



AGENDA
NEWTON TOWN COUNCIL
FEBRUARY 24, 2014
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- JANUARY 28, 2014 SPECIAL MEETING
- FEBRUARY 8, 2014 SPECIAL MEETING
- FEBRUARY 10, 2014 REGULAR MEETING
- FEBRUARY 12, 2014 REGULAR MEETING

V. OPEN TO THE PUBLIC

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

VI. COUNCIL & MANAGER REPORTS

- a. PROCLAMATION – SEAN & MIKE MCGUIRE

VII. ORDINANCES

- a. 2ND READING & PUBLIC HEARING

ORDINANCE 2014-1

AN ORDINANCE AMENDING SECTION 320-2.C "PERMITTED USES" OF THE NEWTON TOWN CODE TO PERMIT FOOD AND BEVERAGE PRODUCTION IN THE T-4, T-5 AND T-6 ZONES

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

ORDINANCE 2014-2

AN ORDINANCE TO EXCEED THE 2014 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

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

- b. INTRODUCTION
ORDINANCE 2014-3

BOND ORDINANCE PROVIDING FOR POOL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$135,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$128,250 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

VIII. OLD BUSINESS

- a. SID
- b. Fire Museum

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 #26-2014* | RESOLUTION TO ACCEPT THE CERTIFIED LIST OF QUALIFYING 2013 LOSAP PARTICIPANTS |
| b. | RESOLUTION #27-2014* | APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALERS LICENSE FOR GEORGE'S SALVAGE COMPANY |
| c. | RESOLUTION #28-2014* | MODIFICATION TO THE CALCULATION OF THE TAX COLLECTION RATE BY ALLOWING FULL DEDUCTION OF THE IMPACT OF TAX APPEAL JUDGMENTS ON THE LEVY (THEREFORE AFFECTING THE RESERVE FOR UNCOLLECTED TAXES) |
| d. | RESOLUTION #29-2014* | REIMBURSE TOWN EMPLOYEES FOR VEHICLE EXPENSES |
| e. | RESOLUTION #30-2014* | TOWN OF NEWTON TEMPORARY CAPITAL BUDGET AMENDMENT |
| f. | RESOLUTION #31-2014* | AMENDMENT TO 2014 TEMPORARY OPERATING BUDGET |
| g. | RESOLUTION #32-2014* | AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS |
| h. | RESOLUTION #33-2014* | APPROVE BILLS AND VOUCHERS FOR PAYMENT |
| i. | RESOLUTION #34-2014* | APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALERS LICENSE FOR NEWTON AUTO SALVAGE LLC |
| j. | RESOLUTION #35-2014* | AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 4.02, LOT 28 |
| k. | RESOLUTION #36-2014* | REFUND – ERRONEOUS TAX PAYMENT |
| l. | RESOLUTION #37-2014* | REFUND OF MONIES FOR TAXES, DUE TO A STATE TAX COURT JUDGMENT FOR BLOCK 15.08, LOT 8 |

m. APPLICATION*

A MEMBERSHIP APPLICATION FROM JONATHAN H. RHINESMITH, 29 ROUTE 519 N, NEWTON INTO THE NEWTON FIRE DEPARTMENT

X. INTERMISSION

XI. DISCUSSION

a. 2014 BUDGET

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. EXECUTIVE SESSION

a. RESOLUTION #38-2014

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. PERSONNEL

XV. ADJOURNMENT

Office of the Mayor

Newton, New Jersey

Proclamation

Sean & Michael McGuire

WHEREAS, Sean & Mike McGuire exemplify the spirit the Sussex County St. Patrick's Day Committee upholds; and

WHEREAS, Sean & Mike have helped to bring Irish Culture and Irish History into Sussex County by their support of all of the St. Patrick's Day Committee events throughout the years; and

WHEREAS, Sean & Mike have a long Irish ancestry line, with their Great-Grandparents immigrating from County Armagh and Castle Island, County Kerry; and

