



AGENDA
NEWTON TOWN COUNCIL
MARCH 26, 2012
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- MARCH 12, 2012 - 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

VII. ORDINANCES

a. 2ND READING AND PUBLIC HEARING

ORDINANCE 2012-7

AN ORDINANCE TO AMEND CHAPTER 307, VEHICLES AND TRAFFIC OF THE CODE OF THE TOWN OF NEWTON, TO CREATE A LOADING ZONE IN LOT #1 – ADAMS STREET PARKING PLAZA

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

ORDINANCE 2012-8

AN ORDINANCE TO AMEND CHAPTER 100, FEES AND COSTS OF THE CODE OF THE TOWN OF NEWTON

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

ORDINANCE 2012-9

AN ORDINANCE TO AMEND CHAPTER 3, ADMINISTRATIVE CODE OF THE CODE OF THE TOWN OF NEWTON TO ESTABLISH A DEPARTMENT OF HUMAN RESOURCES

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

b. INTRODUCTION

ORDINANCE 2012-10

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$450,000 FOR THE MAPLE AVENUE PROJECT IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY

ORDINANCE 2012-11

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 307, VEHICLES AND TRAFFIC, OF THE TOWN OF NEWTON CODE BOOK FOR THE PROHIBITION OF ENGINE BRAKING

ORDINANCE 2012-12

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF NEWTON BY DELETION AND REPEAL OF: CHAPTER 162, LAND SUBDIVISION; CHAPTER 240, SITE PLAN REVIEW; CHAPTER 320, ZONING; AND CHAPTER 139, HISTORIC PRESERVATION; AND BY ADOPTION OF THE FOLLOWING NEW CHAPTERS: CHAPTER 240, LAND SUBDIVISION & SITE PLAN; CHAPTER 320, FORM BASED CODE; AND CHAPTER 139, HISTORIC PRESERVATION

ORDINANCE 2012-13

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 IN BONDS OR NOTES OF THE TOWN TO FINANCE PART OF 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 #51-2012*

CERTIFY SELF-EXAMINATION OF 2012 BUDGET

b. RESOLUTION #52-2012*

AUTHORIZE PREMIUM PAYMENT TURNED OVER TO THE TREASURER FOR BLOCK 22.03, LOT 3 (FORMERLY BLOCK 1209, LOT 3)

c. RESOLUTION #53-2012*

AUTHORIZING THE TOWN OF NEWTON TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY FOR THE PURPOSE OF PROVIDING A CERTIFIED RECYCLING PROFESSIONAL FOR THE TOWN OF NEWTON

- d. RESOLUTION #54-2012* RESOLUTION CALLING FOR THE RESTORATION OF ENERGY TAXES TO MUNICIPALITIES
- e. RESOLUTION #55-2012* CONFIRMING THE SALE OF A CERTAIN PARCEL OF LAND AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE LEGAL INSTRUMENTS NECESSARY TO EFFECTUATE SAID SALE, BLOCK 1301, LOT 1.07
- f. RESOLUTION #56-2012* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- g. RESOLUTION #57-2012* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- h. RESOLUTION #58-2012* CAPITAL BUDGET AMENDMENT
- i. APPLICATIONS*
 - AN APPLICATION FOR A SPECIAL PERMIT FOR A SOCIAL AFFAIR FROM THE GREATER NEWTON CHAMBER OF COMMERCE TO BE HELD ON SATURDAY, JUNE 9, 2012 FROM 4:00 PM TO 10:00 PM AT MEMORY PARK, MORAN STREET, NEWTON, NJ
 - AN APPLICATION FOR AN ON-PREMISE RAFFLE (50/50) FROM THE SUSSEX COUNTY FELLOWSHIP FOR ANIMALS, 50 FATHER JOHN'S LANE, SPARTA, NJ TO BE HELD THURSDAY, MAY 3, 2012 AT 8:30 PM AT THE NEWTON VFW, 85 MILL STREET, NEWTON, NJ
 - AN APPLICATION FOR ON-PREMISE RAFFLES (BINGO AND 50/50) FROM THE PRIDE FOUNDATION, 44 RYERSON AVENUE, NEWTON, NJ TO BE HELD ON FRIDAY, MAY 4, 2012 FROM 5:00 PM TO 11:00 PM AT 44 RYERSON AVENUE, NEWTON, NJ
 - AN APPLICATION FOR ON-PREMISE RAFFLES (TRICKY-TRAY AND 50/50) FROM THE AUXILIARY OF NEWTON MEDICAL CENTER, 175 HIGH STREET, NEWTON, NJ TO BE HELD ON FRIDAY, MAY 11, 2012 FROM 5:30 PM TO 10:30 PM AT SUSSEX COUNTY COMMUNITY COLLEGE, ONE COLLEGE HILL ROAD, NEWTON, NJ
 - AN APPLICATION FOR AN ON-PREMISE RAFFLE (50/50) FROM SUSSEX COUNTY COMMUNITY COLLEGE, FOUNDATION OFFICE, ONE COLLEGE HILL ROAD, NEWTON, NJ TO BE HELD SATURDAY, APRIL 14, 2012 FROM 9:00 AM TO 5:00 PM AT SUSSEX COUNTY COMMUNITY COLLEGE, BLDG. D, ONE COLLEGE HILL ROAD, NEWTON, NJ
 - AN APPLICATION FOR AN ON-PREMISE RAFFLE (50/50) FROM SUSSEX COUNTY COMMUNITY COLLEGE, FOUNDATION OFFICE, ONE COLLEGE HILL ROAD, NEWTON, NJ TO BE HELD WEDNESDAY, APRIL 18, 2012 FROM 11:00 AM TO 1:00 PM AT SUSSEX COUNTY COMMUNITY COLLEGE, ONE COLLEGE HILL ROAD, NEWTON, NJ

X. HEARING ON THE 2012 BUDGET

- a. 2012 MUNICIPAL AND WATER & SEWER UTILITY BUDGET
 - 1. OPEN HEARING
 - 2. PUBLIC COMMENT
 - 3. CLOSE HEARING
 - 4. ACT ON BUDGET

XI. INTERMISSION

XII. DISCUSSION

- a. NEWTON FIRE DEPARTMENT REQUESTS
- b. MEMORIAL DAY PARADE COMMITTEE REQUEST

XIII. OPEN TO THE PUBLIC

XIV. COUNCIL & MANAGER COMMENTS

XV. EXECUTIVE SESSION

- a. RESOLUTION #59-2012

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

TOWN OF NEWTON

ORDINANCE # 2012-7

AN ORDINANCE TO AMEND CHAPTER 307, VEHICLES AND TRAFFIC OF THE CODE OF THE TOWN OF NEWTON TO CREATE A LOADING ZONE IN LOT #1 – ADAMS STREET PARKING PLAZA

WHEREAS, there exists a need for more loading zones in the Downtown Business District; and

WHEREAS, Lot #1 – Adams Street Parking Plaza is the best place to create a loading zone at this time;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, that Chapter 307, entitled Vehicles and Traffic of the Code of the Town of Newton, be amended as follows:

§307-60. **Schedule X: Loading Zones** shall be supplemented to add a loading zone as follows:

Street	Side	Location
Lot # 1 –Adams Street Parking Plaza	South	Beginning 145 feet west of the Adam Street curblin and extending 38 feet west, running parallel with Spring Street

§307-67. **Schedule XVII: Handicapped Parking** shall be amended to remove two handicapped parking spaces as follows:

Street	Side	Location
Lot # 1 –Adams Street Parking Plaza	North	Beginning at a point 100 feet west of Adams Street Curb line and extending 45 feet west, running parallel with Spring Street

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on March 12, 2012. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on March 26, 2012 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 # 2012-8

AN ORDINANCE TO AMEND CHAPTER 100 FEES AND COSTS OF THE CODE OF THE TOWN OF NEWTON

WHEREAS, the mission of the Newton Recreation Department is to provide outstanding recreational opportunities for our residents while minimizing the tax burden to our constituents; and

