



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**FEBRUARY 27, 2012**  
**7:00 P.M.**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. OPEN PUBLIC MEETINGS ACT STATEMENT**

**IV. APPROVAL OF MINUTES**

- FEBRUARY 2, 2012 - BUDGET HEARING
- FEBRUARY 4, 2012 - BUDGET HEARING
- FEBRUARY 13, 2012 - SPECIAL MEETING
- FEBRUARY 13, 2012 - REGULAR MEETING
- FEBRUARY 13, 2012 - 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. COUNCIL & MANAGER REPORTS**

- a. REFUNDING BONDS – TOM FERRY

**VII. ORDINANCES**

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

ORDINANCE 2012-4

AN ORDINANCE TO EXCEED THE 2012 MUNICIPAL BUDGET APPROPRIATION LIMITS 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 2012-5

AN ORDINANCE AUTHORIZING SALE BY PUBLIC AUCTION OF MUNICIPAL LANDS NOT NEEDED FOR PUBLIC USE BLOCK 22.09 LOT 7

REFUNDING BOND ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED OCTOBER 30, 1997, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$2,417,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED NOVEMBER 30, 1998, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$900,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED SEPTEMBER 25, 2003, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$1,660,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED AUGUST 27, 2004, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$5,300,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED MAY 21, 2008, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$545,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, AND ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION ASSESSMENT BONDS OF THE TOWN, DATED OCTOBER 27, 2008, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$1,000,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, APPROPRIATING \$11,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$11,000,000 REFUNDING BONDS OF THE TOWN FOR FINANCING THE COST THEREOF.

**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 #35-2012\* AUTHORIZING THE MAYOR AND THE MUNICIPAL CLERK TO EXECUTE AGREEMENTS WITH THE POLICE SUPERIOR OFFICERS' ASSOCIATION AND POLICEMEN'S BENEVOLENT ASSOCIATION – LOCAL 138
- b. RESOLUTION #36-2012\* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 21.03, LOT 18
- c. RESOLUTION #37-2012\* APPOINTMENT OF MATTHEW SMITH TO THE ADVISORY SHADE TREE COMMISSION
- d. RESOLUTION #38-2012\* ACCEPTANCE OF THE PROPOSED LIGHTING IMPROVEMENT PROJECT AS COMPLETE
- e. RESOLUTION #39-2012\* 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)
- f. RESOLUTION #40 -2012\* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- g. RESOLUTION #41-2012\* AMENDMENT TO 2012 TEMPORARY OPERATING BUDGET
- h. RESOLUTION #42-2012\* RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51
- i. RESOLUTION #43-2012\* CAPITAL BUDGET AMENDMENT
- j. APPLICATIONS\* AN APPLICATION FOR A SPECIAL PERMIT FOR A SOCIAL AFFAIR FROM KAREN ANN QUINLAN MEMORIAL FOUNDATION, 99 SPARTA AVENUE, NEWTON, TO BE HELD ON SUNDAY, APRIL 15, 2012 FROM 6:00 PM TO 10:00 PM AT KRAVE CAFÉ & CATERERS, 102 SPARTA AVENUE, NEWTON

## X. INTRODUCTION OF 2012 BUDGET

- a. TOWN OF NEWTON MUNICIPAL AND WATER & SEWER UTILITY BUDGET

## XI. INTERMISSION

## **XII. DISCUSSION**

- a.** TRUCK ROUTE SIGNAGE – CORY STONER
- b.** ENGINE BRAKING ORDINANCE – CORY STONER
- c.** ELIZABETHTOWN GAS REQUEST
- d.** LOADING ZONE ORDINANCE
- e.** KATIE'S HOUSE REQUEST
- f.** POOL FEES ORDINANCE DRAFT