WHEREAS, Sean & Mike are proud to give back to their community, and have been elected to serve as two of the three Grand Marshals of the 2014 Sussex County St. Patrick's Day Parade;

NOW, THEREFORE, We, the Mayor and Town Council of the Town of Newton hereby proclaim our appreciation and gratitude to Sean & Mike McGuire for their dedication to their Irish heritage, and in recognition of their volunteer efforts, we congratulate Sean & Mike on being named:

"Sussex County's Grand Marshals for the 2014 St. Patrick's Day Parade"

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

Attest: _____

Date: _____ February 22, 2014 _____

TOWN OF NEWTON

ORDINANCE 2014-1

AN ORDINANCE AMENDING SECTION 320-2.C “PERMITTED USES” OF THE NEWTON TOWN CODE TO PERMIT FOOD AND BEVERAGE PRODUCTION IN THE T-4, T-5 AND T-6 ZONES.

WHEREAS, the Mayor and Town Council of the Town of Newton find that food and beverage production is a viable and valuable commercial enterprise that should be promoted within the Town of Newton; and

WHEREAS, there are insufficient locations within the Special Districts where food and beverage production is currently permitted; and

WHEREAS, the Town Council of the Town of Newton finds that after having reviewed the various zoning districts within the Town of Newton, that the T-4, T-5 and T-6 Zones are suitable locations for food and beverage production facilities; and

WHEREAS, the Town Council of the Town of Newton finds that any concerns related to impacts from proposed food and beverage production facilities can be addressed by the Site Plan Standards within the Town Code of the Town of Newton;

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 I: Section 320-2.C “Permitted Uses” shall be revised as follows:

		T-1	T-2	T-3	T-4	T-5	T-6
79.	Food and beverage production	NP	NP	NP	P	P	P

SECTION 2: SEVERABILITY AND REPEALER

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held invalid.

SECTION 3: NOTICE

The Town Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

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, January 27, 2014. It adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on Monday, February 24, 2014 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk



Memorandum

To: Town Council

Cc: Planning Board

FROM: Kathy Citterbart, Planning Board Secretary

DATE: February 20, 2014

RE: Ordinance 2014-1
An Ordinance Amending Section 320-2.C "Permitted Uses" of the Newton Town Code to Permit Food and Beverage Production in the T-4, T-5 and T-6 Zones.

At their regular meeting of the Newton Planning Board held on February 19, 2014, a motion was made and approved by the Planning Board that the Town Council's Ordinance 2014-1, "An Ordinance Amending Section 320-2.C "Permitted Uses" of the Code of the Town of Newton is not inconsistent with the Town of Newton's Master Plan.

TOWN OF NEWTON

ORDINANCE # 2014-2

AN ORDINANCE TO EXCEED THE 2014 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Town Council of the Town of Newton in the County of Sussex finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Newton Town Council hereby determines that a 3% increase in the budget for said year, amounting to \$239,515.29 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Newton Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Town of Newton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3%, amounting to \$239,515.29, and that the CY 2014 municipal budget for the Town of Newton be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, February 10, 2014. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on Monday, February 24, 2014 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE 2014-3

BOND ORDINANCE PROVIDING FOR POOL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$135,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$128,250 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED 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 improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Newton, in the County of Sussex, New Jersey (the "Town") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$135,000, including the sum of \$6,750 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$128,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is pool improvements including the upgrade of

electric, filtration and circulation, lighting and ventilation systems, including engineering, and including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$128,250, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$27,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Town hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Town hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the “Code”), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Town to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The Chief Financial Officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in

connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the Rule) for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond 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 February 24, 2014. It will be considered for adoption, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on March 10, 2014 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #26-2014

February 24, 2014

"Resolution to Accept the Certified List of Qualifying 2013 LOSAP Participants"

WHEREAS, the Length of Service Awards Program (LOSAP) for the Newton Volunteer Fire Department was approved by the Mayor and Council through the passage of Ordinance 2003-12 on August 11, 2003, confirmed by Resolution #104-2003, and approved by Newton voters as a public question at the General Election on November 4, 2003; and

