plan (the “Redevelopment Plan”) for a portion of the Rehabilitation Area comprised of: Block 18.03, Lot 10 (then Block 1104, Lot 22); Block 22.02, Lots 8, 9 and 10 (then Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (then Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5 (portion), 13, 14 and 15 (then Block 1308, Lots 1 (portion), 1.01, 1.02, 10, 11, 12, 13 and 14), together with the public streets and rights-of-way adjacent thereto (collectively, the “Plan Area”); and

**WHEREAS**, the Town wishes to enlarge the Plan Area to include all of Block 22.04, Lot 5 (then Block 1308, Lot 1), which is within the Rehabilitation Area and which is owned by the Town, and further wishes to modify density requirements and certain bulk standards contained in the Redevelopment Plan; and

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

**WHEREAS**, on August 13, 2012, the Town Council, acting by Resolution, referred the Proposal to the Planning Board for its review and comment in accordance with Section 7 of the Act; and

**WHEREAS**, at a duly noticed and constituted public meeting of the Planning Board held on August 15, 2012, Jessica Caldwell, P.P., A.I.C.P. (the “Planning Consultant”) presented the Proposal and further addressed any questions and comments presented by the Planning Board; and

**WHEREAS**, after due consideration of the Proposal, testimony regarding the Proposal, and discussion of the foregoing, the Planning Board determined by Resolution dated August 15, 2012 (the “Planning Board Findings”, attached hereto as Exhibit B) that the Proposal is consistent with the Town's Master Plan, and recommended that the Town adopt the Proposal as an amendment to the Redevelopment Plan,

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

Section 1. The Town concurs with the Planning Board's determination that the Proposal is consistent with the Master Plan. The Proposal, as filed in the Office of the Town Clerk, and attached hereto as Exhibit A, is hereby approved.

Section 2. The zoning map of the Town of Newton is hereby amended to incorporate the provisions of the Redevelopment Plan, as amended by the Proposal, and to delineate the boundaries of the Plan Area, as amended by the Proposal.

Section 3. This ordinance shall take effect as provided in law.

**NOTICE**

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on August 27, 2012. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on September 12, 2012 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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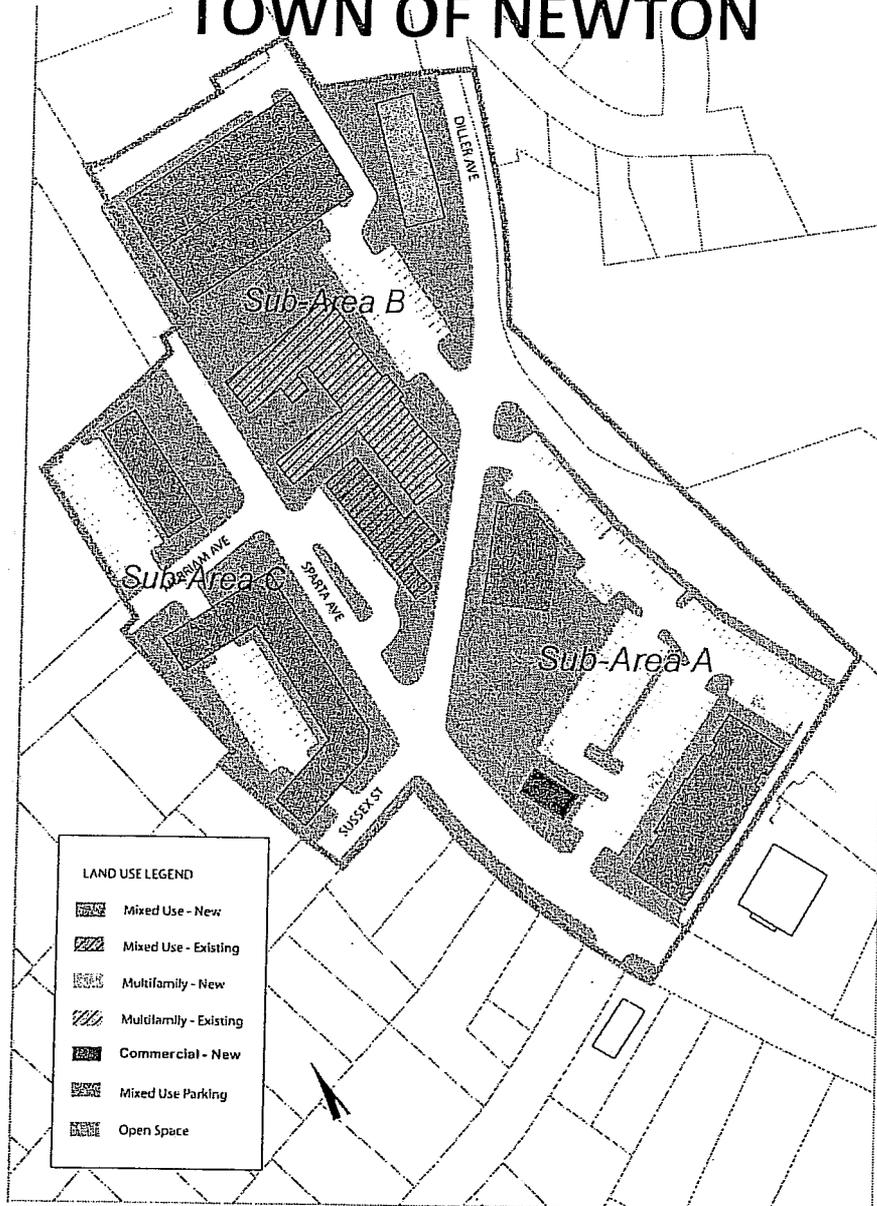
Lorraine A. Read, RMC  
Municipal Clerk

