



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**MAY 13, 2013**  
**7:00 P.M.**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. OPEN PUBLIC MEETINGS ACT STATEMENT**

**IV. APPROVAL OF MINUTES**

- APRIL 22, 2013 REGULAR MEETING
- APRIL 22, 2013 EXECUTIVE SESSION

**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. PRESENTATION**

- a. PROCLAMATION – NATIONAL POLICE WEEK

**VII. COUNCIL & MANAGER REPORTS**

**VIII. ORDINANCES**

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

ORDINANCE 2013-12

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION FOR THE PREPARATION AND IMPLEMENTATION OF A REASSESSMENT OF THE COMPLETE PROGRAM FOR REVALUATION OF REAL ESTATE FOR USE OF THE TOWN OF NEWTON TAX ASSESSOR (N.J.S.A. 40A-53)

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

ORDINANCE 2013-13

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$95,000.00 FOR HOWARD STREET WATERMAIN UPGRADES IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY

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

**b. INTRODUCTION**

ORDINANCE 2013-14

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF NEWTON TO ESTABLISH A NEW ARTICLE III TO CHAPTER 213, SECTION 213-11, ET SEQ., REQUIRING CERTAIN LANDLORDS TO POST ADEQUATE SECURITY AGAINST THE CONSEQUENCES OF DISORDERLY BEHAVIOR OF THE TENANTS

ORDINANCE 2013-15

AN ORDINANCE REVISING SECTION 283-17.8, FOREIGN LIMOUSINE REGISTRATION, OF THE CODE OF THE TOWN OF NEWTON

ORDINANCE 2013-16

AN ORDINANCE AMENDING SECTION 100-24.H OF THE CODE OF THE TOWN OF NEWTON TO INCLUDE A PROVISION REGARDING FUTURE PAYMENT

**IX. OLD BUSINESS**

**X. 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 #70-2013\* PROVIDE EMERGENCY APPROPRIATION IN THE AMOUNT OF \$110,000 IN THE TOWN OF NEWTON 2013 BUDGET
- b.** RESOLUTION #71-2013\* TOWN OF NEWTON CERTIFICATION OF ANNUAL AUDIT
- c.** RESOLUTION #72-2013\* AUTHORIZING A LEASE AGREEMENT WITH FIRST HOPE BANK FOR THE ACQUISITION OF TWO (2) 2013 FORD INTERCEPTOR SEDAN POLICE CARS
- d.** RESOLUTION #73-2013\* INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2013 TOWN OF NEWTON BUDGET PURSUANT TO NJSA 40A:4-87 (C. 159, PL 1948)
- e.** RESOLUTION #74-2013\* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- f.** RESOLUTION #75-2013\* APPOINTMENT OF MELISSA LOGAN AS A REGULAR MEMBER OF THE NEWTON PLANNING BOARD
- g.** APPLICATION\* MEMBERSHIP APPLICATION FOR WILLIAM J. DEMAREST 10 GLENN BROOK DRIVE, HAMPTON INTO THE NEWTON FIRE DEPARTMENT

**XI. INTERMISSION**

**XII. DISCUSSION**

- a.** PROPERTY MAINTENANCE CODE PENALTY ORDINANCE – DRAFT
- b.** COMMERCIAL VEHICLE ORDINANCE – DRAFT
- c.** ZONING TAX MAP - DRAFT

**XIII. OPEN TO THE PUBLIC**

**XIV. COUNCIL & MANAGER COMMENTS**

**XV. EXECUTIVE SESSION**

a. RESOLUTION #76-2013

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

1. CONTRACT NEGOTIATIONS

**XVI. ADJOURNMENT**

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Office of the Mayor

Newton, New Jersey

# Proclamation

## National Police Week

**May 12 -18, 2013**

**WHEREAS**, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Newton Police Department; and

**WHEREAS**, nearly 60,000 assaults against law enforcement officers are reported each year, resulting in approximately 16,000 injuries; and

**WHEREAS**, since the first recorded death in 1791, almost 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including Chief John D. Kinney of the Newton Police Department who died in the line of duty on November 29, 1934; and