## **XIII. OPEN TO THE PUBLIC**

## **XIV. COUNCIL & MANAGER COMMENTS**

## **XV. ADJOURNMENT**

**ORDINANCE # 2012-4**

**AN ORDINANCE TO EXCEED THE 2012 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.A. 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 2.5% 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 2012 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 3.5% increase in the budget for said year, amounting to \$262,084.48 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 2012 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 3.5%, amounting to \$262,084.48, and that the CY 2012 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 13, 2012. 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 27, 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

**ORDINANCE NO. 2012-5**

**AN ORDINANCE AUTHORIZING SALE BY PUBLIC AUCTION  
OF MUNICIPAL LANDS NOT NEEDED FOR PUBLIC USE  
BLOCK 22.09 LOT 7**

**WHEREAS**, the Town of Newton has title to a certain parcel of real property described as Lot 7 in Block 22.09 on the Newton Tax Map, which parcel is not needed for public use; and

**WHEREAS**, the Governing Body has determined that said Block 22.09, Lot 7 (the "Parcel") be sold at public sale to the highest bidder, or, in the alternative, be sold separately at public sale to the highest bidder(s), subject to the following terms and conditions hereinafter set forth pursuant to N.J.S. 40A:12-13.

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

1. That the Parcel shall be offered for open public sale to the highest bidder at auction with a minimum bid of SIXTY THOUSAND DOLLARS (\$60,000.00), pursuant to N.J.S. 40A:12-13.

2. The sale shall be conducted in the Municipal Building of the Town of Newton, 39 Trinity Street, Newton, New Jersey, on April 23, 2012 at 10:00 a.m.

3. The Governing Body hereby appoints and designates the Newton Town Manager or such other person as the Town Manager shall designate, to conduct the sale of the Parcel on behalf of the Governing Body.

4. The Parcel placed for sale in this auction shall be auctioned with reservation. No bid shall be accepted in an amount less than SIXTY THOUSAND DOLLARS (\$60,000.00) for

the Parcel. The auctioneer shall commence the bidding at the auction at the required minimum required bid, beginning with the auction of the parcel. The Town of Newton reserves the right, in its sole discretion, to either accept or reject any bid it deems in the Town of Newton's best interests. The Town, in its sole discretion, may accept a lower bid for any reason it deems in the Town's best interests. No bid shall be considered finally accepted until the passage of a Resolution by the Town Council of the Town of Newton as set forth in Paragraph 10 hereof.

5. The highest bidder for the Parcel shall execute an Offer to Purchase in the form attached hereto at the conclusion of the bidding and pay a deposit by cash, bank check or cashier's check or attorney's trust account check in an amount equal to ten (10%) percent of the highest bid for the Parcel. The balance of the monies due pursuant to the highest bid and Offer to Purchase shall be paid in cash or certified check on delivery of the Deed, which shall be no later than June 15, 2012 at the offices of the Municipal Attorney, Hollander Strelzik Pasculli Pasculli Hinkes Gacquin Vandenberg & Hontz, LLC, 40 Park Place, Newton, NJ 07860, or at such other location as mutually agreed upon.

6. The municipality expressly disclaims any and all implied warranties of habitability or usability with respect to the Parcel. The highest bidder shall purchase the Parcel in an "as is" condition, having had an ample and sufficient opportunity to inspect said premises, examine its title, and review municipal ordinances and laws affecting the Parcel. No representations regarding the value, character, quality, habitability or condition thereof, including the environmental report conducted by Excel Environmental determining the Parcel to be "clean", have been made to any buyer on behalf of the Town of Newton, prior to making a bid. The highest bidder, after closing, shall be responsible for all present and future defects of any kind in any part of the Parcel. This agreement shall survive the closing of title.

7. The Parcel offered for sale in this auction is the same land and premise which the Town of Newton took title to by virtue of a certain Final Judgment of the Superior Court of New Jersey, dated December 13, 2006, and recorded in the Sussex County Clerk's Office in Book 3102, Page 210-214. A copy of said Judgment is attached hereto as **Schedule A**. The Town of Newton shall use in the deed of conveyance the description set forth in **Schedule A**. The highest bidder for the Parcel shall have the right, at its sole cost and expense, to obtain a new survey of that lot. Provided such survey depicts the Parcel and is certified to be correct to the Town of Newton, the Town of Newton shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Town of Newton not less than one week prior to the date set for closing of title.