WHEREAS, the Newton Recreation Department recommends the following changes to the Newton Fee Schedule relative to the Town of Newton Swimming Pool:

§100-24.A (1)(c) Swim Team Participant

- (a) Newton swim team member fee shall be raised to \$50.00 per swimmer up to a maximum of \$100.00 per family.
- (b) Swim teams that are not affiliated with Newton will pay a fee of \$100.00 per swimmer up to a family max of \$200.00

§100-24. A. (3) Swimming Lessons:

- (a) Swimming Lessons – 9 lesson sessions with 6 classes each session
- (b) Sessions last 1 week, classes are 30 min. 4 days per week for a total of 120 minutes of instruction
- (c) Friday will be reserved for make-up lessons for inclement weather
- (d) Lesson fees will be established at \$30.00 per swimmer per session for members and \$40.00 per session for non-members
- (e) Learn to Swim Package: When you sign a student up for 4 sessions, the 5th is free (based upon availability in the appropriate class)

§100-24.A (4) Other Pool fees are as follows:

- (a) Lifeguard Training: \$275.00 per student
- (b) Birthday Parties: \$200.00 for the first 10 guests, \$5.00 each additional guest; Pizza, Soda and Ice Cream are additional charges
- (c) Scuba Discovery Class: \$100.00 per student per class
- (d) Water Aerobics: \$15.00/ 5 sessions for members, \$35.00/ 5 sessions for non-members (includes daily visit fee)

NOW, THEREFORE BE IT ORDAINED, that the Newton Town Council is in full support of the changes recommended by the Recreation Department to the Newton Municipal Pool fee schedule.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on March 12, 2012. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on March 26, 2012 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 #2012-9

**AN ORDINANCE TO AMEND CHAPTER 3, ADMINISTRATIVE CODE OF THE
CODE OF THE TOWN OF NEWTON TO ESTABLISH A
DEPARTMENT OF HUMAN RESOURCES**

WHEREAS, there exists a need to establish a Department of Human Resources for administration of payroll, benefits, and employee relations to better serve the citizens and employees of the Town of Newton;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, that Chapter 3, entitled Administrative Code of the Code of the Town of Newton, be amended as follows:

SECTION 1. Chapter 3, ARTICLE VI, Administrative Organization, Section 3-26, *Departments, boards and commissions* shall be amended to include the following:

- A. Departments
(11) Department of Human Resources

SECTION 2. Chapter 3, ARTICLE XXXIII, **Department of Human Resources** is hereby created to include the following:

§3-106. Establishment; organization.

There shall be a Department of Human Resources, the administrator of which shall be the Human Resources Coordinator. Within this Department, there shall be a Division of Payroll and a Division of Employee Benefits.

§3-107 Duties of Human Resources Coordinator.

The Human Resources Coordinator shall:

- A. Supervise the examination and analysis of all regular and supplemental payrolls submitted by various departments for payment to ensure accuracy of figures, correctness of entries, that deadlines are met, and for compliance with established payroll procedures.
- B. Direct computation of differential pay according to policy.
- C. Record and process all payments made to various health plans.
- D. Review and maintain personnel records for all employees.
- E. Evaluate human resource programs available and prepare reports on their effectiveness.
- F. Train supervisors in conducting evaluations.
- G. Coordinate and evaluate activities of all human resource components including federal/state employment projects to determine and project employment needs and priorities in the Town of Newton.
- H. Handle all other projects and assignments as per the direction and supervision of the Town Manager.

§3-108 Division of Payroll.

Within the Department of Human Resources there shall be a Division of Payroll. Under the supervision and direction of the Human Resources Coordinator the Division shall:

- A. Prepare regular, supplemental, and overtime payrolls, add or delete employees as required, and make other appropriate changes including union deductions, taxes, charities, pension, and so forth.

- B. Complete unemployment requests for wage and separation information .
- C. Perform clerical tasks involved in preparing payrolls of a simple, routine, and repetitive nature.

§3-109 Division of Benefits.

Within the Department of Human Resources there shall be a Division of Benefits. Under the supervision and direction of the Human Resources Coordinator the Division shall:

- A. Process pension membership applications, beneficiary changes, retirement and loan applications, as well as medical insurance applications and changes.
- B. Prepare reports of absences and vacations.
- C. Prepare and process personnel and/or payroll forms with responsibility for ensuring that all pertinent information has been included and is accurate.

SECTION 3. This ordinance shall take effect upon final adoption and will be published as required by 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, March 12, 2012. 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 Monday March 26, 2012 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 #2012-10

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$450,000.00 FOR THE MAPLE AVENUE PROJECT 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. \$450,000.00 is hereby appropriated from the Capital Improvement Fund in the Water Sewer Capital Fund for the construction of a new watermain, connection services to the watermain, milling and paving of Maple Avenue 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.

TAKE NOTICE that the above entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton held on March 26, 2012. It will be considered for adoption, after public hearing and final reading thereon, at a regular meeting of said Governing Body conducted on April 9, 2012, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON
Sussex County, New Jersey

ORDINANCE No. 2012-11

**AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 307, VEHICLES AND TRAFFIC, OF THE NEWTON CODE BOOK
FOR THE PROHIBITION OF ENGINE BRAKING**

WHEREAS, it is the desire of the Town Council of the Town of Newton (“Town”) to enhance traffic safety and create peace and order for the residents of the Town by amending the Newton Code book to prohibit “engine braking” on Town roadways and to authorize the installation of the appropriate signage.

BE IT ORDAINED by the Town Council of the Town of Newton that certain sections within Chapter 307, Vehicles and Traffic, of the Code of the Town of Newton be amended as follows:

SECTION 1. Chapter 307, ARTICLE III, Traffic Regulation, Section 307-18, *Engine Braking* is created to include the following:

The purpose of this section is to prohibit engine braking within the Town of Newton in order to enhance traffic safety and create peace and order for the residents of the Town.

Subsections:

- 307-18.1 Definitions
- 307-18.2 Prohibition
- 307-18.3 Exceptions to Prohibition
- 307-18.4 Posting Signs
- 307-18.5 Enforcement
- 307-18.6 Violations and Penalties
- 307-18.7 Severability

SECTION 2. Chapter 307, Section 307-18.1, *Definitions* is created to include the following:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. The word “shall” is always mandatory and not merely directory.

"Engine braking" shall mean the use or operation of any mechanical exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle.

SECTION 3. Chapter 307, Section 307-18.2, *Prohibition* is created to include the following:

It shall be unlawful for the driver of any motor vehicle to use or operate or cause to be used or operated, at any time and on any road within the Town of Newton, any mechanical exhaust or decompression device which results in the practice known as "engine braking."

SECTION 4. Chapter 307, Section 307-18.3, *Exceptions to Prohibition* is created to include the following:

The provisions of this section shall not apply to noise caused by the application of engine braking, if necessary for the health, safety and welfare of the community, or noise created by emergency vehicles for emergency purposes. These items are exempt from the provisions of this section.

SECTION 5. Chapter 307, Section 307-18.4, *Posting Signs* is created to include the following:

The Town of Newton is hereby authorized and directed to post signs at reasonable locations within the Town indicating the prohibition of engine braking.

SECTION 6. Chapter 307, Section 307-18.5, *Enforcement* is created to include the following:

The Town Manager shall enforce the provisions of this section through the Chief of Police and the Police Department whom will be trained in distinguishing "engine braking" noise from normal engine or braking noises. It shall be unlawful for any reason to violate any part of this ordinance adopted by the Newton Town Council.

SECTION 7. Chapter 307, Section 307-18.6, *Violations and Penalties* is created to include the following:

Any person who violates this section shall be subject to a fine as follows:

- | | | |
|----|---------------------------------|----------|
| A. | First Offense: | \$100.00 |
| B. | Second and Subsequent Offenses: | \$200.00 |

SECTION 8. Chapter 307, Section 307-18.7, *Severability* is created to include the following:

It is the intention of the Town Council that every provision of this Section shall be considered separable and the invalidity of any article, clause or provision of this Section shall not affect the validity of any other portion of this Section or this Chapter.