EXHIBIT A

PROPOSAL

On File in the Clerk's Office

# MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT TOWN OF NEWTON



August 2012

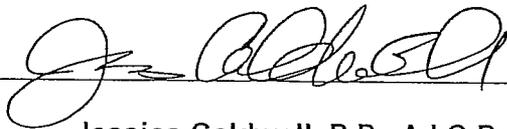
 **J Caldwell**  
& ASSOCIATES LLC

PLANNING CONSULTING SERVICES

# MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT TOWN OF NEWTON, SUSSEX COUNTY

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

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## PLAN CONSISTENCY REVIEW

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### BACKGROUND

The Merriam Gateway Redevelopment Plan (the “Plan”) governs a portion of the Town of Newton Rehabilitation Area, designated by the Town of Newton on April 23, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), including parcels, public streets and Rights-of-Way adjacent to and including Sparta Avenue and Diller Avenue (the “Plan Area”). The Plan was adopted by the Town Council in November 2010.

The Plan Area includes 20 tax lots on portions of four tax blocks, as well as the adjacent street rights-of-way of portions of Sparta Avenue, Diller Avenue, Sussex Street, and Railroad Place. The Town of Newton has updated tax lot numbers since the adoption of the original Merriam Gateway Redevelopment Plan. The new lot and block numbers for the parcels located in the Plan Area are: Block 18.03, Lot 10 (former Block 1104, Lot 22); Block 22.02, Lots 8, 9, and 10 (former Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (former Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5, 13, 14 and 15 (former Block 1308, Lots 1, 1.01, 1.02, 10, 11, 12, 13 and 14). The Plan Area covers 10.18 acres. The Plan divides the Plan Area into three (3) sub-areas: A, B and C. The parcels within Block 22.04 (former Block 1308) comprise Sub-Area A, the parcels within Block 18.02 (former Block 1301) comprise Sub-Area B, and the parcels within Blocks 18.03 and 22.02 (former Blocks 1104 and 1209 respectively) comprise Sub-Area C.

The purpose of the plan is to create consistency between the development contemplated for the Plan Area and the Bulk Standards promulgated in the Plan. Currently, when applied, the bulk requirements are not necessarily consistent with the locations and density of building concepts shown in the Plan. This proposed Plan Amendment is therefore intended to eliminate inconsistencies between graphical representations of potential development in the Plan and the bulk standards in the Plan. The result will be proposed new bulk standards that better represent graphical depictions of potential development in the Plan Area.