8. The conveyance of the lot shall be by Bargain and Sale Deed, and the Parcel shall be sold subject to covenants, restrictions, conditions, reservations of record, easements established of record, or by prescription, including but not limited to, Book 3102, Page 210-214, laws, municipal ordinances, water and sewer connection fees, if any, and such state of facts as an accurate survey or inspection of the premises may disclose.

9. The highest bid for the Parcel shall be separately accepted or rejected by a Resolution of the Governing Body no later than the second regular meeting of the Governing Body following the date of such auction sale. No bid may be withdrawn prior to such Resolution.

10. Notice of the auction sale of the Parcel shall be advertised in the New Jersey Herald at least once a week during two consecutive weeks, the last publication being no earlier than seven days prior to the date of such sale.

Public Notice is hereby given that the above Ordinance was passed on the first reading by the Town Council by the Town of Newton, Sussex County, New Jersey, at a Regular Meeting of said Council, held on February 27, 2012, and that it was adopted after a public hearing regarding the above was held on March 12, 2012, at the Municipal Building, 39 Trinity Street, Newton, New Jersey at 7:00 p.m.

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Helen R. LeFrois

Mayor

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Lorraine A. Read, RMC

Municipal Clerk



## *Interoffice Memorandum*

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**TO:** Debra Millikin, Deputy Town Manager /  
Community Development Director

**FROM:** Scott J. Holzhauer, Tax Assessor

**DATE:** February 22, 2012

**SUBJECT:** Block 22.09 Lot 7 > Prelim. Valuation of 27 Orchard St Prop.

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Deb,

This Memo is in response to your request to again look at this property from a “preliminary valuation” perspective – based on information contained on the Assessor’s property record card (PRC) and supplemental information known from other Municipal Departments. I had previously prepared a Memo for this purpose back in May 2008 (addressed to Eileen Kithcart, Town Manager). The relevant factors considered in this “**revised analysis**” include the following:

- Property Description – the property was formerly improved with a 1,996-sf service garage that was utilized in a heating oil distribution business that formerly occupied the premises. That building went “abandoned”, with the Town gaining title to the property. It was discovered afterward that there was ground contamination involving oil. In accordance with a reasonable Highest and Best Use scenario, the improvement was demolished in late 2010. After an extensive cleanup was undertaken by the municipality, this site has in fact been declared “CLEAN” with regard to any further oil contamination. The lot currently sits as Vacant Land.
- The lot contains approximately 0.344 acres, and measures 100-ft (frontage) x 150-ft (depth). The lot is generally level (w/ slight topographic undulations).
- The lot is in the R-3 Zone, and appears to be a conforming lot for development purposes.
- The 2012 assessment is \$69,800 (land only). This assessment figure is based on the recent Reassessment Program that revised all assessments for the 2011 Tax Year. This property is currently “tax exempt” by virtue of its ownership by the Town. The assessment ratio for

2012 is 95.93% - however from a practical observation of the sales activity over the past year, this ratio is easily at a level of 100% (or possibly higher).

**Final Comments Regarding Value:**

Despite the fact that this site has been declared “clean”, it is likely that a prospective purchaser of the property will still have some degree of reservation about future liability. This phenomena in real estate is typically referred to as “stigma”. In my opinion, this is likely to depress the value of this lot beyond that of a typical competing property.

In most instances, considering the current Reassessment and the subsequent ratio, I would feel comfortable estimating that the current “market value” of most properties in Newton would “in line” with the current assessed value of same. However, in the case of this particular property under discussion, I estimate there would be an additional 15% discount (at a minimum) that would be demanded by market participants who would be considered prospective buyers of this lot. Accordingly, **I estimate the potential “saleable” value of this property to be \$60,000.** This estimate is predicated on a “clean” certification with regard to any further ground contamination.