SECTION 9. Effective date:

This ordinance shall take effect upon final adoption and will be published as required by law.

ORDINANCE 2012-11

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on March 26, 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 April 9, 2012 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 # 2012-12

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF NEWTON BY
DELETION AND REPEAL OF:
CHAPTER 162, LAND SUBDIVISION;
CHAPTER 240, SITE PLAN REVIEW;
CHAPTER 320, ZONING; AND
CHAPTER 139, HISTORIC PRESERVATION; AND
BY ADOPTION OF THE FOLLOWING NEW CHAPTERS:
CHAPTER 240, LAND SUBDIVISION & SITE PLAN;
CHAPTER 320, FORM BASED CODE;
AND CHAPTER 139, HISTORIC PRESERVATION**

BE IT ORDAINED, by the Town Council of the Town of Newton as follows:

Section 1.

The Code of the Town of Newton is hereby amended by deleting and repealing: Chapter 162, Land Subdivision; Chapter 240, Site Plan Review; Chapter 320, Zoning; and Chapter 139, Historic Preservation.

Section 2.

The Code of the Town of Newton is hereby amended by adding thereto a new chapter to replace Chapter 162 and Chapter 240 hereinabove repealed, to be Chapter 240, Land Subdivision & Site Plan, which is attached to and made part of this ordinance as "Schedule A".

Section 3.

The Code of the Town of Newton is hereby amended by adding thereto a new chapter to replace Chapter 320 hereinabove repealed, to be Chapter 320, Form Based Code, which is attached to and made part of this ordinance as "Schedule B".

Section 4.

The Code of the Town of Newton is hereby amended by adding thereto a new chapter to replace Chapter 139 hereinabove repealed, to be Chapter 139, Historic Preservation, which is attached to and made part of this ordinance as "Schedule C".

Section 5.

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or parts of this ordinance.

Section 6.

This ordinance shall take effect upon final adoption, publication and the filing of a copy of said ordinance with the Sussex County Planning Board, all in accordance with the law, and applies to any new or pending application and to any matter on appeal to any municipal agency or to any Court.

Section 7.

The Town Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Sussex County Planning Board and to all others entitled thereto pursuant to the provisions of N.J.S. 40:55D-15. Upon adoption of this ordinance after public hearing thereon, the Town Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Sussex County Planning Board, as required by N.J.S. 40:55D-16.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on March 26, 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 April 9, 2012 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

ORDINANCE 2012-12

SCHEDULE A

CHAPTER 240, LAND SUBDIVIOSN & SITE PLAN

On file in the Clerk's Office.

ORDINANCE 2012-12

SCHEDULE B

CHAPTER 320, FORM BASED CODE

On file in the Clerk's Office.

ORDINANCE 2012-12

SCHEDULE C

CHAPTER 139, HISTORIC PRESERVATION

On file in the Clerk's Office.

**TOWN OF NEWTON
ORDINANCE 2012-13**

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Town of Newton, in the County of Sussex, New Jersey (the "Town") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,000,000, including the aggregate sum of \$50,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made 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 several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$950,000 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Road improvements consisting of reconstruction of Moran Street, Memory Park parking areas, pool parking areas, access road from Memory Park to South Park Drive, DPW complex, Lot Number 2 Main Street Parking Lot and Howard Street, including drainage improvements, milling, paving, striping, reconstruction or installation of sidewalks and curbs, bicycle grates and appurtenances	\$165,000	\$156,750	20 years
b) Phase I of Drainage Improvement Program in area of Fairview Avenue to Liberty Street, consisting of drainage study, mapping, engineering and design work	\$25,000	\$23,750	40 years
c) Acquisition of equipment consisting of a street sweeper, a chipper and a crack sealer	\$289,000	\$274,550	15 years
d) Acquisition and installation of chain link fence near slate quarry off West End Avenue	\$30,000	\$28,500	10 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
e) Phase I of Firehouse No. 2 Renovation Project consisting of design and preliminary planning	\$20,000	\$19,000	20 years
f) Renovation of Fire Museum, including planning, design and construction	\$207,000	\$196,650	20 years
g) Improvement of various municipal buildings consisting of upgrades, renovations and acquisition and installation of furnishings and equipment	\$20,000	\$19,000	20 years
h) Acquisition and installation of park and playground equipment, including design work	\$35,000	\$33,250	15 years
i) Construction of a wall at the upper portion of Memory Park near South Park Drive and the Recycling Center, including design work, stone, topsoil, gravel, trees and other natural barriers and plantings	\$30,000	\$28,500	15 years
j) Improvement of Memory Park involving design, acquisition and installation of guard rail and fencing and field improvements	\$47,000	\$44,650	15 years
k) Acquisition and installation of new exchange email server for Police Department	\$19,000	\$18,050	7 years
l) Acquisition and installation of a solar-powered traffic data/message trailer for Police Department	\$17,000	\$16,150	7 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
m) Acquisition of four-wheel drive vehicle for Police Department, including appurtenances	\$30,000	\$28,500	5 years
n) Acquisition and installation of security system at Municipal Building consisting of magnetic security locks, security cameras and security system intercoms	\$6,500	\$6,175	15 years
o) Supplemental appropriation for redevelopment planning	\$55,000	\$52,250	15 years
	(in addition to the \$75,000 appropriated by bond ordinance #2011-5 finally adopted 4/25/11, the \$250,000 appropriated by bond ordinance #2009-5 finally adopted 2/23/09, the \$50,000 appropriated by bond ordinance #2005-8 finally adopted 5/9/05, the \$75,000 appropriated by bond ordinance #2007-8 finally adopted 6/11/07, the \$250,000 appropriated by bond ordinance #2007-21 finally adopted 8/27/07 and \$50,000 available from an Office of Smart Growth grant)	(in addition to the \$71,250 bonds or notes authorized by bond ordinance #2011-5 finally adopted 4/25/11, the \$238,000 bonds or notes authorized by bond ordinance #2009-5 finally adopted 2/23/09, the \$47,500 bonds or notes authorized by bond ordinance #2005-8 finally adopted 5/9/05, the \$71,400 bonds or notes authorized by bond ordinance #2007-8 finally adopted 6/11/07, the \$238,000 bonds or notes authorized by bond ordinance #2007-21 finally adopted 8/27/07 and the \$25,000 grant received under the 2005 ordinance, reducing the debt authorization)	
p) Supplemental appropriation for repair and/or reconstruction of Town Hall retaining wall	\$4,500	\$4,275	20 years
	(in addition to the \$75,000 appropriated by bond ordinance #2011-5 finally adopted 4/25/11)	(in addition to the \$71,250 bonds or notes authorized by bond ordinance #2011-5 finally adopted 4/25/11)	

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
TOTALS	<u>\$1,000,000</u>	<u>\$950,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 note shall mature later than one year from its date. The 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 notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All 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 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 notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the 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 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 purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Town may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 16.96 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 \$950,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$245,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

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 purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this 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 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 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.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on March 26, 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 April 9, 2012 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 #51-2012

March 26, 2012

“Certify Self-Examination of 2012 Budget”

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Town of Newton has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2012 budget year;

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Town of Newton that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments (if any) have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Approved:

Vote recorded as follows:

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, March 26, 2012.

Lorraine A. Read, R.M.C.
Municipal Clerk

TOWN OF NEWTON

SUSSEX COUNTY, NEW JERSEY

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C.5:30-7.4 AND 7.5, and that I, as Chief financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated: _____

By: _____
Chief Financial Officer

This certification form and resolution of the governing body executing such certification should be annexed to the adopted budget (N.J.A.C. 5:30-7.6(e)).