WHEREAS, the Newton Volunteer Fire Department has certified a list of members who are eligible, in accordance with guidelines outlined in Ordinance 2003-12, to receive an amount between \$115.00 and \$1,150.00 based on points credited for volunteer services rendered in 2013 as per 2013 LOSAP LIST attached; and

WHEREAS, the total number of qualifying volunteers for the Fire Department is 35, for a total contribution of \$34,270.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2013 to cover the cost of this contract;

NOW, THEREFORE BE IT RESOLVED, we the Mayor and Council do hereby accept the certified list from the Fire Department dated February 7, 2014.

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, February 27, 2014.

Lorraine A. Read, RMC
Municipal Clerk

Name	Contribution \$
Michael Alavarez	\$1,150.00
Bill Bailey	\$1,150.00
Michael Bencivenga	\$862.50
Chris Blakely	\$1,150.00
Jean Card	\$1,150.00
Jennifer Cole	\$575.00
Jeff Coombs	\$115.00
Gary Cooper	\$575.00
Richard Dayermanjian	\$115.00
Bill Demerest	\$862.50
Jeff Diener	\$1,150.00
Steven Estler	\$1,150.00
Bryan Farence	\$1,150.00
Dan Finkle	\$1,150.00
Brian Fox	\$1,150.00
Thomas Fox	\$1,150.00
Kieran Gill	\$1,150.00
Joseph Inga	\$1,150.00
Tyler Mackesy	\$575.00
Eugene McCarty	\$1,150.00
Jason Miller	\$1,150.00
Jay Phlegar	\$1,150.00
John Prutzman	\$1,150.00
Anthony Razzano	\$1,150.00
Michael Razzano	\$1,150.00
Justin Rossano	\$575.00
Jeff Schiffner	\$1,150.00
Kenneth Teets	\$1,150.00
Michael Teets	\$1,150.00
Charlie Thom	\$1,150.00
Steven Velastegui	\$1,150.00
Scott Verkon	\$1,150.00
Jason Vetter	\$1,150.00
Charles Weber	\$115.00
Derek Wechtler	\$1,150.00
Total Town of Newton 2013 LOSAP Contribution	\$34,270.00

Prepared by: Joseph C. Inga, Newton Fire Department

Certified by: Dawn L. Babcock, Chief Financial Officer



TOWN OF NEWTON

RESOLUTION #27-2014

February 24, 2014

"Approval of a Renewal Application for a Junk Dealers License for George's Salvage Company"

WHEREAS, the Newton Code under Chapter 156 "Junkyards and Junk Dealers" require that no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Council; and

WHEREAS, said renewal application for the Junk Dealer's License lists the business as George's Salvage Company Inc. at 10 South Park Drive, Newton, New Jersey; and

WHEREAS, Section 156.8 requires that the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junkyards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 156; and

WHEREAS, George's Salvage Company Inc. has been inspected and approved as required in Section 156-8; and

WHEREAS, George's Salvage Company has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of retail junk dealer;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by George Miller, 10 South Park Drive, Newton, N.J which shall expire on December 31, 2014.

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, February 24, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #28-2014

February 24, 2014

"Modification to the Calculation of the Tax Collection Rate by Allowing Full Deduction of the Impact of Tax Appeal Judgments on the Levy (therefore affecting the Reserve for Uncollected Taxes)"

WHEREAS, Chapter 56 of P.L. 2010 made a modification to the calculation of the tax collection rate (and therefore affecting the reserve amount) by allowing full deduction of the impact of tax appeal judgments on the levy; and

WHEREAS, according to NJSA 40A:4-41 (c)(2) If tax appeal judgments of the County Tax Board pursuant to R.S.54:3-21 et seq., or the State Tax Court pursuant to R.S.54:48-1 et seq., result in tax reductions for the previous fiscal year, the Governing Body of the municipality may elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustments resulting from those judgments. Election of this choice shall be made by resolution, approved by a majority vote of the full membership of the Governing Body prior to the introduction of the annual budget pursuant to NJSA 40A:4-5; and