**WHEREAS**, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

**WHEREAS**, 321 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this year, including 120 officers killed in the performance of duty in 2012 and 201 officers killed in previous years, including Newton Police Chief John D. Kinney; and

**WHEREAS**, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 25<sup>th</sup> Annual Candlelight Vigil, on the evening of May 13, 2013; and

**WHEREAS**, the Candlelight Vigil is part of National Police Week, which takes place this year on May 12-18; and

**WHEREAS**, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton formally designates May 12-18, 2013, as Police Week in the Town of Newton, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

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

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

Date: \_\_\_\_\_ May 13, 2013 \_\_\_\_\_

# TOWN OF NEWTON

## ORDINANCE # 2013-12

**AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY  
APPROPRIATION FOR THE PREPARATION AND IMPLEMENTATION  
OF A REASSESSMENT OF THE COMPLETE PROGRAM FOR REVALUATION OF  
REAL ESTATE FOR USE OF THE TOWN OF NEWTON TAX ASSESSOR  
(N.J.S.A. 40A: 4-53)**

**WHEREAS**, the Sussex County Board of Taxation requested that the State Director of Taxation approve a Civil Order mandating that the Town of Newton conduct a revaluation of all real property within the corporate boundaries of said municipality, and

**WHEREAS**, the Director of Taxation approved the Civil Order on April 12, 2006; and

**WHEREAS**, a complete revaluation as completed, was effective on the 2008 tax book;  
and

**WHEREAS**, additionally the Town of Newton adopted Ordinance #2010-23 on October 13, 2010 which authorized a special emergency appropriation of \$60,000 for the Preparation and Implementation of a Reassessment of all Real Property within the Town of Newton; and

**WHEREAS**, again due to the decrease in the sale of home values, the Town's ratio exceeds 100%. Since the State of New Jersey per chapter 123 does not permit a homeowner to be charged a ratio greater than 100%, the Town of Newton needs to reassess all the properties in the Town of Newton to equitably value the properties in the changing economic environment;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton, in the County of Sussex, State of New Jersey, that pursuant to NJSA 40A: 4-53, the sum of One Hundred and Ten Thousand Dollars (\$110,000.00) is hereby appropriated for the preparation and issuance of a complete program of revaluation of real estate for use of the Town of Newton Tax Assessor and shall be deemed an emergency appropriation as defined and provided for in NJSA 40A: 4-53;

**BE IT FURTHER ORDAINED**, that such appropriation and "special emergency notes" authorized to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least one-fifth (1/5) of the amount authorized pursuant to this act.

### NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on April 22, 2013. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on May 13, 2013 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

# TOWN OF NEWTON

## ORDINANCE #2013-13

**A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$95,000.00 FOR HOWARD STREET WATERMAIN UPGRADES 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.** \$95,000.00 is hereby appropriated from the Capital Improvement Fund in the Water Sewer Capital Fund for Howard Street Watermain Upgrades in the Town of Newton, including all costs necessary therefore or incidental thereto:

**Section 2.** The Water Sewer 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.

### NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on April 22, 2013. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on May 13, 2013 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

# TOWN OF NEWTON

## Ordinance 2013-14

### AN ORDINANCE AMENDING THE CODE OF THE TOWN OF NEWTON TO ESTABLISH A NEW ARTICLE III TO CHAPTER 213, SECTION 213-11, ET SEQ., REQUIRING CERTAIN LANDLORDS TO POST ADEQUATE SECURITY AGAINST THE CONSEQUENCES OF DISORDERLY BEHAVIOR OF THE TENANTS

**WHEREAS**, Town Council of the Town of Newton finds, determines and declares:

1. Parts of the Newton community and its citizens have experienced disturbances, damage and public expense resulting from carelessly granted and inadequately supervised rentals to irresponsible tenants by inept or indifferent landlords;
2. This section is enacted to preserve the peace and tranquility of the community for its residents, and to maintain the Town as a pleasant and safe place for all persons and families to live;
3. The enactment of this section is necessary and desirable to provide a means to curb and discourage those occasional excesses arising from irresponsible rentals; and
4. The Legislature of the State of New Jersey enacted N.J.S.A. 40:48-2.12n, et seq., to enable municipal governing bodies to take effective action to assure that excesses, when they occur, shall not be repeated, and that landlords be held to sufficient standards of responsibility.