TOWN OF NEWTON

RESOLUTION #52-2012

March 26, 2012

“Authorize Premium Payment Turned over to the Treasurer for Block 22.02, Lot 3 (formerly Block 1209 Lot 3)”

WHEREAS, Tax Sale Certificate #1242 was issued at the Tax Sale held on October 19, 2006 with zero percent redemption and a premium of \$45,000.00; and

WHEREAS, N.J.S.A. 54:5-33 states that if redemption is not made within five years from the date of the Sale the premium payment shall be turned over to the Treasurer of the Municipality; and

WHEREAS, Tax Sale Certificate #1242 was five years from the date of Tax Sale on October 19, 2011, therefore the premium in the amount of \$45,000.00 is to be turned over to the Treasurer;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that the premium for Tax Sale Certificate #1242 in the amount of \$45,000.00 be turned over to the Treasurer of the Town of Newton; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$45,000.00 for said premium to the Treasurer of the Town of Newton.

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, March 26, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #53-2012

March 26, 2012

“Authorizing the Town of Newton to Enter Into a Shared Services Agreement with the Sussex County Municipal Utilities Authority for the Purpose of Providing a Certified Recycling Professional for the Town of Newton”

WHEREAS, the Town of Newton “NEWTON” has enacted a recycling plan for all recyclables as designated by the Sussex County Solid Waste Management Plan; and

WHEREAS, the State of New Jersey requires to have its annual recycling tonnage reports approved and executed by a duly Certified Recycling Professional “CRP”; and

WHEREAS, the Town of Newton and the Sussex County Municipal Utilities Authority “SCMUA”, a municipal utilities authority of the State of New Jersey, have negotiated a Shared Services Agreement stating that SCMUA shall serve as NEWTON's CRP; and

WHEREAS, said Shared Services Agreement is attached to and made part of this resolution;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and Clerk are hereby authorized to execute the attached Agreement authorizing the Sussex County Municipal Utilities Authority to serve as the Town of Newton's Certified Recycling Professional.

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, March 26, 2012.

Lorraine A. Read, R.M.C.
Municipal Clerk

**SHARED SERVICES AGREEMENT
BETWEEN
THE TOWN OF NEWTON
AND
THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY
FOR
CERTIFIED RECYCLING PROFESSIONAL SERVICES
TO PREPARE ANNUAL RECYCLING TONNAGE REPORT**

THIS AGREEMENT is made on the later of the two signature dates set forth below between the Town of Newton, a municipal corporation of the State of New Jersey with offices at 39 Trinity Street, Newton, New Jersey 07860, and the Sussex County Municipal Utilities Authority (“SCMUA”), a municipal utilities authority of the State of New Jersey with offices at 34 South Route 94, Lafayette, New Jersey 07848 (the “Agreement”). The purpose of this Agreement is to satisfy, through shared services, Newton’s obligation to the State of New Jersey’s to have its annual recycling tonnage reports approved and executed by a Certified Recycling Professional (“CRP”). To this end, the Town of Newton and the SCMUA agree as follows:

1. The Town of Newton has enacted a recycling plan for all recyclable materials as designated by the Sussex County Solid Waste Management Plan and amendments thereto.
2. This Agreement is a “Shared Services Agreement” pursuant to N.J.S. 40A:65-4 et seq. ~~The nature and value of services contracted in this Agreement excepts this Agreement from the bidding requirements of the Local Public Contracts Law, pursuant to, inter alia, N.J.S. 40A:11-3.~~
3. The Town of Newton hereby contracts with the SCMUA for the provision of the services of duly certified CRP. The CRP shall execute the Town of Newton’s mandatory, annual municipal recycling tonnage report (the “Report”) in the necessary form and with necessary contents, and shall file said report in the necessary manner with the New Jersey Department of Environmental Protection (“NJDEP”).
4. The Town of Newton bears the responsibility for the preparation of the Report and for the accuracy of its tonnage and material data. Newton designates its municipal recycling coordinator as the preparer of the Report.
5. The Town of Newton shall be responsible for retaining appropriate documentation supporting the Report for five years in order to be available in the event of an audit by the NJDEP.

6. Each party has the right to terminate this Agreement upon 30 days prior written notice to the other.

7. Each party has the right to amend the terms of this Agreement upon 30 days prior written notice to the other, which amendment shall not be unreasonably rejected.

8. The Town of Newton shall pay the sum of \$250.00 to the SCMUA for the CRP services. The Town of Newton agrees to pay all invoices within thirty days after receipt of a voucher from the SCMUA.

9. The parties agree to limit all liability of the SCMUA for the services provided under this Agreement shall not exceed \$250.00.

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

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

TOWN OF NEWTON:

ATTEST:

By:

Helen R. Le Frois, Mayor

By:

LORRAINE READ, Clerk

STATE OF NEW JERSEY :

:SS:

COUNTY OF SUSSEX :

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

SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY
ATTEST:

By: _____

By: _____

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

I certify that on _____, 2012, _____ came before me and
acknowledged under oath that he is the person who signed, sealed and delivered the attached
document on behalf of the Sussex County Municipal Utilities Authority and signed, sealed and
delivered this document as its act and deed.



TOWN OF NEWTON

RESOLUTION #54-2012

March 26, 2012

“Resolution Calling for the Restoration of Energy Taxes to Municipalities”

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal government; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent how successive Legislatures and Administrations have seen fit; and

WHEREAS, while the State may need to have the right to over-ride statutory dedication of these revenues to local governments, in order to deal with emergencies and crises that may occur, current State policy makers should not exercise that right automatically; and

WHEREAS, while that right should be the exception, it has become the rule; and

WHEREAS, by using tactics such as reducing CMPTRA, which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, from \$72 million in State Fiscal Year 2005, to \$505 million in State Fiscal Year 2011, the State's diversion of Energy Taxes has continued to grow; and

WHEREAS, in 2008, 2009 and 2010 (SFY 2009, 2010 and 2011), funding for municipal revenue replacement was slashed by about \$26 million in 2008 and \$32 million in 2009, followed by losses of about \$271 million in 2010; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use for these resources, which were always intended to fund local programs and services;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that we hereby join with the League of Municipalities in calling for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

BE IT FURTHER RESOLVED, that we respectfully call on State policy makers to end the diversion of our municipal resources to cover State spending and to provide us with this important tool to relieve the worst-in-the-nation property tax burden borne, for too long, by the people of New Jersey; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, our State Legislators and the League of Municipalities.

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, March 26, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #55-2012

March 26, 2012

“CONFIRMING THE SALE OF A CERTAIN PARCEL OF LAND AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE LEGAL INSTRUMENTS NECESSARY TO EFFECTUATE SAID SALE OF BLOCK 1301, LOT 1.07”

WHEREAS, on the 13th day of February, 2012, the Town Council of the Town of Newton passed a certain Ordinance entitled An Ordinance Authorizing Sale of Municipal Lands Not Needed for Public Use; and

WHEREAS, as a result of said Ordinance, the Town of Newton has received two written offers to purchase property known as Block **1301**, Lot **1.07**, which property is less than the minimum size required for development under the municipal zoning ordinance and which is without any capital improvements thereon (the “Property”); and

WHEREAS, the higher of the two offers for the Property was in the amount of ONE HUNDRED AND TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00) and was made by Julie Richard, LLC, a contiguous property owner of Block 1301, Lot 1.03 (currently Block 18.02, Lot 18);

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton as follows:

1. That the Property, known as Lot 1.07 in Block 1301 on the Town of Newton Tax Map and which is more particularly described in Schedule A, attached hereto, be sold for a price of One Hundred Twenty Five Thousand Dollars (\$125,000.00) to Julie Richard, LLC.

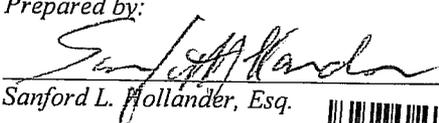
2. That the Mayor and Clerk are hereby authorized to execute a Deed and any and all other instruments necessary to effectuate said sale.

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, March 26, 2012.

Lorraine A. Read, RMC
Municipal Clerk

14
RECORD AND RETURN TO:
Mailbox of Hollander Strelzik, et al.
Attn: Sanford L. Hollander, Esq.

8
Prepared by:

Sanford L. Hollander, Esq.