WHEREAS, attached to this resolution is a copy of sheet 22 of the 2013 Annual Financial Statement "Current Taxes – 2013 Levy" to support the amounts used to determine the modified tax collection rate as follows:

\$23,353,969.08	2013 Levy (Including Added & Omitted Taxes)
< 78,713.00 >	State & County Appeals
\$23,275,256.08	2013 Certified levy reduced by county appeals
\$22,888,126.88	Cash collected
23,275,256.08	divided by reduced 2013 levy
98.33	% of cash collections to 'reduced' 2013 levy

WHEREAS, for comparative information the tax collection rate was 98.31% for the calendar year 2012, and 98.0% for the calendar year 2013;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, approved by a majority vote of the full membership, that it utilize a tax collection rate not to exceed 98.33% when calculating the line item appropriation Reserve for Uncollected Taxes in its calendar year 2014 Municipal Budget.

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 February 24, 2014.

Lorraine A. Read, RMC
Municipal Clerk

(FOR MUNICIPALITIES ONLY)
CURRENT TAXES - 2013 LEVY

1. Amount of Levy as per Duplicate (Analysis) # or (Abstract of Ratables)	82101-00	\$ 23,340,462.63
	82113-00	
2. Amount of Levy Special District Taxes	82102-00	
3. Amount Levied for Omitted Taxes under N.J.S.A. 54:4-63.12 et seq.	82103-00	
4. Amount Levied for Added Taxes under N.J.S.A. 54:4-63.1 et seq.	82104-00	\$ 13,506.45
5a. Subtotal 2013 Levy		\$ 23,353,969.08
5b. Reductions due to tax appeals**		\$
5c. Total 2013 Tax Levy	82106-00	\$ 23,353,969.08
6. Transferred to Tax Title Liens	82107-00	\$ 5,190.62
7. Transferred to Foreclosed Property	82108-00	
8. Remitted, Abated or Canceled	82109-00	\$ 91,966.74
9. Discount Allowed	82110-00	
10. Collected in Cash: In 2012	82121-00	\$ 99,462.13
In 2013 *	82122-00	\$ 22,727,414.75
State's Share of 2013 Senior Citizens and Veterans Deductions Allowed	82123-00	\$ 61,250.00
R.E.A.P. Revenue	82124-00	
Total To Line 14	82111-00	\$ 22,888,126.88
11. Total Credits		\$ 22,985,284.24
12. Amount Outstanding December 31, 2013	82120-00	\$ 368,684.84
13. Percentage of Cash Collections to Total 2013 Levy, (Item 10 divided by Item 5) is		98.00%
	82112-00	

Note: If Municipality conducted Accelerated Tax Sale or Tax Levy Sale Check here ___ & complete sheet 22a

14. Calculation of Current Taxes Realized in Cash:

Total of Line 10	\$ 22,888,126.88
Less: Reserve for Tax Appeals Pending State Division of Tax Appeals	
To Current Taxes Realized in Cash (Sheet 17)	\$ 22,888,126.88

Note A: In showing the above percentage the following should be noted:
Where Item 5 shows \$1,500,000.00, and Item 10 shows \$1,049,977.50,
the percentage represented by the cash collections would be
\$1,049,977.50 / \$1,500,000.00 or .699985. The correct percentage to
be shown as Item 13 is 69.99% and not 70.00%, nor 69.999%.

Note: On Item 1 if Duplicate (Analysis) Figure is used; be sure to include
Senior Citizens and Veterans Deductions.

* Include overpayments applied as part of 2013 collections.