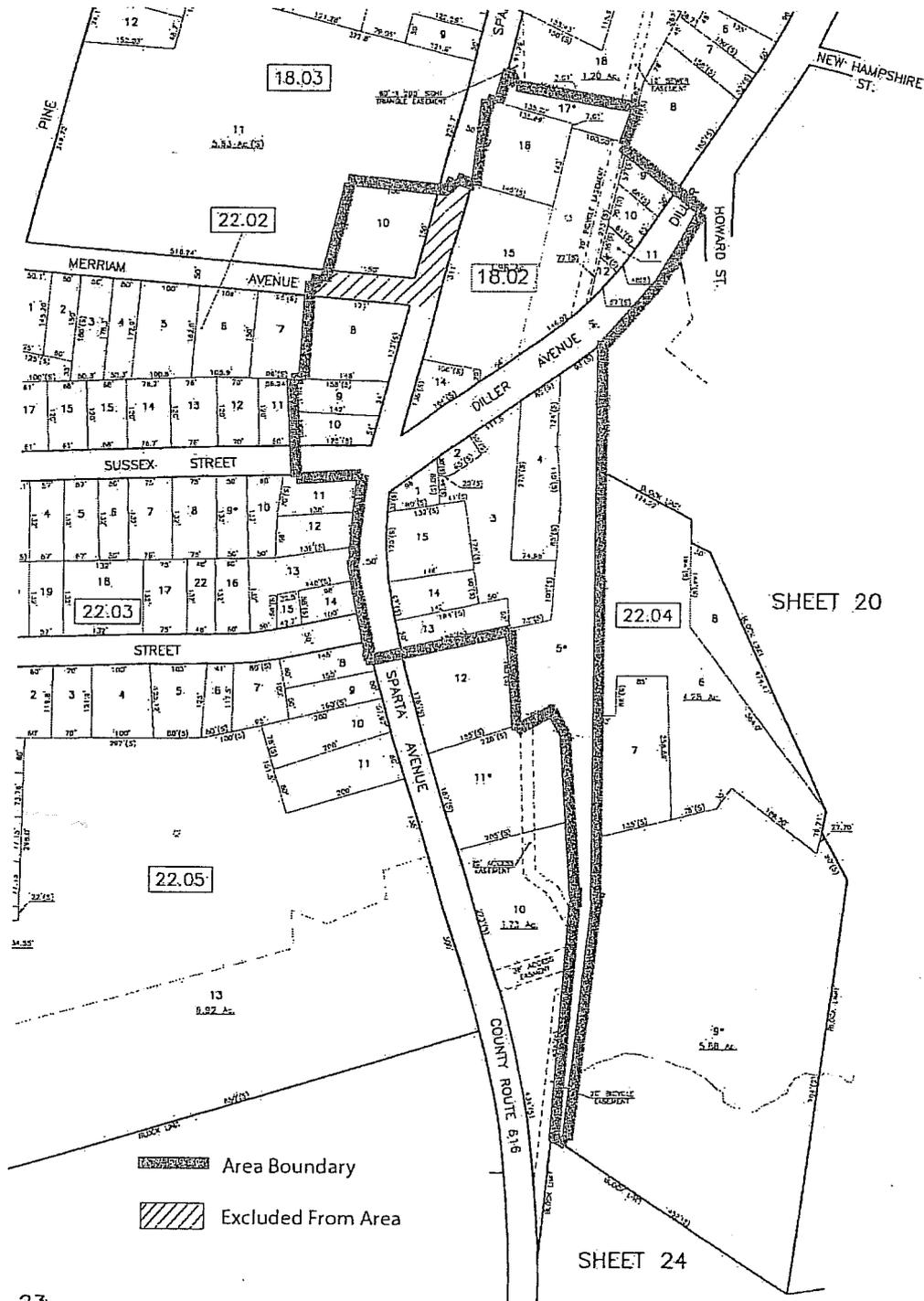
## **AMENDMENTS TO THE REDEVELOPMENT PLAN**

The Redevelopment Plan contemplates the potential for amendments to the Plan. At Section 8.0 of the Redevelopment Plan, it states, "As development occurs within the Area, development priorities and market demands may change. This Plan should have the ability to meet the changing needs of market demand, the Town of Newton and its citizens. Amendments may be required in order to accommodate these changes." As noted previously, the amendments proposed are required to create better consistency between graphic depictions and the bulk requirements of the Plan. For this reason, the proposed Plan amendments continue to further the stated goals of the Plan, the goals of the Town of Newton Master Plan and State Development and Redevelopment Plan.

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

# MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT

At Section 1.3, Block and Lot Map, the area map shall be amended to include the entirety of Lot 5, Block 22.04 (former Lot 1, Block 1308). The portion of Lot 5, Block 22.04 that extends beyond the original Plan Area will be utilized for parking, utilities, stormwater management, garbage and recycling facilities and a public bike path. Other maps in the Plan may not reflect the entirety of Lot 5, Block 22.04; however it is the intention of the Plan to permit the above-referenced improvements within Lot 5, Block 22.04.



At Section 3.0, Definitions, remove the definition for Net Acre.

At Section 6.0, Building Regulations, replace the bulk requirements on page 45 with the following:

**Density:** The maximum residential density for Sub-Areas A & C shall not exceed 24 dwelling units per acre, excluding rights of way. The density of Sub-Area B shall not exceed 15 dwelling units per acre excluding Block 18.02, Lots 15 and 16, which may maintain the residential density that exists as of the time of the adoption of this Plan Amendment.

**Setbacks:** Setbacks are the distance between the property line and the outer edge of the building wall, expressed in feet. The setbacks below apply to principal structures. Accessory structures are not permitted in the front yard setback and must have a minimum 5' side and rear yard setback. The principal building setbacks below are delineated by building type. For descriptions of the varying building types, see page 46 of the Plan.