2011214010233120 1/14
12/14/2011 10:05:07 AM MUN DEED
Bk: 3281 Pg: 916
Jeffrey Parrott, Dep. County Clerk
Sussex County, NJ

DEED

This Deed is made on *November 28*, 2011,

BETWEEN TOWN OF NEWTON, a Municipal Corporation of the State of New Jersey,

having its principal office at 39 Trinity Street, Newton, New Jersey, 07860,

referred to as the Grantor,

AND TOWN OF NEWTON, a Municipal Corporation of the State of New Jersey,

having its principal office at 39 Trinity Street, Newton, New Jersey, 07860,

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of \$ ***NO CONSIDERATION***. The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-1.1) Municipality of **Town of Newton**

Parcel One: Block No. 1301 Lot No. **Proposed Lot 1.07**

Parcel Two: Block No. 1301 Lot No. **Remainder Lot 1.02**

No property tax identification number is available on the date of this deed.
(Check Box if applicable.)

Property. The property consists of the land and all the buildings and structures on the land in the **Town of Newton**, County of **Sussex** and State of New Jersey. The legal descriptions are attached hereto as **Schedule A – Parcel One** and **Schedule B – Parcel Two**.

BEING part of Block 1301, Lot 1.02 as shown on a map entitled "Final Major Subdivision of Railroad Avenue Properties, Town of Newton, Sussex County, New Jersey, dated August 1987, Scale 1" = 50' ", prepared by Harold E. Pellow & Associates, Inc., and filed in the Sussex County Clerk's Office in Newton, New Jersey as Filed Map No. 902, together with a 0.006 acre parcel of land as described in a Deed of Conveyance from James Eskin and William Dusche, Partners, trading as Station

2011214010233120
12/14/2011 10:05:00 AM
Consideration: 0
Exempt.Code: Exempt
County: State:
NJAHTF PHPF:
EAA: General:
Buyer's Fee: 0

SCHEDULE A - PARCEL ONE

Description of
Proposed Tax Lot 1.07, Block 1301
Town of Newton, Sussex County
New Jersey

All that certain tract or parcel of land and premises situate, lying and being in the Town of Newton, County of Sussex, and the State of New Jersey.

BUTTED, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING at a point in the thirteenth course of a 1.199 acre tract of land as described in a Deed of Conveyance from Joseph Sucameli to Julie Richard, LLC, dated July 26, 2005, and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 2954 of Deeds on pages 200, etc. Said point being the following three tie courses from a concrete monument found at the beginning corner of a 6.873 acre tract of land as described in a Deed of Conveyance from Thomas F. Patten and Ralph S. Tyler, Jr., Trustees of the Erie Lackawanna Railway Company to the Town of Newton, dated October 25, 1982, and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 1091 of Deeds on pages 682, etc.:

- a) along the twenty-fifth course of said 6.873 acre tract of land, but in a reverse direction, South 82 degrees 32 minutes 41 seconds West 6.73 feet to a point at the fifteenth corner of said 1.199 acre tract of land; thence
- b) leaving the twenty-fifth course of said 6.873 acre tract of land and running along the fourteenth course of said 1.199 acre tract of land, but in a reverse direction, South 19 degrees 58 minutes 39 seconds West 111.58 feet to a point at the fourteenth corner of said 1.199 acre tract of land. Said point being the point of curvature of a curve having a radius of 331.00 feet and a tangent length of 59.98 feet; thence
- c) running along the thirteenth course of said 1.199 acre tract of land, but in a reverse direction, and curving to the right on said curve with a radius of 331.00 feet; with a central angle of 20 degrees 32 minutes 35 seconds; the chord bearing and distance being South 30 degrees 14 minutes 56 seconds West 118.04 feet, an arc distance of 118.68 feet to a point at the point of beginning of Block 1301, Tax Lot 1.07; thence running from said point of beginning:

- 1) along the thirteenth course of said 1.199 acre tract of land, but in a reverse direction, and curving to the right on said curve with a radius of 331.00 feet; with a central angle of 05 degrees 49 minutes 28 seconds; the chord bearing and distance being South 43 degrees 25 minutes 58 seconds West 33.63 feet, an arc distance of 33.65 feet to a point at the thirteenth corner of said 1.199 acre tract of land. Said point also being in the fourth course of a 0.377 acre parcel of land as described in a Deed of Conveyance from Robert W. Lee and Agnes H. Lee, Husband and Wife, to Natural Selection, LLC, dated February 12, 2003, and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 2708 of Deeds on pages 269 etc.; thence
- 2) along the fourth course of said 0.377 acre parcel of land, but in a reverse direction, North 08 degrees 51 minutes 35 seconds West 16.62 feet to a point at the fourth corner of said 0.377 acre parcel of land; thence
- 3) along the third course of said 0.377 acre parcel of land, but in a reverse direction, South 81 degrees 20 minutes 40 seconds West 141.21 feet to a point in the new easterly right-of-way line of Sparta Avenue (Sussex County Route 616), 33 feet from the centerline; thence
- 4) leaving the third course of said 0.377 acre parcel of land and running along the new easterly right-of-way line of said Sparta Avenue (Sussex County Route 616) North 10 degrees 34 minutes 59 seconds West 48.29 feet to a point in the fourth course of a parcel of land as described in a Deed of Conveyance from Eve L. Villani, Unmarried, to 13-19 Woodside Avenue, LLC, dated December 4, 2010 and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 3263 of Deeds on pages 606, etc.; thence
- 5) leaving the new easterly right-of-way line of said Sparta Avenue (Sussex County Route 616) and running along the fourth course of said 13-19 Woodside Avenue, LLC parcel of land North 82 degrees 10 minutes 27 seconds East 59.99 feet to a point at the beginning corner of said 13-19 Woodside Avenue, LLC parcel of land. Said point also being the sixth corner of a parcel of land as described in a Deed of Conveyance from Charles Schaffer and Doreen Schaffer, Husband and Wife, to Natural Selection, LLC dated July

15, 2004 and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 2840 of Deeds on pages 126, etc.; thence

- 6) along the fifth course of said Natural Selection, LLC parcel of land, but in a reverse direction, North 82 degrees 10 minutes 27 seconds East 44.34 feet to a point at the fifth corner of said Natural Selection, LLC parcel. Said point being on a curve having a radius of 257.00 feet and a tangent length of 51.06 feet; thence
- 7) along the fourth course of said Natural Selection, LLC parcel of land, but in a reverse direction, and curving to the left on said curve with a radius of 257.00 feet; with a central angle of 22 degrees 28 minutes 26 seconds; the chord bearing and distance being North 34 degrees 02 minutes 53 seconds East 100.16 feet, an arc distance of 100.81 feet to a point; thence
- 8) leaving the fourth course of said Natural Selection, LLC parcel of land and by a new line through said 6.873 acre tract of land, South 07 degrees 15 minutes 51 seconds East 116.35 feet to the point and place of BEGINNING.

Containing 0.24 acres of land be the same more or less.

Subject to the rights of any utilities or easements of record, should any exist.

Subject to the rights of the public in Sparta Avenue, also known as Sussex County Route 616.

Subject to a ground lease agreement between the Town of Newton and Thor Labs, Inc. dated April 2003 as outlined in Town of Newton Ordinance No. 2003-2.

Subject to existing storm drainage infrastructure on Block 1301, Tax Lot 1.05 discharging through Block 1301, Tax Lot 1.07 to storm drainage in Sparta Avenue (Sussex County Route 616).