** Tax appeals pursuant to R.S. 54:3-21 et seq. and/or R.S. 54:48-1 et seq. approved by resolution of the governing
body prior to introduction of municipal budget.(N.J.S.A. 40A:4-41)



TOWN OF NEWTON

RESOLUTION #29-2014

February 24, 2014

"Reimburse Town Employees for Vehicle Expenses"

WHEREAS, certain Town of Newton employees use their private vehicles in connection with Town business; and

WHEREAS, such employees routinely use their vehicles for travel within Sussex County; and

WHEREAS, it is appropriate to reimburse said Town employees for use of their personal vehicles;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the employees listed below receive the following quarterly allowances for all vehicular trips within Sussex County effective January 1, 2014:

<u>Employee</u>	<u>Position</u>	<u>Estimated Miles/Qtr.</u>	<u>Quarterly Amount</u>
Debra Millikin	Deputy Town Manager	250 miles	\$140.00
Scott Holzhauer	Tax Assessor	200 miles	\$112.00
Jason Miller	Deputy Fire Chief	200 miles	\$112.00
Michael Teets	Assistant Fire Chief	200 miles	\$112.00
Kerry Deckert	Recreation Supervisor	150 miles	\$84.00

BE IT FURTHER RESOLVED that for out-of-town business trips, employees and officers of the Town of Newton who use their personal means of transportation shall be reimbursed, in accordance with the IRS standard allowance for business miles driven, in effect at the time of travel, from Newton to the point of destination and return during calendar year 2014.

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, February 24, 2014.

Lorraine A. Read, RMC
Municipal Clerk

RESOLUTION #30-2014

RECORDED VOTE:	AYES	NAYS
(Insert last name)	(	(
	(	(
	(	(
	(	(
	(	(

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Project Title	Project Number	Cost Estimate as Adopted	Cost Estimate as Amended	Funding as Amended		
				Capital Improvement Fund	Prior Year Reserves	Grants in Aid
General Capital						
Section 3. a) Pool Improvements including upgrade of electric, filtration and circulation, lighting and ventilation systems, including engineering and other incidental costs	#2014-3		\$ 135,000.00	\$ 6,750.00		
Total - All Projects		\$ -	\$ 135,000.00	\$6,750.00	\$ -	\$ -

It is hereby certified that this is a true copy of a resolution adopted by the Governing Body on the 24th day of February 2014.

**Lorraine A. Read, RMC
Municipal Clerk**



TOWN OF NEWTON

RESOLUTION #31-2014

February 24, 2014

"Amendment to 2014 Temporary Operating Budget"

WHEREAS, the Town Council of the Town of Newton adopted the 2014 Temporary Operating Budget and Temporary Water and Sewer Utility Budget by Resolution #9-2014 dated January 13, 2014; and

WHEREAS, N.J.S.A. 40A:4-20 provides that the governing body, by resolution adopted by a 2/3 vote of the full membership, may make amendments to temporary budgets in an amount not to exceed one-twelfth (1/12) of the preceding year's Budget and that a copy of this resolution be filed with the Director of Local Government Service;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the 2014 Temporary Operating Budget be hereby amended as follows:

TOWN OF NEWTON 2014 TEMPORARY BUDGET AMENDMENT

<u>Current Account</u>	<u>Account No.</u>	<u>Amt of Amendment</u>
Human Resources OE	1053223	\$1,500
Town Manager	1050244	6,250
Assessment of Taxes OE	1055216	7,500
Snow Removal SW	1081100	15,000
Snow Removal OE	1081200	<u>15,000</u>
Total Current Temp Amendment		\$45,250

2013 TOWN OF NEWTON BUDGET

<u>CURRENT</u>	
\$11,600,000	Total 2013 General Appropriations
1,819,715	Less: Debt Service
107,500	Capital Improvements
<u> </u>	Reserve for Uncollected Taxes
\$9,672,785	Total Amount to calculate upon
<u> x 1/12 </u>	
\$806,065	Allowable 2014 Temporary Budget Amend.

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, February 24, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #32-2014

February 24, 2014

**"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 Advisory Board Recommends Credit for Water/Sewer Charges:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
12630	80 Madison Street	\$58.49
5633	66 High Street	\$85.00

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 24, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #33-2014

February 24, 2014 "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 2013 and 2014 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, February 24, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #34-2014

February 24, 2014

"Approval of a Renewal Application for a Junk Dealers License for Newton Auto Salvage, LLC"

WHEREAS, the Newton Code under Chapter 156 "Junkyards and Junk Dealers" require that no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Council; and

WHEREAS, said renewal application for the Junk Dealer's License lists the business as Newton Auto Salvage, LLC at 79 Mt. View Street, Newton, New Jersey; and

WHEREAS, Section 156.8 requires that the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junkyards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 156; and

WHEREAS, Newton Auto Salvage, LLC has been inspected and approved as required in Section 156-8; and

WHEREAS, Newton Auto Salvage, LLC has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of retail junk dealer;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by Michael F. Sesera, Jr., 79 Mt. View Street, Newton, N.J., which shall expire on December 31, 2014.

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, February 24, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #35-2014

February 24, 2014

**"Authorize Refund of Redemption Monies to
Outside Lien Holder for Block 4.02, Lot 28"**

WHEREAS, at the Municipal Tax Sale held on October 9, 2013 a lien was sold on Block 4.02, Lot 28 also known as 19 Shady Lane, for 2012 delinquent real estate taxes and water and sewer charges; and

WHEREAS, this lien which is known as Tax Sale Certificate #1377, was sold to US Bank Cust. for Pro Cap III LLC for 0% redemption fee with a premium of \$10,800.00; and

WHEREAS, Plymouth Park Tax Service, prior lien holder of certificate #1256 has effected redemption of Certificate #1377 in the amount of \$9,197.33; and

WHEREAS, by redeeming certificate #1377, it allows Plymouth Park Tax Service to proceed with the foreclosure process of said property located at 19 Shady Lane;

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 Cap III LLC is entitled to the redemption in the amount of \$9,197.33 along with the premium of \$10,800.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$9,197.33 for the redemption of Certificate #1377 as well as a check in the amount of \$10,800.00 for the return of premium payable to US Bank Cust. for Pro Cap III LLC, 50 So. 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 Monday, February 24, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #36-2014

February 24, 2014 "Refund – Erroneous Tax Payment"

WHEREAS, property taxes for the fourth quarter of 2013 were paid for Block 8.03, Lot 6 also known as 9 Moran Street; and

WHEREAS, Sussex Bank paid the fourth quarter 2013 real estate taxes on behalf of 9 Moran Street as part of their bulk tax payment on October 31, 2013; and

WHEREAS, Sussex Bank is now requesting a refund in the amount of \$2,946.82 for this tax payment stating that the payment was made in error;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Sussex Bank is entitled to a refund in the amount of \$2,946.82 for this erroneous tax payment; and

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$2,946.82 for this erroneous tax payment for Block 8.03, Lot 6 to Sussex Bank, PO Box 353 Franklin, NJ 07461.

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, February 24, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #37-2014

February 24, 2014

"Refund of Monies for Taxes, Due to a State Tax Court Judgment for Block 15.03, Lot 8"

WHEREAS, Ms. Ludmilla Mecaj owner of Block 15.03, Lot 8 also known as 8 Union Place filed a State Tax Court Appeal to lower the 2013 assessment on said block and lot; and

WHEREAS, the Tax Office received, on February 14, 2014, a Judgment which has been issued by the State Tax Court ordering a reduction in assessment for the tax year 2013. This order has resulted in a refund of monies in the total amount of \$5,214.40;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Ms. Ludmilla Mecaj is entitled to a refund in the amount of \$5,214.40; and

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$5,214.40 to Ms. Ludmilla Mecaj, 9 Madison Street, Newton, NJ 07860.

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, February 24, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #38-2014

February 24, 2014

"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) Personnel

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on February 24, 2014, that an Executive Session closed to the public shall be held on February 24, 2014, at _____ PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific item 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, February 24, 2014.

Lorraine A. Read, RMC
Municipal Clerk