**Sub-Area A (Block 22.04)**

**Front yard setback:**

- Multi-family: 10' min.
- Mixed-use: 10' min.
- Landmark: 0' min.

**Side yard setback:**

- Multi-family: 10' min.
- Mixed-use: 10' min.
- Landmark: 5' min.

**Rear yard setback:**

- Multi-family: 10' min.
- Mixed use: 10' min.
- Landmark: 10' min.

**Sub-Area B (Block 18.02)**

**Front yard setback:**

- Multi-family: 10' min.
- Mixed-use: 5' min.
- Landmark: 0' min.

**Side yard setback:**

- Multi-family: 10' min.
- Mixed-use: 10' min.
- Landmark: 5' min.

**Rear yard setback:**

- Multi-family: 10' min.
- Mixed-use: 10' min.

Landmark: 10' min.

**Sub-Area C (Blocks 18.03 & 22.02)**

**Front yard setback:**

Multi-family: 10' min.  
Mixed-use: 10' min.  
Landmark: 5' min.

**Side yard setback:**

Multi-family: 10' min.  
Mixed-use: 10' min.  
Landmark: 5' min.

**Rear yard setback:**

Multi-family: 10' min.  
Mixed-use: 10' min.  
Landmark: 10' min.

**Encroachments:** Encroachment is the distance beyond the setback lines that certain building elements can protrude, expressed in feet. Building elements which may encroach include, but are not necessarily limited to: overhangs, steps, porches, balconies, bay and box windows, decks, etc. No encroachment of more than four (4) feet is permitted.

**Allowable Building Envelopes:** Delete this section.

**At Section 6.5 Architectural Styles, page 48:** Delete item 10 (shown below).

- 10. Any ground level commercial facades must be of at least 60% void area (windows and other openings).

**At Section 8.1 Legal Requirements, page 73, paragraph 2:** Delete items 2, 3 and 5 (shown below):

- 2. Varying the minimum or maximum number of stories or their location as such story limitations are outlined, and other requirements as outlined in this Plan.
- 3. Increasing or decreasing story height from that which is specifically permitted in the Section 6 - Building Regulating Plan.
- 5. Non-completion of minimum open space, parks, or other type of phased improvements required to be implemented.