Being part of the following parcels or tracts of land:

- 1) A 6.873 acre tract of land as described in a Deed of Conveyance from Thomas F. Patten and Ralph S. Tyler, Jr., Trustees of the Erie Lackawanna Railway Company to the Town

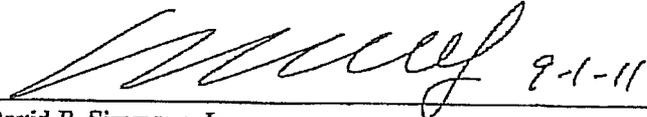
of Newton dated October 25, 1982 and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 1091 of Deeds on pages 682, etc.;

- 2) A 4,352 square foot parcel of land as described in a Deed of Conveyance from Betty Heemer, Unmarried, to the Town of Newton, a Municipal Corporation, dated May 1979, and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 1033 of Deeds on pages 989, etc.;
- 3) A parcel of land as described in a Deed of Conveyance from Peter John Kays and Beverly A. Kays, His Wife, to the Town of Newton, dated June 3, 1977 and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 989 of Deeds on pages 470, etc.;

Being part of Block 1301, Lot 1.02 as shown on a map entitled "Final Major Subdivision of Railroad Avenue Properties, Town of Newton, Sussex County, New Jersey, dated August 1987, Scale 1" = 50' ", prepared by Harold E. Pellow & Associates, Inc. and filed in the Sussex County Clerk's Office in Newton, New Jersey as Filed Map No. 902, together with a 0.006 acre parcel of land as described in a Deed of Conveyance from James Eskin and William Dusche, Partners, trading as Station House Properties, a New Jersey Partnership, to the Town of Newton, a Municipal Corporation of the State of New Jersey, dated February 16, 2010, and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 3244 of Deeds on pages 729, etc.

Being part of Tax Lot 1.02, Block 1301 on the current Town of Newton Tax Maps.

This description written September 1, 2011 by Harold E. Pellow & Associates, Inc., Consulting Engineers, 17 Plains Road, Augusta, New Jersey 07822-2009, COA #24GA27959300.



David B. Simmons, Jr.
New Jersey Professional Engineer and Land Surveyor #27831

SEAL

SCHEDULE B - PARCEL TWO

**Description of
Remainder Tax Lot 1.02, Block 1301
Town of Newton, Sussex County
New Jersey**

All that certain tract or parcel of land and premises situate, lying and being in the Town of Newton, County of Sussex, and the State of New Jersey.

BUTTED, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING at a point in the twenty-fifth course of a 6.873 acre tract of land as described in a Deed of Conveyance from Thomas F. Patten and Ralph S. Tyler, Jr., Trustees of the Erie Lackawanna Railway Company to the Town of Newton dated October 25, 1982 and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 1091 of Deeds on Pages 682, etc. Said point being located South 82 degrees 32 minutes 41 seconds West 6.73 feet from a concrete monument found at the beginning corner of said 6.873 acre tract of land. Said point also being the fifteenth corner of a 1.199 acre tract of land as described in a Deed of Conveyance from Joseph Sucameli to Julie Richard, LLC dated July 26, 2005 and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 2954 of Deeds on pages 200, etc.; thence running from said beginning:

- 1) leaving the twenty-fifth course of said 6.873 acre tract of land and running along the fourteenth course of said 1.199 acre tract of land, but in a reverse direction, South 19 degrees 58 minutes 39 seconds West 111.58 feet to a point at the fourteenth corner of said 1.199 acre tract of land. Said point being the point of curvature of a curve having a radius of 331.00 feet and a tangent length of 59.98 feet; thence
- 2) running along the thirteenth course of said 1.199 acre tract of land, but in a reverse direction, and curving to the right on said curve with a radius of 331.00 feet; with a central angle of 20 degrees 32 minutes 35 seconds; the chord bearing and distance being South 30 degrees 14 minutes 56 seconds West 118.04 feet, an arc distance of 118.68 feet to a point; thence
- 3) leaving the thirteenth course of said 1.199 acre tract of land, and by a new line through said 6.873 acre tract of land, North 07 degrees 15 minutes 51 seconds West 116.35 feet to a point in the fourth course of a parcel of land as described in a Deed of Conveyance from Charles Schaffer and Doreen Schaffer, Husband and Wife, to Natural Selection, LLC, dated July 15, 2004, and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 2840 of Deeds on pages 126, etc.; thence

- 4) along the fourth course of said Natural Selection, LLC parcel of land, but in a reverse direction, and curving to the left on said curve with a radius of 257.00 feet; with a central angle of 02 degrees 50 minutes 01 seconds; the chord bearing and distance being North 21 degrees 23 minutes 40 seconds East 12.71 feet, an arc distance of 12.71 feet to a point of tangency at the fourth corner of said Natural Selection, LLC parcel; thence
- 5) along the third course of said Natural Selection, LLC parcel of land, but in a reverse direction, and along the ninth course of a parcel of land described in a Deed of Conveyance from Station House Depot, LLC to Iliff Realty Co., LLC dated November 21, 2002 and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 2689 of Deeds on pages 149, etc.; but in a reverse direction, North 19 degrees 58 minutes 39 seconds East 270.00 feet to a point at the ninth corner of said Iliff Realty Co., LLC parcel of land. Said point being a point of curvature of a curve with a radius of 777.73 feet and a tangent length of 117.04 feet; thence
- 6) along the eighth course of said Iliff Realty Co., LLC parcel of land, but in a reverse direction, and curving to the right on said curve with a radius of 777.73 feet; with a central angle of 17 degrees 07 minutes 01 seconds; the chord bearing and distance being North 28 degrees 32 minutes 09 seconds East 231.48 feet, an arc distance of 232.34 feet to a point of compound curvature at the eighth corner of said Iliff Realty Co., LLC parcel of land. Said point also being the eighth corner of a parcel of land as described in a Deed of Conveyance from Peter P. Horvath and Joann Horvath, Husband and Wife, to Christ Community Church of the Christian and Missionary Alliance, Inc. dated October 28, 2008 and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 3214 of Deeds on pages 24, etc. Said point being on a curve having a radius of 777.73 feet and a tangent length of 30.22 feet; thence
- 7) along the seventh course of said Christ Community Church of the Christian and Missionary Alliance, Inc. parcel of land, but in a reverse direction, and curving to the right on said curve with a radius of 777.73 feet, with a central angle of 4 degrees 27 minutes 02 seconds; the chord bearing and distance being North 39 degrees 19 minutes 11 seconds East 60.40 feet, an arc distance of 60.41 feet to a point of reverse curvature of a curve having a radius of 50.00 feet and a tangent length of 37.10 feet at the seventh corner of said Christ Community Church of the Christian and Missionary Alliance, Inc.

Said point also being the third corner of a 0.006 acre parcel of land as described in a Deed of Conveyance from James Eskin and William Dusche, Partners, trading as Station House Properties, a New Jersey Partnership to the Town of Newton, a Municipal Corporation of the State of New Jersey, dated February 16, 2010 and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 3244 of Deeds on pages 729, etc.; thence

- 8) along the sixth course of said Christ Community Church of the Christian and Missionary Alliance, Inc. parcel of land, but in a reverse direction, and along the third course of said 0.006 acre parcel of land and curving to the left on said curve with a radius of 50.00 feet, with a central angle of 73 degrees 09 minutes 23 seconds; the chord bearing and distance being North 04 degrees 58 minutes 01 seconds East 59.59 feet, an arc distance of 63.84 feet to a point of tangency at the sixth corner of said Christ Community Church of the Christian and Missionary Alliance, Inc. parcel of land, and the beginning corner of said 0.006 acre parcel of land. Said point being in the westerly right-of-way line of Lower Spring Street, in the seventh course of a 0.551 acre parcel of land as described in a Deed of Conveyance from the Town of Newton to the Town of Newton dated August 28, 1987 and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 1494 of Deeds on pages 12, etc.; thence
- 9) along the westerly right-of-way line of said Lower Spring Street and the seventh course of said 0.551 acre parcel of land, but in a reverse direction, South 31 degrees 36 minutes 41 seconds East 122.66 feet to a point at the seventh corner of said 0.551 acre parcel of land. Said point also being in the twenty-third course of said 6.873 acre tract of land. Said point being on a curve having a radius of 819.92 feet and a tangent length of 206.73 feet; thence
- 10) running along the twenty-third course of said 6.873 acre tract of land and curving to the left on said curve with a radius of 819.92 feet; with a central angle of 28 degrees 18 minutes 09 seconds; the chord bearing and distance being South 29 degrees 44 minutes 22 seconds West 400.91 feet, an arc distance of 405.02 feet to a point at the twenty-fourth corner of said 6.873 acre tract of land; thence

- 11) along the twenty-fourth course of said 6.873 acre tract of land South 35 degrees 30 minutes 17 seconds West 41.37 feet to a point at the twenty-fifth corner of said 6.873 acre tract of land; thence
- 12) along the twenty-fifth course of said 6.873 acre tract of land North 82 degrees 32 minutes 41 seconds East 20.18 feet to the point and place of BEGINNING.