I hope this provides some further guidance in this matter. If you have any other questions, feel free to give me a call.

***Scott***

**TOWN OF NEWTON  
ORDINANCE 2012-6**

**REFUNDING BOND ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED OCTOBER 30, 1997, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$2,417,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED NOVEMBER 30, 1998, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$900,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED SEPTEMBER 25, 2003, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$1,660,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED AUGUST 27, 2004, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$5,300,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED MAY 21, 2008, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$545,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, AND ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION ASSESSMENT BONDS OF THE TOWN, DATED OCTOBER 27, 2008, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$1,000,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, APPROPRIATING \$11,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$11,000,000 REFUNDING BONDS OF THE TOWN FOR FINANCING THE COST THEREOF.**

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 Town of Newton, in the County of Sussex, New Jersey (the "Town") is hereby authorized to refund all or a portion of the outstanding General Obligation Bonds of the Town, dated October 30, 1997, issued in the original principal amount of \$2,417,000 to the United States Department of Agriculture Rural Development, all or a portion of the outstanding General Obligation Bonds of the Town, dated November 30, 1998, issued in the original principal amount of \$900,000 to the United States Department of Agriculture Rural Development, all or a portion of the outstanding General Obligation Bonds of the Town, dated September 25, 2003, issued in the original principal amount of \$1,660,000 to the United States Department of Agriculture Rural Development, all or a portion of the outstanding General Obligation Bonds of the Town, dated August 27, 2004, issued in the original principal amount of \$5,300,000 to the United States Department of Agriculture Rural Development, all or a portion of the outstanding General Obligation Bonds of the Town, dated May 21, 2008, issued in the original principal amount of \$545,000 to the United States Department of Agriculture Rural Development and all or a portion of the outstanding General Obligation Assessment Bonds of the Town, dated October 27, 2008, issued in the original principal amount of \$1,000,000 to the United States Department of Agriculture Rural Development (collectively, the "Prior Bonds" or the "Refunded Bonds"). The Prior Bonds may be redeemed at the option of the Town in whole or in part on any date (the "Redemption Date") at a redemption price equal to 100% of such Refunded Bonds, plus unpaid accrued interest, if any, to the Redemption Date.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the aggregate principal amount not to exceed \$11,000,000 pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. 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 \$11,000,000 amount of the Refunding Bonds authorized by this refunding bond ordinance and that an amount representing the \$8,351,779.58 principal amount of the bonds to be refunded will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

Section 5. The purpose of the refunding is to effect an interest cost savings for the Town.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the Mayor or the Chief Financial Officer of the Town as to the indebtedness to be financed by the issuance of the Refunding Bonds authorized herein.

Section 7. The Mayor, the Chief Financial Officer, the Town Clerk and other appropriate representatives of the Town are hereby authorized to prepare such documents, to publish such notices and to take such other actions as are necessary or desirable to enable the

Town to prepare for the sale and the issuance of the Refunding Bonds authorized herein and to provide for the redemption of the Prior Bonds referred to in Section 1 hereof.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption and endorsement of the consent of the Local Finance Board upon a certified copy of this ordinance as finally adopted.

**ORDINANCE 2012-6**

**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 27, 2012. 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 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



## TOWN OF NEWTON

### RESOLUTION #35-2012

February 27, 2012

**“Authorizing the Mayor and the Municipal Clerk to Execute Agreements with the Police Superior Officers’ Association and Policemen’s Benevolent Association – Local No. 138”**

**WHEREAS**, the Town Manager and representatives of the Police Superior Officers’ Association and the Policemen’s Benevolent Association - Local No. 138 of the Newton Police Department have negotiated three-year agreements covering calendar years 2012, 2013, and 2014 pursuant to mediation; and

**WHEREAS**, a copy of the Memorandum of Agreement, dated February 15, 2012, outlining the negotiated terms, is on file in the Municipal Clerk’s office of the Town of Newton, and attached to and made part of this resolution; and

**WHEREAS**, said agreements for calendar years 2012, 2013, and 2014 have been ratified by the Police Superior Officers’ Association and Policemen’s Benevolent Association - Local No. 138;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the above agreements and authorizes the Mayor and the Municipal Clerk to execute said agreements, in duplicate, with the Police Superior Officers’ Association and Policemen’s Benevolent Association - Local No. 138, based on the terms outlined in the attached Memorandum of Agreement.

### 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, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #36-2012

February 27, 2012      “Authorize Refund of Redemption Monies to  
Outside Lien Holder for Block 21.03, Lot 18”

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 21.03, Lot 18, (formerly Block 1201.03 Lot 3) also known as 62 Paterson Place, for 2009 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1345, was sold to US Bank Cust for Pro Capital I, LLC for 0% redemption fee with a premium of \$100.00; and

**WHEREAS**, Seterus, Inc., representing the mortgage holder Lereta, LLC of said property, has effected the redemption of Certificate #1345 in the amount of \$5,423.82;

**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 \$5,423.82 as well as the premium of \$100.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue two checks, one in the amount of \$5,423.82 for the redemption of Certificate #1345 and one for the premium of \$100.00 to US Bank Cust for Pro Capital, I, LLC, 50 S. 16<sup>th</sup> 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 27, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #37-2012

February 27, 2012

### “Appointment of Matthew Smith to the Advisory Shade Tree Commission”

**WHEREAS**, there is currently a vacancy on the Town of Newton Advisory Shade Tree Commission; and

**WHEREAS**, Matthew Smith has expressed interest in serving on the Commission;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Matthew Smith is hereby appointed to an unexpired five-year term as a member of the Advisory Shade Tree Commission, effective immediately with said term continuing to May 31, 2016.

### 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, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #38-2012

February 27, 2012      **“Acceptance of the Proposed Lighting Improvement Project as Complete”**

**WHEREAS**, the Town Council of the Town of Newton awarded a contract for the Proposed Lighting Improvement Project to Manor II Electric, Inc. of Holmdel, NJ, in the amount of \$30,285.00 by Resolution #181-2011, which was adopted on August 22, 2011; and

**WHEREAS**, Harold E. Pellow & Associates, Inc., the Project Engineer, has recommended in his letter dated February 21, 2012 that the project be accepted as complete by the Town Council so the final paperwork can be started;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby accepts the Proposed Lighting Improvements Project as complete based on the recommendation of the Town Engineer, so that the final paperwork can be started and a one (1) year Maintenance bond be secured by Manor II Electric, Inc.

### 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, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



# HAROLD E. PELLOW & ASSOCIATES, INC.

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NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,  
NY - P.E. & L.S., PA - P.E. & L.S.

THOMAS G. KNUTELSKY  
NJ - P.E.

February 21, 2012

**FAX: (973) 383-8961**

**MEMORANDUM TO:** Mr. Thomas S. Russo, Jr., Newton Town Manager

**FROM:** Harold E. Pellow, P.E., L.S., Town Engineer

**SUBJECT:** Proposed Lighting Improvements  
HPA Nos. 11-130, 11-132 & 11-133

**RECEIVED**  
FEB 23 2012

BY:.....

Dear Tom:

The above referenced project has been completed by the contractor, Manor II Electric, and I recommend the project be accepted by the Town Council.

Once this project has been accepted by the Council, please notify this office so that final paperwork can be started and a one (1) year Maintenance Bond secured by the contractor.

Very truly yours,

Harold E. Pellow, P.E., L.S.  
**HAROLD E. PELLOW & ASSOCIATES, INC.**  
Town of Newton Engineer

HEP:mac  
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\11-130, 11-132, 11-133 - LIGHTING IMPROVEMENTS\RUSSO8.DOC



## TOWN OF NEWTON

### RESOLUTION #39-2012

February 27, 2012

**“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 2011 Annual Financial Statement “Current Taxes – 2011 Levy” to support the amounts used to determine the modified tax collection rate as follows:

:

\$22,734,788.27	2011 Levy (Including Added & Omitted Taxes)
< 28,358.74 >	County Appeals
\$22,706,429.53	2011 Certified levy reduced by county appeals
\$22,234,331.48	Cash collected
22,706,429.53	divided by reduced 2011 levy
97.92%	of cash collections to 'reduced' 2011 levy

**WHEREAS**, for comparative information the tax collection rate was 97.57% for the calendar year 2010, and 97.80% for the calendar year 2011;

**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 of 97.92% when calculating the line item appropriation Reserve for Uncollected Taxes in its calendar year 2012 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 27, 2012.

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





## TOWN OF NEWTON

### RESOLUTION #40-2012

February 27, 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 Monday, February 27, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #41-2012

February 27, 2012

### “Amendment to 2012 Temporary Operating Budget”

**WHEREAS**, the Town Council of the Town of Newton adopted the 2012 Temporary Operating Budget and Temporary Water and Sewer Utility Budget by Resolution #309-2011 dated December 28, 2011; 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 Services;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the 2012 Temporary Operating Budget be hereby amended as follows:

#### TOWN OF NEWTON 2012 TEMPORARY BUDGET AMENDMENT

<u>Current Account</u>	<u>Account No.</u>	<u>Amt of Amendment</u>
Group Insurance OE	1066200	\$160,000
Legal OE	1058201	20,000
Contribution to PERS	1098296	285,431
Contribution to PFRS	1092897	<u>283,368</u>
Total Current Temp Amendment		\$748,799
 <u>Water Sewer Utility Account</u>		
Salaries and Wages	6051141	\$100,000
Other Expenses	6051236	71,210
CIF – STP Modification	6089297	25,000
Contribution to PERS	6093296	<u>14,515</u>
Total Water/Sewer Temp Amendment		\$210,725

**2011 TOWN OF NEWTON BUDGET**

<u><b>CURRENT</b></u>		<u><b>WATER/SEWER</b></u>
\$10,903,360	Total 2011 General Appropriations	\$3,925,000
1,296,122	Less: Debt Service	646,305
124,000	Capital Improvements	750,000
<u>497,646</u>	Reserve for Uncollected Taxes	<u>0</u>
\$8,985,592	Total Amount to calculate upon	\$2,528,695
<u>x 1/12</u>		<u>x 1/12</u>
\$748,799	Allowable 2012 Temporary Budget Amend.	\$210,725

**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, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #42-2012

February 27, 2012

**“Resolution of the Town of Newton, in the County of Sussex, New Jersey, Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-51”**

**WHEREAS**, the Town of Newton, in the County of Sussex, New Jersey (the “Town”) desires to make an application to the Local Finance Board pursuant to N.J.S.A. 40A:2-51 for its review and approval of a refunding bond ordinance authorizing the issuance of not exceeding \$11,000,000 Refunding Bonds in order to provide debt service savings to the Town; and

**WHEREAS**, the Town believes that:

- (a) it is in the public interest to accomplish this purpose; and
- (b) the purpose is for the health, the welfare, the convenience or the betterment of the inhabitants of the Town; and
- (c) the amounts to be expended for the purpose are not unreasonable or exorbitant; and
- (d) the purpose is an efficient and feasible means of providing services for the needs of the inhabitants of the Town and will not create an undue financial burden to be placed upon the Town;

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

**Section 1.** The application to the Local Finance Board is hereby approved, and the Town's Bond Counsel and auditor, along with other representatives of the Town, are hereby authorized to prepare such application and to represent the Town in matters pertaining thereto.

**Section 2.** The Clerk of the Town is hereby directed to prepare and to file copies of the proposed bond ordinance with the Local Finance Board as part of such application.

**Section 3.** The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and approvals as provided by the applicable New Jersey Statute.

AYE                      NO                      Recorded Vote                      ABSTAIN                      ABSENT

### **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, 2012.

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