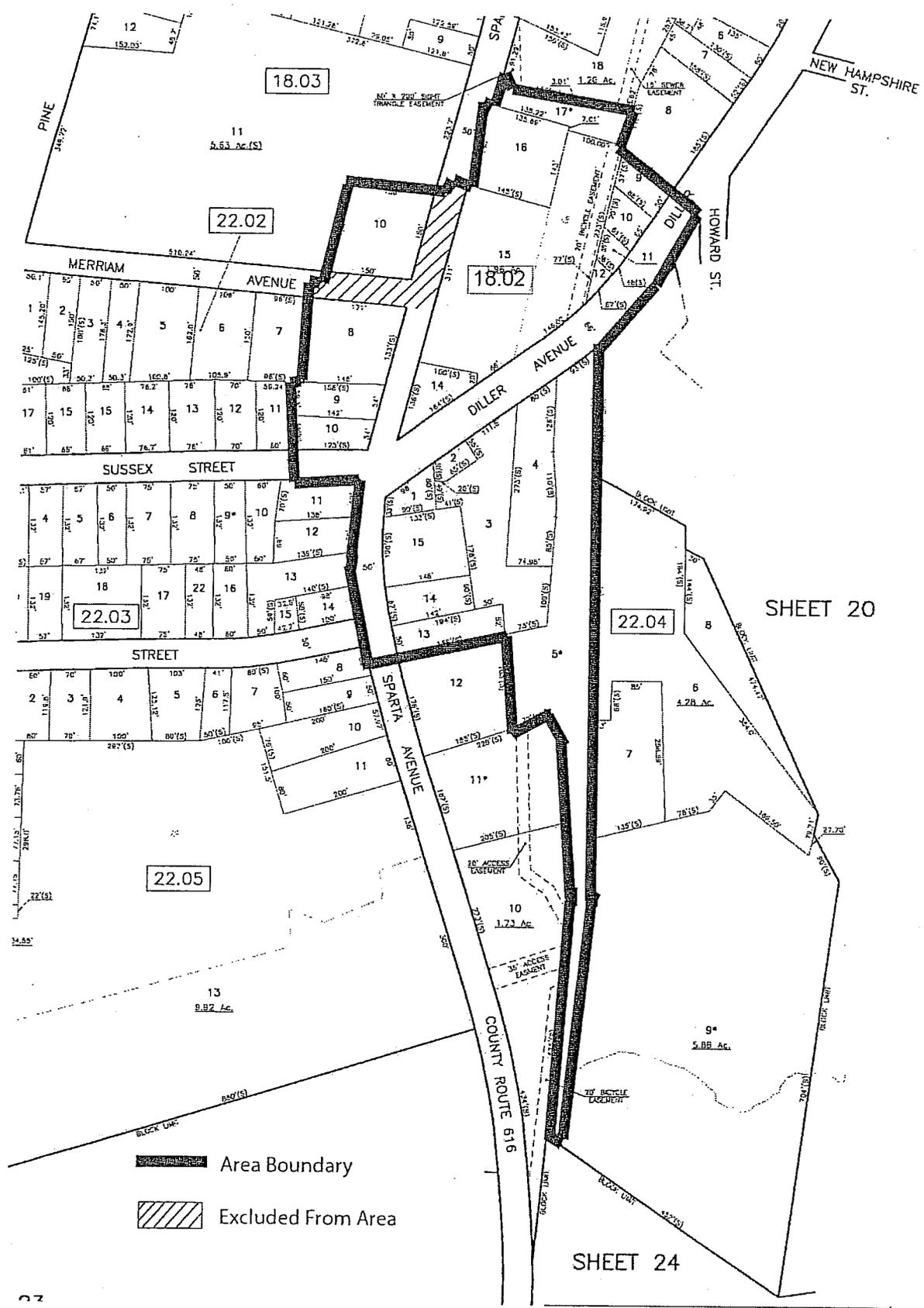
## TOWN OF NEWTON, NJ

### PLANNING BOARD REVIEW OF PROPOSED AMENDMENTS TO THE MERRIAM GATEWAY REDEVELOPMENT PLAN

**TAKE NOTICE** that on the 15<sup>th</sup> day of August, 2012 at 7:00 p.m., the Town of Newton Planning Board will consider proposed amendments to the Merriam Gateway Redevelopment Plan at the Municipal Building, 39 Trinity Street, Newton, NJ.

The Merriam Gateway Redevelopment Plan (the "Plan") governs a portion of the Town of Newton Rehabilitation Area, designated by the Town of Newton on April 23, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* The Plan, adopted by the Town in November 2010, governs 20 tax lots on portions of four tax blocks, as well as the adjacent street rights-of-way of portions of Sparta Avenue, Diller Avenue, Sussex Street, and Railroad Place. The lot and block numbers for the parcels located in the Plan Area are: Block 18.03, Lot 10 (former Block 1104, Lot 22); Block 22.02, Lots 8, 9, and 10 (former Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (former Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5, 13, 14 and 15 (former Block 1308, Lots 1, 1.01, 1.02, 10, 11, 12, 13 and 14). The Plan Area covers 10.18 acres. A map of the area is included for your convenience.

Copies of the Merriam Gateway Redevelopment Plan and the proposed amendments thereto may be downloaded from the Town of Newton's website at [www.newtontownhall.com](http://www.newtontownhall.com), and are also on file in the Town's Community Development Department, where they are available for inspection or reproduction.



 Area Boundary  
 Excluded From Area

SHEET 20

SHEET 24

EXHIBIT B

PLANNING BOARD FINDINGS

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

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

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

**WHEREAS**, in November 2010, after review and comment by the Planning Board in accordance with the Act, the Town implemented a redevelopment plan (the "Redevelopment Plan") for a portion of the Rehabilitation Area comprised of: Block 18.03, Lot 10 (then Block 1104, Lot 22); Block 22.02, Lots 8, 9 and 10 (then Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (then Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5 (portion), 13, 14 and 15 (then Block 1308, Lots 1 (portion), 1.01, 1.02, 10, 11, 12, 13 and 14), together with the public streets and rights-of-way adjacent thereto (collectively, the "Plan Area"); and

**WHEREAS**, the Town wishes to enlarge the Plan Area to include all of Block 22.04, Lot 5 (then Block 1308, Lot 1), which is within the Rehabilitation Area and which is owned by the Town, and further wishes to modify density requirements and certain bulk standards contained in the Redevelopment Plan; and

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

**WHEREAS**, on August 13, 2012, the Town Council, acting by Resolution, referred the Proposal to the Planning Board for its review and comment in accordance with Section 7 of the Act; and

**WHEREAS**, at a duly noticed and constituted public meeting of the Planning Board held on August 15, 2012, Jessica Caldwell, P.P., A.I.C.P. (the "Planning Consultant") presented the Proposal and further addressed any questions and comments presented by the Planning Board; and

**WHEREAS**, after due consideration of the Proposal, testimony regarding the Proposal, and discussion of the foregoing, the Planning Board has determined that the Proposal is consistent with the Town's Master Plan, and therefore the Planning Board wishes to recommend to the Town Council that it adopt the Proposal as an amendment to the Redevelopment Plan.