Containing 1.08 acres of land be the same more or less.

Subject to the rights of any utilities or easements of record, should any exist.

Subject to the rights of the public in Lower Spring Street.....

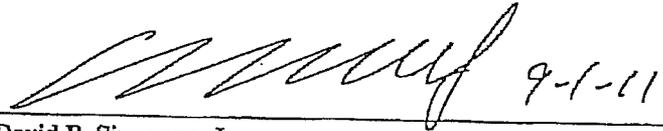
Being part of the following parcels or tracts of land:

- 1) A 6.873 acre tract of land as described in a Deed of Conveyance from Thomas F. Patten and Ralph S. Tyler, Jr., Trustees of the Erie Lackawanna Railway Company to the Town of Newton dated October 25, 1982 and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 1091 of Deeds on pages 682, etc.;
- 2) A 0.006 acre parcel of land as described in a Deed of Conveyance from James Eskin and William Dusche, Partners, trading as Station House Properties, a New Jersey Partnership to the Town of Newton, a Municipal Corporation of the State of New Jersey, dated February 16, 2010 and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 3244 of Deeds on pages 729, etc.;

Being part of Block 1301, Lot 1.02 as shown on a map entitled "Final Major Subdivision of Railroad Avenue Properties, Town of Newton, Sussex County, New Jersey, dated August 1987, Scale 1" = 50' ", prepared by Harold E. Pellow & Associates, Inc. and filed in the Sussex County Clerk's Office in Newton, New Jersey as Filed Map No. 902, together with a 0.006 acre parcel of land as described in a Deed of Conveyance from James Eskin and William Dusche, Partners, trading as Station House Properties, a New Jersey Partnership, to the Town of Newton, a Municipal Corporation of the State of New Jersey, dated February 16, 2010, and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 3244 of Deeds on pages 729, etc.

Being part of Tax Lot 1.02, Block 1301 as shown on the current Town of Newton Tax Maps.

This description written September 1, 2011 by Harold E. Pellow & Associates, Inc., Consulting Engineers, 17 Plains Road, Augusta, New Jersey 07822-2009, COA #24GA27959300.



David B. Simmons, Jr.
New Jersey Professional Engineer and Land Surveyor #27831

SEAL

K:\Projects\Municipal\Newton\Council\09-268 - Railroad Right-Of-Way Description Block 1301 Lot 1.02\Description-Remainder B1301 L1.02.doc

The above described Tax Lot 1.02, Block 1301 is subject to a 12-inch ductile iron sanitary sewer force main owned by the Town of Newton which is located along most of the length of the premises.



State of New Jersey
SELLER'S RESIDENCY CERTIFICATION/EXEMPTION
(C.55, P.L. 2004)

(Please Print or Type)

SELLER(S) INFORMATION (See Instructions, Page 2)

Name(s)
Town of Newton
Current Resident Address:
Street: 39 Trinity Street
City, Town, Post Office State Zip Code
Newton NJ 07860

PROPERTY INFORMATION (Brief Property Description)

Block(s)	Lot(s)	Qualifier
1301	1.07 and Remainder Lot 1.02	
Street Address: 39 Sparta Avenue (Lot 1.07) / 278 Spring Street (Remainder Lot 1.02)		
City, Town, Post Office		State Zip Code
Newton		NJ 07860
Seller's Percentage of Ownership		Consideration Closing Date
100%		\$ -0-

SELLER ASSURANCES (Check the Appropriate Box) (Boxes 2 through 8 apply to Residents and Non-residents)

1. I am a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2. The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 121.
3. I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. Seller is not an individual, estate or trust and as such not required to make an estimated payment pursuant to N.J.S.A.54A:1-1 et seq.
6. The total consideration for the property is \$1,000 or less and as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
7. The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale (see instructions).
 No non-like kind property received.
8. Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this state.

SELLER(S) DECLARATION

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box I certify that the Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

11/28/11
Date

Helen R. LeFrois, Mayor Signature Town of Newton
(Seller) Please indicate if Power of Attorney or Attorney in Fact

Date

Signature
(Seller) Please indicate if Power of Attorney or Attorney in Fact

AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY

COUNTY SUSSEX } SS. County Municipal Code
1915
MUNICIPALITY OF PROPERTY LOCATION TOWN OF NEWTON

FOR RECORDER'S USE ONLY	
Consideration	\$ <u>8</u>
RTF paid by seller	\$ <u>8</u>
Date <u>12-14-11</u>	By <u>[Signature]</u>

*Use symbol "C" to indicate that fee is exclusively for county use.

(1) **PARTY OR LEGAL REPRESENTATIVE** (Instructions #3 and #4 on reverse side)

Deponent, Helen Le Frois (Name) being duly sworn according to law upon his/her oath, deposes and says that he/she is the Corporate Officer in a deed dated Nov. 28, 2011 transferring (Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.) real property identified as Block number 1301 Lot number Lot 1.07 & Remainder Lot 1.02 located at 39 Sparta Avenue, Newton (Lot 1.07) / 278 Spring Street, Newton (Remainder Lot 1.02) and annexed thereto. (Street Address, Town)

(2) **CONSIDERATION** \$ 0.00 (Instructions #1 and #5 on reverse side) no prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) **REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS:** (Instructions #5A and #7 on reverse side)

Total Assessed Valuation ÷ Director's Ratio = Equalized Assessed Valuation

\$ _____ ÷ _____ % = \$ _____

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) **FULL EXEMPTION FROM FEE** (Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail. By or to the United States of America, this State, or any instrumentality, agency or subdivision.

(5) **PARTIAL EXEMPTION FROM FEE** (Instruction #9 on reverse side)

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

- A. **SENIOR CITIZEN** Grantor(s) 62 years of age or over.* (Instruction #9 on reverse side for A or B)
 - B. **BLIND PERSON** Grantor(s) legally blind or; *
 - DISABLED PERSON** Grantor(s) permanently and totally disabled receiving disability payments not gainfully employed*
- Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:
- Owned and occupied by grantor(s) at time of sale. Resident of State of New Jersey.
 - One or two-family residential premises. Owners as joint tenants must all qualify.

*IN CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE. ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

C. **LOW AND MODERATE INCOME HOUSING** (Instruction #9 on reverse side)

- Affordable according to H.U.D. standards. Reserved for occupancy.
- Meets income requirements of region. Subject to resale controls.

(6) **NEW CONSTRUCTION** (Instructions #2, #10, #12 on reverse side)

- Entirely new improvement. Not previously occupied.
- Not previously used for any purpose. "NEW CONSTRUCTION" printed clearly at top of first page of the deed.

(7) **RELATED LEGAL ENTITIES TO LEGAL ENTITIES** (Instructions #5, #12, #14 on reverse side)

- No prior mortgage assumed or to which property is subject at time of sale.
- No contributions to capital by either grantor or grantee legal entity.
- No stock or money exchanged by or between grantor or grantee legal entities.