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton, County of Sussex, and State of New Jersey that the Code of the Town of Newton is hereby amended to establish and adopt the municipal powers authorized by the State of New Jersey Legislature, N.J.S.A. 40:48-2.12n through 40:48-2.12r, and as may be amended, a new Article III, Chapter 213, Section 213-11, et seq., to hold certain landlords responsible for disorderly tenant behavior, as follows:

**Section 1.** Chapter 213, Article III, "Holding Certain Landlords Responsible for Disorderly Tenant Behavior", is hereby created and made a part of the Code of the Town of Newton.

#### **Article III. Holding Certain Landlords Responsible for Disorderly Tenant Behavior.**

**213-11.** The Town of Newton hereby grants to itself all such powers granted to municipalities by the State of New Jersey for holding certain landlords responsible for their tenants, including the posting of adequate security against the consequences of disorderly behavior of their tenants. Such enabling statutory powers are set forth at N.J.S.A. 40:48-2.12n et seq., as may be amended.

## **213-12 Definitions.**

"Hearing Officer" shall mean a licensed attorney of the State of New Jersey appointed by the Town Council. The Hearing Officer shall not own or lease any real property within the Town of Newton, nor hold any interest in the assets of or profits arising from the ownership or lease of such property.

"Landlord" shall be defined as "Landlord" under the law, N.J.S.A. 40:48-2.12o, as may be amended.

## **213-13 Hearings and Penalties.**

- A. If in any twenty-four (24) month period, two (2) complaints, on separate occasions, of conduct upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction as a violation of any provision of Title 2C of the New Jersey Statutes or any municipal ordinance governing disorderly conduct, the Newton Town Manager or any designee of the Town Manager for the purpose, may institute proceedings to require the landlord of those premises to post a bond against the consequences of future incidents of the same character.
- B. In the event a tenant is convicted of any of the conduct described in subsection A of this Section, the Town Manager or designee shall cause notice advising that the conduct specified has occurred to be served on the Landlord, in person or by registered mail, at the address appearing on the tax records of the Town.
- C. The Town Manager or designee shall cause to be served upon the Landlord, in person or by registered mail to the address appearing on the tax records of the Town, notice advising of the institution of such proceedings, together with particulars of the substantiated complaints upon which those proceedings are based, and of the time and place at which a hearing will be held in the matter, which shall be in the municipal building, municipal court or other public place within the Town, and which shall be no sooner than thirty (30) days from the date upon which the notice is served or mailed.
- D. At the hearing convened pursuant to subsection C of this Section, the Hearing Officer shall give full hearing to both the complaint of the municipality and to any evidence in contradiction or mitigation that the Landlord, if present or represented and offering such evidence, may present. The Hearing Officer may consider, to the extent deemed relevant by the Hearing Officer, prior complaints about the residents of the property, even if those complaints did not result in a conviction. At the conclusion of the hearing, the Hearing Officer shall determine whether the Landlord shall be required to post a bond in accordance with the terms of the ordinance.
- E. Any bond required to be posted shall be in accordance with the judgment of the Hearing Officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:
  - 1) damages likely to be caused to public or private property and damages consequent upon disruption or affected residents' rights of fair use and quiet possession of their premises;
  - 2) securing the payment of fines and penalties likely to be levied for such offenses; and
  - 3) compensating the Town for the costs of repressing and prosecuting such incidents of disorderly behavior.

No such bond shall be in an amount less than \$500 or more than \$5,000. The Town may enforce the bond thus required by action in the Superior Court, and shall be entitled to an injunction prohibiting the Landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the Town.

- F. A bond or other security deposited in compliance with subsection E of this Section shall remain in force for three (3) years. Upon the lapse of the three (3) year period, the Landlord shall be entitled to the discharge thereof, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under Section 213.14 below, in which case the security shall be renewed, in an amount and for a period that shall be specified by the Hearing Officer. The Town Council may by Resolution shorten the period for which security is required to not less than one (1) year from the date of the transfer of ownership or control, if during that year no substantiated complaints are recorded with respect to the property in question.

**213-14 Bond Forfeiture and Extension.**

- A. If during the period for which a Landlord is required to give security pursuant to Subsection 213-13 above, a substantiated complaint is recorded against the property in question, the Town Manager or designee may institute proceedings against the Landlord for the forfeiture or partial forfeiture of the security, for an extension as provided in Subsection 213-13.F. above, of the period for which the security is required, or for increase in the amount of security required, or for any or all of those purposes.
- B. Any forfeiture or partial forfeiture of security shall be determined by the Hearing Officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in Subsection 213.13.E above. Any decision by the Hearing Officer to increase the amount or extend the period of the required security shall be determined in light of the same factors set forth in Subsection 213-13.E above, and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which proceedings arise under this section indicates the appropriateness of such change in order to effectually carry out the purposes of this ordinance effectually. The decision of the Hearing Officer in such circumstances shall be enforceable in the same manner as provided in Subsection 213-13.F above.
- C. A Landlord may recover from a tenant any amounts of security actually forfeited as described in Subsection B of this Section.

**Section 2. Severability.** If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**Section 3. Repealer.** All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**Section 4. Effective Date.** This Ordinance will take effect after publication and passage according to law.

**TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, May 13, 2013. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Wednesday, May 29, 2013 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

# TOWN OF NEWTON

## ORDINANCE 2013-15

### AN ORDINANCE REVISING SECTION 283-17.8, FOREIGN LIMOUSINE REGISTRATION, OF THE CODE OF THE TOWN OF NEWTON

**WHEREAS**, the current Town Ordinance that governs the circumstances pursuant to which a limousine license may be issued, Section 283-17.B, is in need of amendment;

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey, that Section 283-17.B of the Town of Newton Code is amended as follows:

**Section 1.** Section 283-17.B of the Town of Newton Code shall be amended to read as follows:

283-17.B. Foreign limousine registration with business address in Newton. Whenever the owner of a limousine maintains a business address in the Town of Newton; owns a limousine that is registered in another state or the District of Columbia; satisfies all of the requirements set forth in this article; and desires to obtain a license for each such limousine from the Town of Newton, said owner shall annually file for a license for each such owned limousine to be issued by the Town in accordance with N.J.S.A. 48:16.22.4(a). Pursuant to New Jersey statute, the owner may have his principal place of business in a location other than a municipality in the State of New Jersey, in which case, the owner may elect a municipality in New Jersey in which he has a business address to file the required insurance policy and receive the license to operate. The Town of Newton shall issue such license upon the owner's satisfaction of all of the requirements set forth in this article.

**Section 2. Severability.** If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**Section 3. Repealer.** All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

**TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, May 13, 2013. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Wednesday, May 29, 2013 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

# TOWN OF NEWTON

## ORDINANCE 2013-16

### AN ORDINANCE AMENDING SECTION 100-24.H OF THE CODE OF THE TOWN OF NEWTON TO INCLUDE A PROVISION REGARDING FUTURE PAYMENT

**WHEREAS**, the Town Council of the Town of Newton finds that Section 100-24 entitled “Miscellaneous fees and charges”, as referred to in Chapter 100, “Fees and Costs” of the Newton Town Code, is in need of revision to include a provision, pursuant to N.J.S.A. 40:5-18(d), requiring certain future payments to the Town to be tendered in cash or by certified or cashier’s check.

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

**Section 1.** Existing Section 100-24.H “Miscellaneous fees and charges” of the Code of the Town of Newton shall be and is hereby revised as follows:

H. Service charges for checks returned due to insufficient funds, per N.J.S.A. 40:5-18(c): \$20.00. If any individual or business has had a check or other written instrument to the Town returned for insufficient funds, all future payments to the Town must be tendered in cash or by certified or cashier’s check, per N.J. S.A. 40:5-18(d).

**Section 2. Severability.** If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**Section 3. Repealer.** All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**Section 4. Effective Date.** This Ordinance will take effect after publication and passage according to 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 Monday, May 13, 2013. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Wednesday, May 29, 2013 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



## TOWN OF NEWTON

### RESOLUTION #70-2013

May 13, 2013

**"Provide Emergency Appropriation in the Amount of \$110,000 in the Town of Newton 2013 Budget"**

**WHEREAS**, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses to be incurred for the preparation and implementation of a reassessment of all real property within the Town of Newton; and

**WHEREAS**, N.J.S. 40A:4-53 provides that it shall be lawful to make such appropriation, which appropriation and/or "special emergency notes" issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton (not less than two-thirds (2/3) of all the members thereof affirmatively concurring), that in accordance with the provisions of N.J.S. 40A:4-55:

- 1) An emergency appropriation is hereby made for preparation and implementation of a reassessment of all real property within the Town of Newton in the total amount of \$110,000.00;
- 2) Said "special emergency note", not in excess of the amount authorized pursuant to law, be provided (should the Town determine the need for said note);
- 3) Said note (if necessary) shall be executed by the Mayor and Chief Financial Officer of the Town of Newton;
- 4) Said note shall be dated at such time as it may be issued, may be renewed from time to time provided that said note and any renewals thereof shall mature and be paid in the amount of not less than one-fifth of the total amount appropriated by this resolution in each year after the authorization; and
- 5) One (1) certified copy of this resolution be filed with the Director of the Division of Local Government Services.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, May 13, 2013.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #71-2013

May 13, 2013

#### "Town of Newton Certification of Annual Audit"

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the Governing Body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

**WHEREAS**, the members of the Governing Body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the section of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the Governing Body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, the Chief Financial Officer has prepared, distributed and filed the Corrective Action Plan in accordance with Federal and State Guidelines; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey a order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more that one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

#### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, May 13, 2013.

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

**CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT**  
GROUP AFFIDAVIT FORM  
NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY  
COUNTY OF SUSSEX

We, members of the Governing Body of the *Town of Newton* of, in the County of *Sussex*, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the *Town Council* of the *Town of Newton* in the County of *Sussex*;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2011;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

\_\_\_\_\_  
Sandra Lee Diglio, Mayor

\_\_\_\_\_  
Joseph A. Ricciardo, Deputy Mayor

\_\_\_\_\_  
E. Kevin Elvidge, Councilmember

\_\_\_\_\_  
Kristen S. Becker, Councilmember

\_\_\_\_\_  
Daniel G. Flynn, Councilmember

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_  
Notary Public of New Jersey

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

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The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the Governing Body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

*Mayor*  
Sandra Lee Diglio

*Deputy Mayor*  
Joseph A. Ricciardo

*Council Members*  
E. Kevin Elvidge  
Kristen S. Becker  
Daniel G. Flynn



*Town Manager*  
Thomas S. Russo, Jr.

*Town Clerk*  
Lorraine A. Read

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Telephone: (973) 383-3521  
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39 Trinity Street  
Newton, NJ 07860

TOWN OF NEWTON  
COUNTY OF SUSSEX

**CORRECTIVE ACTION PLAN**  
FOR THE DECEMBER 31, 2012 REPORT OF AUDIT

THIS CORRECTIVE ACTION PLAN HAS BEEN PREPARED IN ACCORDANCE WITH FEDERAL AND STATE GUIDELINES. A COPY WILL BE ON FILE AND AVAILABLE FOR PUBLIC INSPECTION IN THE TOWN OF NEWTON MUNICIPAL CLERK'S OFFICE NO LATER THAN 60 DAYS FROM WHEN THE AUDIT WAS RECEIVED. THIS PLAN SHALL ALSO BE FILED WITH THE STATE OF NEW JERSEY – DIVISION OF LOCAL GOVERNMENT SERVICES.

**Finding #1**

Description: That tickets over 181 days be recalled and reissued.

Analysis: There are 18 tickets assigned but not issued over 181 days.

Corrective Action: Tickets will be issued or returned to the Court Administrator upon notice from the Court Administrator to the officer. Those tickets will then be reissued.

Implementation Date: October 2013.

AUDIT REPORT RECEIVED: May 2, 2013

DATE OF REPORT: May 13, 2013

REPORTED BY: DAWN L. BABCOCK, CMFO #0-0105



## TOWN OF NEWTON

### RESOLUTION #72-2013

May 13, 2013

**“Authorizing a Lease Agreement with First Hope Bank for the Acquisition of Two (2) 2013 Ford Interceptor Sedan Police Cars”**

**WHEREAS**, a need exists for the acquisition of the vehicles/equipment as described on Exhibit D of the Lease and Option Agreement, attached hereto; and

**WHEREAS**, the Town of Newton ("Lessee") has taken the necessary steps, in compliance with the New Jersey Local Public Contracts Law ("the Law"), or an exception to the Law, including any legal bidding requirements, under applicable law for the acquisition of such vehicles/equipment; and

**WHEREAS**, the terms of the Municipal Lease and Option Agreement as attached hereto, are in the best interests of the Town of Newton for the acquisition of such vehicles/equipment;

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Town Council of the Town of Newton designates and authorizes the Town Manager and Chief Financial Officer to execute, attest, and deliver the Municipal Lease and Option Agreement and any related documents necessary for the consummation of the transactions contemplated by the Municipal Lease and Option Agreement; and

**BE IT FURTHER RESOLVED**, that the Governing Body of the Lessee hereby represents that the reasonably anticipated amount of qualified tax-exempt obligations which have been and will be issued by the Lessee does not exceed \$10,000,000 for the calendar year within which this Lease and Option Agreement is to be a "qualified tax-exempt obligation" pursuant to Section 265(b) of the Internal Revenue Code; and

**BE IT FURTHER RESOLVED**, that the Town of Newton's Chief Financial Officer has certified that sufficient funds are available to pay the initial lease payment, which is due on June 1, 2013. Approval of this Resolution and Lease is subject to the appropriation by the Town Council of sufficient funds to make the lease payments for the years 2014 and 2015; and

**BE IT FURTHER RESOLVED**, that a copy of said Municipal Lease and Option Agreement be placed on file in the Office of the Municipal Clerk.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, May 13, 2013.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #73-2013

May 13, 2013

**"Insertion of Special Items of Revenue in the 2013 Town of Newton Budget Pursuant to NJSA 40A:4-87 (C. 159, PL 1948)"**

**WHEREAS**, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any Municipality, when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation of equal amount; and

**WHEREAS**, the Town of Newton will receive payment in the amount of \$14,416.88 from the State of New Jersey Solid Waste Administration for a FY2013 Clean Community Grant;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following item of revenue in the 2013 Budget of the Town of Newton which is now available as revenue from:

Miscellaneous Revenues:

Section F: Special Items of Revenue

Public and Private Revenues Off-set with Appropriations:

State of New Jersey Clean Community Grant..... \$ 14,416.88

**BE IT FURTHER RESOLVED** that the following like sum be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from CAPS

Public and Private Programs Off-Set by Revenues:

State of New Jersey Clean Community Grant ..... \$ 14,416.88

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Director of the Division of Local Government Services.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, May 13, 2013.

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



## TOWN OF NEWTON

### RESOLUTION #74-2013

May 13, 2013

**“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 2012 and 2013 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

#### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, May 13, 2013.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #75-2013

May 13, 2013

### **“Appointment of Melissa Logan as a Regular Member of the Newton Planning Board”**

**WHEREAS**, there is currently a vacancy on the Town of Newton Planning Board due to the resignation of Anthony Torre; and

**WHEREAS**, Melissa Logan, currently Alternate No. 1 on the Planning Board, has expressed interest in serving as a Regular Member of the Planning Board;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Melissa Logan is hereby appointed to an unexpired four-year term as a Regular Member of the Newton Planning Board, effective immediately with said term continuing to December 31, 2015.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, May 13, 2013.

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Lorraine A. Read, RMC  
Municipal Clerk



# TOWN OF NEWTON

## RESOLUTION #76-2013

May 13, 2013

**“A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12”**

**WHEREAS**, the Town Council of the Town of Newton is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specific purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Town Council of the Town of Newton to discuss in a session not open to the public certain matters relating to the item authorized by N.J.S.A. 10:4-12b and designated below:

(1) Contract Negotiations

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton, assembled in public session on May 13, 2013, that an Executive Session closed to the public shall be held on May 13, 2013, at \_\_\_\_\_ PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Town Council that the public interest will no longer be served by such confidentiality.

### 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 public meeting of said Governing Body conducted on Monday, May 13, 2013.

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Lorraine A. Read, RMC  
Municipal Clerk