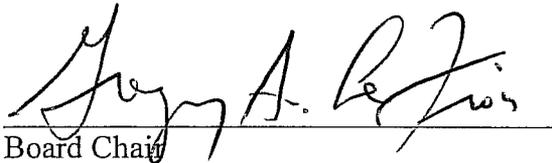
**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the Town of Newton as follows:

**Section 1.** Recommendation – Adoption of Proposal. The Planning Board hereby recommends to the Town Council that the Proposal be adopted as an amendment to the Redevelopment Plan. The Planning Board hereby finds and determines that the Proposal is consistent with the Town's Master Plan.

**Section 2.** Transmission to the Town Council. The Planning Board Secretary is hereby directed to transmit a copy of this Resolution to the Town Council. This Resolution shall serve as the Report to the Town Council required by Section 7 of the Act.

**Section 3.** Effective Date. This Resolution shall take effect immediately.

We hereby certify this to be a true and complete copy of a Resolution adopted by the Planning Board of the Town of Newton on the 15<sup>th</sup> day of August, 2012.

  
Board Chair

  
Board Secretary



## TOWN OF NEWTON

### RESOLUTION #186-2012

**September 12, 2012 "Authorize Entering into an Interlocal Shared Services Agreement with the Borough of Netcong for the Sale of Equipment"**

**WHEREAS**, the Town of Newton desires to enter into a shared services agreement with the Borough of Netcong to furnish the Borough of Netcong with a 2003 Mighty Mite Radar Trailer; and

**WHEREAS**, the parties desire to enter into an Agreement pursuant to the "Uniform Shared Services and Consolidation Act," N.J.S.A. 40A:65-4, et seq., for the furnishing of such services;

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

1. The Mayor and Town Clerk are hereby authorized and directed to execute the Shared Services Agreement, a copy of which is attached hereto, with the Borough of Netcong for the sale of a 2003 Mighty Mite Radar Trailer.
2. The Mayor and Clerk are hereby authorized to execute any additional non-substantial amendments and/or modifications to the Agreement without the consent of the Town Council.
3. This Resolution shall take effect immediately.

#### **CERTIFICATION**

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, September 12, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk

**SHARED SERVICES AGREEMENT  
BETWEEN  
THE TOWN OF NEWTON  
AND  
THE BOROUGH OF NETCONG  
FOR THE  
SALE OF SPECIALIZED EQUIPMENT**

**THIS AGREEMENT** (the “Agreement”) is made on the later of the two signature dates set forth below between the Town of Newton, a municipal corporation of the State of New Jersey with offices at 39 Trinity Street, Newton, New Jersey 07860 (“Newton”), and the Borough of Netcong, a municipal corporation of the State of New Jersey with offices at 23 Maple Avenue, Netcong, New Jersey 07857 (“Netcong”). The purpose of the Agreement is to provide for the purchase and sale of specialized equipment. To this end, the Town of Newton and the Borough of Netcong agree as follows:

1. This Agreement is a “Shared Services Agreement” pursuant to N.J.S. 40A:65-4 et seq.. The nature and value of services contracted in this Agreement excepts this Agreement from the bidding requirements of the Local Public Contracts Law, pursuant to, inter alia, N.J.S. 40A:11-3.
2. Newton owns specialized equipment described as a 2003 Mighty Mite Radar Trailer. The unit is white with a 25” high by 30” wide screen with a Stalker DSR radar unit (the “Radar Trailer”). Newton agrees to sell the Radar Trailer to Netcong for the sum of ONE THOUSAND AND FIVE HUNDRED DOLLARS (\$1,500.00) and Netcong agrees to purchase the Radar Trailer from Newton for said price. Netcong shall be responsible for collection of the Radar Trailer from Newton upon the closing of this transaction.
3. The Radar Trailer is being sold “AS IS.” Newton offers no warranty and no guaranty regarding the performance of the Radar Trailer and Netcong here reiterates its satisfaction with the assumption of the risk of suitability and future operation of the Radar Trailer. Upon Netcong’s collection of the Radar Trailer, Netcong assumes all liability and responsibility for the Radar Trailer, its transportation, maintenance, insurance, use and disposition.
4. This Agreement, except as regards future responsibilities set forth herein, shall automatically terminate upon Newton’s delivery of the Radar Trailer and Netcong’s payment to Newton in full and Netcong’s collection of the Radar Trailer from the Town of Newton.