(8) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 28th day of November, 20 11

[Signature]
TERESA ANN OSWIN
Notary Public, State of New Jersey
My Commission Expires December 21, 2011

[Signature]
Signature of Deponent

40 Park Place, Newton, NJ 07860
Deponent Address

XXX-XXX-
Last three digits in Grantor's Social Security Number

Town of Newton by Helen LeFrois
Grantor Name

39 Trinity St., Newton, NJ 07860
Grantor Address at Time of Sale

Sanford L. Hollander, Esq.
Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY	
Instrument Number	<u>233120</u> County <u>[Signature]</u>
Deed Number	Book _____ Page _____
Deed Dated	<u>11-28-11</u> Date Recorded <u>12-14-11</u>

County recording officers shall forward one copy of each RTF-1 form when Section 3A is completed to: STATE OF NEW JERSEY
PO BOX 251
TRENTON, NJ 08695-0251

ATTENTION: REALTY TRANSFER FEE UNIT

House Properties, a New Jersey Partnership, to the Town of Newton, a Municipal Corporation of the State of New Jersey, dated February 16, 2010, and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 3244 of Deeds on Pages 729&c.

This property was approved for subdivision by the Town of Newton Planning Board on April 20, 2011, and a Resolution of Memorialization pursuant to N.J.S.A. 40:55D-10(g) was adopted on May 18, 2011.

The street address of Parcel One is: **39 Sparta Avenue, Newton, New Jersey 07860**

The street address of Parcel Two is: **278 Spring Street, Newton, New Jersey 07860**

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the Property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the Property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

We hereby certify pursuant to NJS 40:55D-47 that the subdivision of the premises set forth herein was approved by the Town of Newton on April 20, 2011, and a Resolution of Memorialization pursuant to N.J.S.A. 40:55d-10(G) adopted on May 18, 2011

TOWN OF NEWTON PLANNING BOARD

By:

Margaret McCabe
Margaret McCabe, Chairwoman

By:

Katherine Citterbart
Katherine Citterbart, Secretary

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Attested by:

Lorraine A. Read
Lorraine A. Read
Municipal Clerk/Registrar

TOWN OF NEWTON

By:

Helen R. Le Frois
Helen R. Le Frois
Mayor

(Seal)

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

I CERTIFY that on *November 28* 2011, **Helen R. Le Frois** and **Lorraine A. Read** personally came before me and acknowledged under oath, to my satisfaction, that each person:

- (a) was the maker of the attached Deed;
- (b) was authorized to and did execute this Deed as Mayor and Clerk of the entity named in this Deed;
- (c) made this Deed for \$ *****NO CONSIDERATION***** as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.); and
- (d) executed this Deed as the act of the entity.

Teresa Ann Oswin

Notary Public

TERESA ANN OSWIN
Notary Public, State of New Jersey
My Commission Expires December 21, 2011

20111214010233120
12/14/2011 10:05:07 AM
MUN DEED
NUMBER OF PAGES : 14
LPHIPPS
Recording Fee : \$8.00



**TOWN OF NEWTON
RESOLUTION #56-2012**

March 26, 2012

**"Authorize Credits Due Water and Sewer Utility
Accounts"**

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

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

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

<u>Account</u>	<u>Address</u>	<u>Amount</u>
25911	54A-12 Mill Street	\$300.00

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, March 26, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #57-2012

March 26, 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, March 26, 2012.

Lorraine A. Read, RMC
Municipal Clerk

CAPITAL BUDGET AMENDMENT

Whereas, the local Capital Budget for the year 2012 was approved on the 26th day of March 2012; and
 Whereas, it is desired to amend said adopted Capital Budget Section.

RESOLUTION NO. 58-2012

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

RECORDED VOTE:	AYES	(ABSTAIN	(
(Insert last name)		((
		((
		(ABSENT	(
		((

**CAPITAL BUDGET (Current Year Action)
2012**

PLANNED FUNDING SERVICES FOR CURRENT YEAR 2012									
PROJECT	PROJECT NUMBER	ESTIMATED COST	AMOUNTS RESERVED IN PRIOR YEARS	2012 BUDGET APPROPRIATIONS	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	DEBT AUTHORIZED	TO BE FUNDED IN FUTURE YEARS
Various Capital Improvements	1	1,000,000			50,000			950,000	
Ord. #2012-13									
TOTAL ALL PROJECTS		1,000,000			50,000			950,000	

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

PROJECT	PROJECT NUMBER	ESTIMATED COST	ESTIMATED COMPLETION TIME	FUNDING AMOUNTS PER YEAR				TO BE FUNDED IN FUTURE YEARS
				BUDGET YEAR: 2012	2013	2014	2015	
Various Capital Improvements	1	1,000,000	2012	1,000,000				2016
Ord. #2012-13								
TOTAL ALL PROJECTS		1,000,000		1,000,000				

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

PROJECT	BUDGET APPROPRIATIONS			BONDS AND NOTES						
	ESTIMATED COST	CURRENT YEAR 2012	FUTURE YEARS	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	GENERAL	SELF LIQUIDATING	ASSESSMENT	SCHOOL
Various Capital Improvements Ord. #2012-13	1,000,000			50,000			950,000			
TOTAL ALL PROJECTS	1,000,000			50,000			950,000			

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

It is hereby certified that this is a true copy of a resolution creating the Capital Budget section adopted by the Governing Body on the 26th day of March, 2012.

Certified by:

_____ Date
 Lorraine A. Read, Municipal Clerk



TOWN OF NEWTON

RESOLUTION #59-2012

March 26, 2012

“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 items 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 March 26, 2012, that an Executive Session closed to the public shall be held on March 26, 2012, 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, March 26, 2012.

Lorraine A. Read, RMC
Municipal Clerk

Section 2 - Upon Adoption for Year 2012

(Only to be included in the Budget as Finally Adopted)

RESOLUTION

Be it Resolved by the _____ Mayor and Town Council _____ of the _____ Town _____ of _____, County of _____ Sussex _____ that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ _____ (item 2 below) for municipal purposes, and
- (b) \$ _____ (item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
- (c) \$ _____ (item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ _____ (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

Recorded Vote (insert last name)	((
	Ayes (Nays (
	((
	(Absent (

Summary of Revenues

1. General Revenues			
Surplus Anticipated		08-100	641,000.00
Miscellaneous Revenues Anticipated		13-099	2,481,209.89
Receipts from Delinquent Taxes		15-499	440,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 1)			
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOL IN TYPE I SCHOOL DISTRICTS ONLY			
Item 6, Sheet 42		07-195	
Item 6(b), Sheet 11 (N.J.S. 40A :4-14)		07-191	
Total Amount to be raised by Taxation for Schools in Type I School Districts Only			
4. To Be Added to The Certificate for Amount to be Raised by Taxation for Schools in Type II School Districts Only:			
Item 6(b), Sheet 11 (N.J.S. 40A :4-14)		07-191	
Total Revenues		13-299	11,422,490.00

Summary of Appropriations

5. GENERAL APPROPRIATIONS:			
Within "Caps"	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
(a&b) Operations Including Contingent	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
(c) Deferred Charges and Statutory Expenditures - Municipal	34-201		6,663,718.00
(g) Cash Deficit	34-209		1,025,000.96
Excluded from "CAPS"	46-885		
(a) Operations - Total Operations Excluded from " CAPS"	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
(c) Capital Improvements	34-305		1,295,071.02
(d) Municipal Debt Service	44-999		123,000.00
(e) Deferred Charges - Municipal	45-999		1,761,245.00
(f) Judgments	46-999		76,065.02
(n) Transfer to Board of Education for Use of Local Schools (N.J.S.40:48-17.1 & 17.3)	37-480		
(g) Cash Deficit	29-405		
(k) For Local District School Purposes	46-885		
(m) Reserve for Uncollected Taxes (Include Other Reserves if Any)	29-410		
6. SCHOOL APPROPRIATIONS - Type I School Districts only (N.J.S. 40A:4-13)	50-899		478,390.00
Total Appropriations	07-195		
	34-499		11,422,490.00

It is hereby certified that the within budget is a true copy budget finally adopted by resolution of the Governing Body on the _____ th day of _____, 2012
 It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2012 approved budget and all amendments thereto, to if any, which have been previously approved by the Director of Local Government Services.

Certified by me this _____, 2012
 _____, Clerk
Signature