5. This Agreement shall be interpreted pursuant to the laws of the State of New Jersey. All amendments to this Agreement must be in writing.

IN WITNESS WHEREOF, the parties have caused these presents to be duly executed as a sealed instrument the day and year first above written.

**TOWN OF NEWTON :**

ATTEST:

By: \_\_\_\_\_  
Sandra Lee Diglio, Mayor

By: \_\_\_\_\_  
Lorraine A. Read, Clerk

STATE OF NEW JERSEY :  
:SS:  
COUNTY OF SUSSEX :

I certify that on \_\_\_\_\_, 2012, \_\_\_\_\_ came before me and acknowledged under oath that she is the person authorized to and did personally sign the attached document on behalf of the Town of Newton and signed, sealed and delivered this document as its act and deed.

\_\_\_\_\_

**NETCONG BOROUGH:**

ATTEST:

By: \_\_\_\_\_  
Joseph A. Nametko, Mayor

By: \_\_\_\_\_  
Dolores Dalessandro, Clerk

STATE OF NEW JERSEY :  
:SS:  
COUNTY OF SUSSEX :

I certify that on \_\_\_\_\_, 2012, \_\_\_\_\_ came before me and acknowledged under oath that he is the person who signed, sealed and delivered the attached document on behalf of the Borough of Netcong and signed, sealed and delivered this document as its act and deed.

\_\_\_\_\_



## TOWN OF NEWTON

### RESOLUTION #187-2012

September 12, 2012 “Authorize Refund of Redemption Monies to Outside Lien Holder for Block 15.01, Lot 8 (Formerly Block 801, Lot 8)”

**WHEREAS**, at the Municipal Tax Sale held on October 19, 2011, a lien was sold on Block 15.01, Lot 8 (Formerly Block 801, Lot 8), also known as 20 Townsend Street, for 2010 delinquent utility charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1360, and was sold to US Bank cust for Pro Capital I, LLC for 18% redemption fee; and

**WHEREAS**, Core Logic, who represents the owner's mortgage company, has effected the redemption of Certificate #1360 in the amount of \$463.46;

**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 \$463.46; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check, in the amount of \$463.46 for the redemption of Certificate #1360 to US Bank cust for Pro Capital I LLC, 50 S. 16th Street, Suite 1950, Philadelphia, PA 19102.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, September 12, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #188-2012

September 12, 2012 “Affirm the Issuance of a \$950,000 Bond Anticipation Note”

**WHEREAS**, when Bond Ordinances are adopted by the Town Council of the Town of Newton, the Chief Financial Officer is authorized to issue Bond Anticipation Notes (BAN) to provide temporary financing for the Town; and

**WHEREAS**, the Town of Newton needed to finance the debt authorized by Ordinance #2012-13 adopted April 9, 2012; and

**WHEREAS**, the Town had already issued refunding bonds in the calendar year 2012 in excess of \$10,000,000 which made this BAN issue non-bank qualified and therefore not attractive to local banks, and also the larger financial institutions consider this a small issue and therefore not attractive to them, therefore the Town's bond counsel recommended having a negotiated sale; and

**WHEREAS**, the Chief Financial Officer and McManimon, Scotland and Baumann, bond counsel for the Town of Newton negotiated the sale with RBC Capital Markets for a Bond Anticipation Note totaling \$950,000.00 at a interest rate of 1.25%, and a yield of .8506%; and

**WHEREAS**, the appropriate Town Officials have executed said Note in the amount of \$950,000.00 dated August 29, 2012 and maturing August 29, 2013 ; and

**WHEREAS**, to comply with N.J.S.A. 40A:2-28 of the Local Bond Law, which requires that the Chief Financial Officer report certain information in writing to the Mayor and Council at the next Town Council meeting, herewith attached is the Certificate of Determination and Award;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it does hereby affirm the issuance of a \$950,000 Bond Anticipation Note issued August 29, 2012 and maturing August 29, 2013 bearing an interest rate of 1.25% by the Chief Financial Officer and the execution of said note by the appropriate Town Officials.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, September 12, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk

CERTIFICATE OF DETERMINATION AND AWARD

I, Dawn L. Babcock, Chief Financial Officer of the Town of Newton, in the County of Sussex, New Jersey (hereinafter referred to as the "Town"); HEREBY CERTIFY as follows:

1. I hereby determine to issue the Bond Anticipation Note (the "Note") hereinafter described by virtue of the authority conferred upon me by the bond ordinance of the Town referred to in the attached chart by reference to number, date of adoption and amount of bonds or notes authorized, such notes to be issued in the amount indicated in the chart.

<u>TOTAL</u> <u>PRINCIPAL</u> <u>AMOUNT:</u>	<u>NUMBERS</u>	<u>DENOMINATIONS</u>
\$950,000	2012-1	\$950,000
<u>DATE:</u>	8/29/2012	
<u>MATURITY:</u>	8/29/2013	
<u>INTEREST</u> <u>RATE PER</u> <u>ANNUM:</u>	1.25%	
<u>PLACE OF</u> <u>PAYMENT:</u>	Town of Newton, in the County of Sussex, New Jersey	

2. Pursuant to the authority so conferred upon me, I have awarded and sold the Note to RBC Capital Markets at the price of \$953,762.00, plus an amount equal to the interest on the Note accrued to the date of payment of the purchase price.

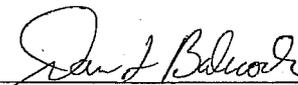
3. No bonds of the Town have heretofore been issued pursuant to the bond ordinance referred to in Section 1 hereof.

4. The date of the first note or other obligation issued in anticipation of the issuance of the bonds that the Note is issued in anticipation of, whether or not now outstanding, is August 29, 2012.

5. No grants have been received, no paydowns have been made and no cancellations have been enacted that would reduce the debt authorization below the amount of notes outstanding under the bond ordinance described in the attached chart.

6. No notes or other obligations in anticipation of the issuance of bonds have heretofore been issued pursuant to the bond ordinance referred to in the attached chart and now remain outstanding and unpaid.

IN WITNESS WHEREOF, I have hereunto set my hand as of August 29, 2012.



Dawn L. Babcock

Chief Financial Officer



## TOWN OF NEWTON

### RESOLUTION #189-2012

September 12, 2012 **“To Authorize Execution of a Banking Services Agreement with Lakeland Bank”**

**WHEREAS**, the Town of Newton prepared a request for proposals for banking services and received several responses; and

**WHEREAS**, Lakeland Bank has offered a variable rate, which is the Fed Funds Rate less .5% with a floor of .15% with payroll costs included, for a two year period, with an option to extend for a third year; and

**WHEREAS**, the Chief Financial Officer and the Qualified Purchasing Agent recommend the Governing Body accept the two year proposal offered by Lakeland Bank;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby authorizes and directs the Chief Financial Officer and Town Manager to execute an agreement with Lakeland Bank to secure a variable rate, which is the Fed Funds Rate less .5% with a floor of .15% with payroll costs included, for a two year period beginning October 1, 2012 continuing until September 30, 2014: and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to Lakeland Bank, and a copy of said agreement be kept on file in the Municipal Clerk's office for public viewing.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, September 12, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



**TOWN OF NEWTON  
RESOLUTION #190-2012**

**September 12, 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:

**Credit for Incorrect Meter Reading:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
17170	5 Woodside Ave.	\$935.00

**CERTIFICATION**

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, September 12, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #191-2012

September 12, 2012 **“To Cancel Grant Receivable and Appropriated Reserve and Current Public & Private Revenue and Offsetting Appropriation for Unrealized Clean Community Grant in the Amount of \$209.32”**

**WHEREAS**, the Town of Newton used the Division of Local Government Services website listing the *Estimated Distribution for Municipalities of 2012 Clean Communities Grant* amount of \$12,488.61 when preparing the 2012 Municipal Budget; and

**WHEREAS**, the amount received from the State on May 11, 2012 was \$12,279.29; and

**WHEREAS**, the Clean Communities grant is reflected in the accounting records of both the Current Account and the Grant Account; and

**WHEREAS**, there is a grant receivable balance of \$209.32 *Due from State of New Jersey Clean Communities* on the Federal and State Grant balance sheet and an unrealized revenue of the same amount on the Current Fund balance sheet; and

**WHEREAS**, it is necessary to formally cancel the receivable balances and the offsetting appropriation balance;

**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 receivable and offsetting appropriation balances:

#### **Current Fund**

- |  |          |
|--|----------|
| 3. Miscellaneous Revenues – Section F: Special Items of Revenue Anticipated with Prior Written Consent of DLGS – Public & Private Revenues Offset with Appropriations: Clean Communities Program | \$209.32 |
| 8. General Appropriations (A) Operations – Excluded from “Caps” – Public & Private Programs Offset by Revenues: Clean Communities Programs   | \$209.32 |

#### **Federal & State Grant Fund**

- |   |          |
|---|----------|
| Grant Receivable – Clean Communities            | \$209.32 |
| Appropriated Reserves – Clean Communities Grant | \$209.32 |

#### **CERTIFICATION**

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, September 12, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #192-2012

September 12, 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.

#### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, September 12, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk