



AGENDA
NEWTON TOWN COUNCIL
JUNE 25, 2012
7:00 P.M.

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

- MAY 30, 2012 REGULAR MEETING
- JUNE 11, 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 & PUBLIC HEARING

ORDINANCE 2012-17

AN ORDINANCE AMENDING SECTION 320-2.C PERMITTED USES AND SECTION 320-3 DEFINITIONS AND SECTION 320-26 T-5 TRANSECT ZONE OF CHAPTER 320 FORM-BASED CODE OF THE TOWN OF NEWTON

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

ORDINANCE 2012-18

ORDINANCE REAPPROPRIATING \$20,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR COURT ROOM RENOVATIONS AND APPURTENANCES FOR AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

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

VIII. OLD BUSINESS

IX. CONSENT AGENDA

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

- a. RESOLUTION #109-2012* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 16.01, LOT 18 (FORMERLY BLOCK 902.3, LOT 18)
- b. RESOLUTION #110-2012* TRANSFER OF SCHOOL MONIES FOR THE PERIOD JULY 1, 2012 TO DECEMBER 31, 2012
- c. RESOLUTION #111-2012* AUTHORIZE REFUND OF ADDITIONAL REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 22.02, LOT 3 (FORMERLY BLOCK 1209, LOT 3)
- d. RESOLUTION #112-2012* REAPPOINTMENT OF MR. XAVIER IZQUIERDO TO THE NEWTON HOUSING AUTHORITY
- e. RESOLUTION #113-2012* RENEWAL OF CLUB LICENSES
- f. RESOLUTION #114-2012* RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE
- g. RESOLUTION #115-2012* REAPPOINTMENT OF EMERGENCY MANAGEMENT COORDINATOR
- h. RESOLUTION #116-2012* RESOLUTION OF THE TOWN OF NEWTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ADOPT THE SUSSEX COUNTY, NEW JERSEY ALL HAZARDS PRE-DISASTER MITIGATION PLAN
- i. RESOLUTION #117-2012* INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2012 TOWN OF NEWTON BUDGET PURSUANT TO NJSA 40A:4-87 (C. 159, PL 1948)
- j. RESOLUTION #118-2012* INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2012 TOWN OF NEWTON BUDGET PURSUANT TO NJSA 40A:4-87 (C. 159, PL 1948)
- k. RESOLUTION #119-2012* RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES
- l. RESOLUTION #120-2012* APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB DRIVER'S LICENSE FOR RALPH EDWARD DRAKE
- m. RESOLUTION #121-2012* APPOINTMENT OF KAREN SCHULTE AS A CLASS C, REGULAR MEMBER OF THE HISTORIC PRESERVATION ADVISORY COMMISSION
- n. RESOLUTION #122-2012* RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY
- o. RESOLUTION #123-2012* CHANGE OF TEXT AND TITLE TO THE TOWN OF NEWTON 2012 BUDGET, PURSUANT TO NJSA 40A:4-85

- p. RESOLUTION #124-2012* APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB OWNER'S LICENSE FOR DORAGAIL SPICER T/A DADS TAXI & LIMO
- q. RESOLUTION #125-2012* APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB DRIVER'S LICENSE FOR DORAGAIL SPICER
- r. RESOLUTION #126-2012* APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB DRIVER'S LICENSE FOR GLEN SPICER
- s. RESOLUTION #127-2012* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- t. RESOLUTION #128-2012* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- u. RESOLUTION #129-2012* REAPPOINTMENT OF MS. BETSY VAN ORDEN TO THE ADVISORY SHADE TREE COMMISSION
- v. RESOLUTION #130-2012* RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY DESIGNATING BLOCK 10.01, LOTS 5 AND 6 AS AN AREA IN NEED OF REDEVELOPMENT
- w. RESOLUTION #131-2012* RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AUTHORIZING AN AMENDMENT TO A SITE ACCESS AGREEMENT WITH RESPECT TO THE NEWTON ARMORY PROPERTY

X. INTERMISSION

XI. DISCUSSION

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. ADJOURNMENT

**TOWN OF NEWTON
ORDINANCE 2012-17**

AN ORDINANCE AMENDING SECTION 320-2.C PERMITTED USES AND SECTION 320-3 DEFINITIONS AND SECTION 320-26 T-5 TRANSECT ZONE OF CHAPTER 320 FORM-BASED CODE OF THE TOWN OF NEWTON

WHEREAS, the Town of Newton approved and adopted the Chapter 320 Form-Based Code of the Town of Newton, which became effective May 2, 2012; and

WHEREAS, the Town of Newton received public comments following the adoption regarding Section 320—2.C Permitted Uses; and

WHEREAS, the public comments concerned uses on Spring Street which are not permitted on the first floor, particularly Artisinal Workshops; and

WHEREAS, the Town of Newton determined that Artisinal Workshops should be permitted on the first floor and that some additional minor changes to the Permitted Uses table at Section 320-2.C. were warranted provided that the definitions section be updated to address concerns raised by the Town Council; and

WHEREAS, it was noted by the Zoning Officer that under certain cases a Front Porch and Fence private frontage would be merited in the T-5 Transect Zone;

NOW THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton that Section 320-2.C Permitted Uses, Section 320-3 Definitions, and Section 320-26 be amended as follows:

Section 1: The permitted uses table for Transect Zones shall be replaced with the following table:

320-2.C PERMITTED USES

The following tables show permitted uses by Transect Zone and Special District. A mix of uses is permitted based on building types designated as such. Unless expressly permitted in the table, all other uses are deemed to be prohibited.

Permitted Uses Table – Transect Zones							
	Use	Transect					
	Government/Civic/Institutional	T-1	T-2	T-3	T-4	T-5	T-6
1	Private or parochial school	NP	NP	NP	P	P	P
2	Institutional Use	NP	NP	NP	P	P	P
3	General Hospital, Nursing Home Convalescent home	NP	NP	NP	P	P	NP
4	Community garden	P	P	P	P	P	P

Permitted Uses Table – Transect Zones							
Use		Transect					
5	Emergency services	NP	NP	P	P	P	P
6	Plaza/square/piazza	NP	NP	NP	P	P	P
7	Hospital/medical center	NP	NP	NP	NP	NP	NP
8	Cultural uses (museum/gallery/library)	NP	NP	NP	P	P	P
9	Park/Playground	P	P	P	P	P	P
10	House of worship	NP	P	P	P	P	P
11	All public buildings and uses	NP	NP	NP	P	P	P
12	Government or public utility use (not including storage uses and garages)	P	P	P	P	P	P
13	Governmental administrative/institutional uses	NP	NP	NP	P	P	P
14	Judicial	NP	NP	NP	NP	P	P
15	Law Enforcement	NP	NP	NP	P	P	P
16	Public works	P	P	P	P	P	P
17	Community Center/Senior Center	NP	P	P	P	P	P
18	Cemeteries	C	C	C	NP	NP	NP
	Commercial Retail Services	T-1	T-2	T-3	T-4	T-5	T-6
19	Antique Stores	NP	NP	NP	P	P	P
20	Appliance Stores	NP	NP	NP	P	P	P
21	Arts and Crafts Stores	NP	NP	NP	P	P	P
22	Bakeries	NP	NP	NP	P	P	P
23	Banks	NP	NP	NP	P	P	P
24	Beauty Salons, spas and barber shops	NP	NP	NP	P	P	P
25	Bed and breakfasts	NP	C	C	P	P	P
26	Auto Body Shops	NP	NP	NP	C	C	NP
27	Book Stores (excluding adult book stores)	NP	NP	NP	P	P	P
28	Camera and photographic supply stores	NP	NP	NP	P	P	P
29	Candy and Ice Cream Shops	NP	NP	NP	P	P	P
	Commercial Retail Services (cont.)	T-1	T-2	T-3	T-4	T-5	T-6
30	Clothing apparel and shoe stores	NP	NP	NP	P	P	P
31	Child care centers	NP	NP	P	P	P	PS
32	Coffee shops	NP	NP	NP	P	P	P
33	Computer supplies and software stores	NP	NP	NP	P	P	P
34	Cosmetic stores, beauty supply stores and perfumeries	NP	NP	NP	P	P	P

Permitted Uses Table – Transect Zones							
Use		Transect					
35	Delicatessens	NP	NP	NP	P	P	P
36	Department stores	NP	NP	NP	P	P	P
37	Diners, cafes and restaurants	NP	NP	NP	P	P	P
38	Drug stores	NP	NP	NP	P	P	P
39	Electronics, audio and cell phone stores	NP	NP	NP	P	P	P
40	Farmers' Market	P	P	P	P	P	P
41	Florists	NP	NP	NP	P	P	P
42	Food (health) and supplement stores	NP	NP	NP	P	P	P
43	Furniture stores	NP	NP	NP	P	P	P
44	Garden supply stores	NP	NP	NP	P	P	P
45	Gas stations	NP	NP	NP	C	C	NP
46	Grocery stores and specialty food stores	NP	NP	NP	P	P	P
47	Hobby, toy and game stores	NP	NP	NP	P	P	P
48	Home goods, furnishings and accessories stores	NP	NP	NP	P	P	P
49	Hotels (excluding extended stay/efficiencies/single room occupancies)	NP	NP	NP	NP	P	P
50	Jewelers and watch stores (excluding pawn shops)	NP	NP	NP	P	P	P
51	Luggage and leather goods	NP	NP	NP	P	P	P
52	Meat markets	NP	NP	NP	P	P	P
53	Motor vehicle sales	NP	NP	NP	C	C	NP
54	Musical instruments and supplies stores	NP	NP	NP	P	P	P
55	Optical goods stores	NP	NP	NP	P	P	P
56	Package goods stores/ liquor stores	NP	NP	NP	P	P	P
57	Paint, wallpaper, and/or hardware stores	NP	NP	NP	P	P	P
58	Pet grooming, pet shops and pet supplies	NP	NP	NP	P	P	P
59	Pharmacies	NP	NP	NP	P	P	P
	Commercial Retail Services (cont.)	T-1	T-2	T-3	T-4	T-5	T-6
60	Photographers and picture framers	NP	NP	NP	P	P	P
61	Recreational facilities, i.e. gym, bowling alley	NP	NP	NP	P	P	P
62	Souvenir shops	NP	NP	NP	P	P	P

Permitted Uses Table – Transect Zones							
	Use	Transect					
63	Sports and recreation stores (excluding gun stores)	NP	NP	NP	P	P	P
64	Stationery, office supply and card stores	NP	NP	NP	P	P	P
65	Taverns and bars	NP	NP	NP	P	P	P
	Business/Office/Professional	T-1	T-2	T-3	T-4	T-5	T-6
66	General and professional offices	NP	NP	NP	P	P	PS*
67	Business services	NP	NP	NP	P	P	P
68	Laboratory (medical/dental)	NP	NP	NP	P	P	NP
69	Office (dental, medical, veterinary, administrative)	NP	NP	NP	P	P	PS*
70	Photo or art studios	NP	NP	NP	P	P	P
71	Home occupations	NP	C	C	P	P	PS
72	Professional occupations	NP	C	C	P	P	P
73	Licensed Taxicab Business Office	NP	NP	NP	C	C	NP
	Light Industrial	T-1	T-2	T-3	T-4	T-5	T-6
74	Research and development	NP	NP	NP	P	NP	NP
75	Warehouse and storage	NP	NP	NP	NP	NP	NP
76	Light manufacturing	NP	NP	NP	NP	NP	NP
77	Product filling and assembly	NP	NP	NP	NP	NP	NP
78	Artisanal workshop	NP	NP	NP	P	P	P
79	Food and beverage production	NP	NP	NP	NP	NP	NP
	Residential	T-1	T-2	T-3	T-4	T-5	T-6
80	Single family detached	NP	P	P	P	P	NP
81	Duplex	NP	NP	P	P	P	NP
82	Age restricted	NP	NP	NP	P	P	NP
83	Residential over commercial	NP	NP	NP	P	P	P
84	Flats or Lofts (elevator fed)	NP	NP	NP	P	P	PS
85	Group Care (elder-care, extended care, special care)	NP	C	C	P	P	P
86	Live/work	NP	NP	NP	P	P	P
87	Residential Cluster Development	NP	C	C	NP	NP	NP
	Other						
88	Club, lodge or fraternal organization	NP	C	C	P	P	P
89	Farming and Agricultural Uses	P	C	C	NP	NP	NP
90	Parking Structure as principal use	NP	NP	NP	P	P	P
91	Surface Parking as principal use	NP	NP	NP	P	P	NP
92	Temporary Uses	P	NP	NP	P	P	P
	Accessory Uses	T-1	T-2	T-3	T-4	T-5	T-6
93	Accessory Apartment	NP	P	P	P	P	NP
94	Carport	NP	P	P	P	P	NP
95	Private Garage	NP	P	P	P	P	NP

Permitted Uses Table – Transect Zones							
Use	Transect						
96	Storage Shed	NP	P	P	P	P	NP
97	Surface Parking Lot	NP	NP	NP	P	P	P
98	Parking Structure	NP	NP	NP	P	P	P
99	Sidewalk Café (March 1- Dec. 1 provided snow and ice are not present).	NP	NP	NP	P	P	P
100	Street Furniture	P	P	P	P	P	P
101	Drive-Through Facility	NP	NP	NP	P	P	NP
102	Outdoor Display (March 1- Dec. 1 provided snow and ice are not present).	NP	NP	NP	P	P	P
103	Outdoor Storage	NP	NP	NP	NP	NP	NP

P – Permitted NP – Not Permitted PS – Permitted On Any Level Except Street Level C – Conditional Use

*Professional offices are permitted on the first floor or street level north of Main Street in the T-6 Zone.

Section 2: The following definition shall replace the current definitions in Section 320-3 Definitions:

Artisanal Workshop. Shops of special trade including the manufacturing, compounding assembly processing, packaging or similar treatment of such products as: baked goods, candy, ceramics, pottery, china, weaving and other textile arts, painting, cooperage, woodworking and other artistic endeavors and similar trades. Retail sales on the premises of products made on the premises are required in the T-6 Zone. Artisanal Workshops shall not exhibit any exterior noise, smell, glare or dust from manufacturing. If any exterior noise, smell, glare or dust is present, the use shall be classified as light manufacturing.

Section 3: The T-5 Transect Zone Bulk Requirements table shall be amended so that Section 320-26.1 Porch and Fence private frontages are permitted:

Private Frontages (320-26.1)	Common Lawn	Not Permitted
	Porch and Fence	Permitted
	Terrace	Permitted
	Forecourt	Permitted
	Shopfront and Awning	Permitted
	Gallery	Permitted
	Arcade	Permitted

ORDINANCE 2012-17

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on June 11, 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 June 25, 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 2012-18

ORDINANCE REAPPROPRIATING \$20,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR COURT ROOM RENOVATIONS AND APPURTENANCES FOR AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY.

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. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$20,000 of the proceeds of obligations originally made available pursuant to Section 3(a) of bond ordinance #2011-5 of the Town of Newton, in the County of Sussex, New Jersey (the "Town") finally adopted April 25, 2011 is no longer necessary for the purpose of road improvements consisting of reconstruction and resurfacing, and reconstruction and/or installation of sidewalks along the entire length of Shady Lane, Hillside Avenue, Overlook Road, Slate Hill Road and Spring Street including adjacent areas for which the obligations previously were authorized.

Section 2. The \$20,000 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for court room renovations and appurtenances.

Section 3. 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 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ORDINANCE 2012-18

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on June 11, 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 June 25, 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 #109-2012

June 25, 2012

"Authorize Refund of Redemption Monies to Outside Lien Holder for Block 16.01, Lot 18 (formerly Block 902.03, Lot 18)"

WHEREAS, at the Municipal Tax Sale held on June 2, 2010, a lien was sold on Block 16.01, Lot 18 (Formerly Block 902.03 Lot 18), also known as 17 Jersey Place, for 2009 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1333, and was sold to Another Lien LLC for 0% redemption fee and a premium of \$200.00; and

WHEREAS, CoreLogic Tax Services, LLC, the owner's mortgage company, has effected the redemption of Certificate #1333 in the amount of \$3,326.10;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that, Another Lien LLC is entitled to a redemption in the amount of \$3,326.10 as well as the return of the premium in the amount of \$200.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue two (2) checks, the first in the amount of \$3,326.10 for the redemption of Certificate #1333 and the second check in the amount of \$200.00 for the return of the premium to Another Lien LLC, 1 Vista Drive, Sparta, NJ 07871.

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, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #110-2012

June 25, 2012

“Transfer of School Monies for the Period July 1, 2012 to December 31, 2012”

BE IT RESOLVED, by the Town Council of the Town of Newton, that the Town Treasurer be authorized to turn over to the Treasurer of School Monies, as monies become available, \$5,579,564.00 to meet the obligations of the Newton Board of Education, exclusive of Debt Service, in accordance with the Statutes and the request of the Board of Education of Newton;

Amount of Tax Voted (Exclusive of Debt Service)	\$11,159,127.00
Amount Received to Date	0.00
Amount of This Request	<u>5,579,564.00</u>
Balance Due Board of Education	5,579,563.00

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, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #111-2012

June 25, 2012

“Authorize Refund of Additional Redemption Monies to Outside Lien Holder for Block 22.02, Lot 3 (formerly Block 1209, Lot 3)”

WHEREAS, a Redemption took place on Tuesday, June 12, 2012 in the amount of \$117,571.91 for TSC#1242, Block 22.02, Lot 3 (formerly Block 1209, Lot 3), also known as 19 Merriam Avenue; and

WHEREAS, it has been determined that a balance in the amount of \$1,003.48 is still due and owing and payable by the redeemer of TSC#1242; and

WHEREAS, Lakeland Bank, the owner's mortgage company, has remitted the balance due in the amount of \$1,003.48;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that, US Bank cust for Sass Muni V dtr is entitled to the additional redemption amount of \$1,003.48 on TSC#1242; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check, in the amount of \$1,003.48 for the balance due on TSC#1242 to US Bank cust for Sass Muni V, dtr, 50 S. 16th Street, Suite 1950, Philadelphia, PA 19102.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #112-2012

March 12, 2012

**"Reappointment of Mr. Xavier Izquierdo to the
Newton Housing Authority"**

BE IT RESOLVED by the Town Council of the Town of Newton that Mr. Xavier Izquierdo is hereby reappointed to a full five-year term on the Newton Housing Authority, effective May 1, 2012 and continuing through April 30, 2017 based on the recommendation of the Housing Authority Executive Director, Dr. Kimberly Woodhull.

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, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #113-2012

June 25, 2012 "Renewal of Club Licenses"

BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the renewal Club License No. 1915-31-014-001 be issued to Newton Memorial Post 5360, Veterans of Foreign Wars, t/a Newton Memorial Post 5360, V.F.W., 85 Mill Street, Newton, New Jersey; and that the renewal Club License No. 1915-31-013-002 be issued to Loyal Order of Moose Newton Lodge #432, t/a Loyal Order of Moose Newton Lodge #432, 4 Diller Avenue, Newton, New Jersey for the licensing year 2012-2013, effective July 1, 2012.

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, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #114-2012

June 25, 2012 “Renewal of Plenary Retail Distribution License”

BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the renewal Plenary Retail Distribution License No. 1915-44-010-003 be issued to Bia Krishna, Inc., t/a Seplow's Liquors, 5 Woodside Avenue, Newton, New Jersey; that the renewal Plenary Retail Distribution License No. 1915-44-004-012 be issued to HV Patel Corporation, t/a Spring Liquors, 110 Spring Street, Newton, New Jersey for the licensing year 2012-2013, effective July 1, 2012.

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, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #115-2012

June 25, 2012

“Reappointment of Emergency Management Coordinator”

BE IT RESOLVED by the Town Council of the Town of Newton that Kenneth A. Teets is hereby reappointed to a three-year term as Emergency Management Coordinator for the Town of Newton, in accordance with State law. Said term will expire on December 31, 2014.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #116-2012

June 25, 2012

"Resolution of the Town of Newton, County of Sussex and State of New Jersey to Adopt the Sussex County, New Jersey All Hazards Pre-Disaster Mitigation Plan"

WHEREAS, the TOWN OF NEWTON is vulnerable to damages from hazard events which pose a threat to public health and safety and could result in property loss and economic hardship;

WHEREAS, a Multi-Jurisdictional All-Hazards Pre-Disaster Mitigation Plan (the Plan) has been developed through the work of the Sussex County Hazard Mitigation Working Group, and interested parties within the TOWN OF NEWTON; and

WHEREAS, the Plan recommends hazard mitigation actions that will protect people and property affected by hazards occurring within the TOWN OF NEWTON, that will reduce future public, private, community and personal costs of disaster response and recovery; and that will reinforce the TOWN OF NEWTON's leadership in emergency preparedness efforts; and

WHEREAS, the Disaster Mitigation Act of 2000 (P.L. 106-390) (DMA 2000) and associated Federal regulations published under 44 CFR Part 201 require the TOWN OF NEWTON to formally adopt a Hazard Mitigation Plan subject to the approval of the Federal Emergency Management Agency to be eligible for federal funds for hazard mitigation projects and activities; and

WHEREAS, the County of Sussex held public meetings on May 18, 2010, May 15, 2010, July 23, 2010 and August 13, 2010 to receive comment on the Plan as required by DMA 2000;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the TOWN OF NEWTON that:

1. TOWN OF NEWTON adopts the Sussex County, New Jersey Pre-Disaster Hazard Mitigation Plan, dated June 25, 2012 as this jurisdiction's official Hazard Mitigation Plan, and resolves to execute the actions in the Plan.
2. The TOWN OF NEWTON officials identified in the Mitigation Action Plan (Section 6) are hereby directed to implement the recommended actions assigned to them. These officials will report quarterly on their activities, accomplishments, and progress to the TOWN OF NEWTON Office of Emergency when any of the projects are to be implemented with availability of funding and allocation of staff.
3. The TOWN OF NEWTON Office of Emergency Management will provide annual progress reports on the status of implementation of the Plan to the Newton Town Council. This report shall be submitted to the Newton Town Council by December 31 of each year provided implementation of projects have stated with availability of funding and allocation of staff.

4. The TOWN OF NEWTON Office of Emergency Management will undertake periodic updates of the Plan in concert with the Sussex County Division of Emergency Management as indicated in the Plan Maintenance Program (Section 7) but no less frequent than every five years.

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, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #117-2012

June 25, 2012

**"Insertion of Special Items of Revenue in the 2012
Town of Newton Budget Pursuant to NJSA 40A:4-87 (C.
159, PL 1948)"**

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

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

WHEREAS, the Town of Newton received a grant award in the amount of \$25,811.00 from the State of New Jersey Department of Law and Public Safety for a Safe and Secure Communities Program Grant Number P-5502-12; and

WHEREAS, the Town of Newton anticipated \$20,223.00 in the 2012 municipal budget and now needs to insert the incremental amount of \$5,588.00;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following item of revenue in the 2012 Budget of the Town of Newton which is now available as revenue from:

Miscellaneous Revenues:

Section F: Special Items of Revenue

Public and Private Revenues Off-set with Appropriations:

NJ Safe and Secure Communities Grant.....\$5,588.00

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

General Appropriations:

(A) Operations - Excluded from CAPS

Public and Private Programs Off-Set by Revenues:

NJ Safe and Secure Communities Grant..... \$5,588.00

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #118-2012

June 25, 2012

“Insertion of Special Items of Revenue in the 2012 Town of Newton Budget Pursuant to NJSA 40A:4-87 (C. 159, PL 1948)”

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

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

WHEREAS, the Town of Newton is the lead agency, (also including Green Township, Andover Township and Andover Borough) for a grant in the amount of \$18,772.00 from the State of New Jersey Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex for Municipal Alliance Grant; and

WHEREAS, the Town of Newton authorized the submission of the 2012 Action Alliance Grant per Resolution #188-2011 adopted September 14, 2011;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following item of revenue in the 2012 Budget of the Town of Newton which is now available as revenue from:

- Miscellaneous Revenues:
 - Section F: Special Items of Revenue
 - Public and Private Revenues Off-set with Appropriations:
 - NJ Municipal Alliance Grant\$18,772.00

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

- General Appropriations:
 - (A) Operations - Excluded from CAPS
 - Public and Private Programs Off-Set by Revenues:
 - NJ Municipal Alliance Grant \$18,772.00

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #119-2012

June 25, 2012

“Renewal of Plenary Retail Consumption Licenses”

BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the renewal Plenary Retail Consumption License No. 1915-33-001-005 be issued to Chun Bo, Inc., t/a Chun Bo Chinese Restaurant, 66 Sparta Avenue, Newton, New Jersey; that the renewal Plenary Retail Consumption License No. 1915-33-002-008 be issued to Bader George Qarmout, t/a O'Reillys Pub & Grill, 271 Spring Street, Newton, New Jersey; that the renewal Plenary Retail Consumption License No. 1915-33-003-007 be issued to Big Tadew, LLC t/a Andre's Restaurant, 188-190 Spring Street, Newton, New Jersey; that the renewal Plenary Retail Consumption License w/Broad Package Privilege No. 1915-32-005-011 be issued to Newton Bar & Liquors, Inc., t/a Shop Rite Liquors of Newton, 127 Water Street, (Route 206 N.) Newton, New Jersey; that the renewal Plenary Retail Consumption License No. 1915-33-007-005 be issued to Apple Food Service of Newton, LLC., t/a Applebee's Neighborhood Grill & Bar, 6 North Park Drive, Newton, New Jersey; that the renewal Plenary Retail Consumption License No. 1915-33-008-004 be issued to F. Roger Pierson Enterprises, Inc., t/a Trinity, 173 Spring Street, Newton, New Jersey; and that the renewal Plenary Retail Consumption License No. 1915-33-011-008 be issued to The County Seat Restaurant, LLC, t/a The County Seat Dining & Caterers, 64 Water Street, Newton, New Jersey; for the licensing year 2012-2013, effective July 1, 2012.

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, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #120-2012

June 25, 2012

"Approval of a Renewal Application for a Taxicab Driver's License for a Ralph Edward Drake"

WHEREAS, the Code of the Town of Newton requires that under **283-2, License Required** "No person shall operate a taxicab within the Town unless both the owner and the driver of the taxicab are licensed under this article." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police"; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver's license application is complete and accurate; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Ralph Edward Drake, 150 Belvidere Avenue, Apt. 2, Washington, New Jersey and represents D.A.D.S. Taxi & Limo, which expires on June 12, 2013.

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 meeting of said Governing Body conducted on Monday, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #121-2012

June 25, 2012

"Appointment of Karen Schulte as a Class C, Regular Member of the Historic Preservation Advisory Commission"

WHEREAS, there is currently a vacancy on the Historic Preservation Advisory Commission for a Class C, Regular Member due to the resignation of Louis Read; and

WHEREAS, Karen Schulte, currently Alternate No.1 on the Historic Preservation Advisory Commission has expressed interest in serving as a Class C, Regular Member on the Commission;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Karen Schulte is hereby appointed to an unexpired four-year term as a Class C, Regular Member of the Newton Historic Preservation Advisory Commission, effective immediately with said term continuing to May 31, 2013.

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 meeting of said Governing Body conducted on Monday, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #122-2012

June 25, 2012

"Resolution Authorizing Disposal of Surplus Property"

WHEREAS, the Town of Newton is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Town Council is desirous of selling said surplus property in an "as is" condition without express or implied warranties;

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

- 1) The sale of surplus property shall be conducted through GovDeals pursuant to NJ State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available in the Clerk's Office of the Town of Newton.
- 2) The sale will be conducted online and the address of the auction site is govdeals.com.
- 3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- 4) A list of the surplus property to be sold is as follows:
 1. 2003 Mighty Might Radar Trailer
VIN# 4AGAU08163C035307
Condition: Good
- 5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- 6) The Town of Newton reserves the right to accept or reject any bids submitted.

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, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #123-2012

June 25, 2012

"Change of Text and Title to the Town of Newton 2012 Budget, Pursuant to NJSA 40A:4-85"

WHEREAS, NJSA 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the Governing Body, make such correction of the title, text, or amount of any appropriation appearing in the budgets as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such municipality;

NOW, THEREFORE BE IT RESOLVED, that in accordance with the provisions of NJSA 40A:4-85 the Town of Newton requests the Director of the Division of Local Government Services to make the following corrections in the budget of the year 2012:

From: Snow Removal, Other Expenses	\$20,000.00
To: Building and Grounds, Other Expenses	\$20,000.00

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the Governing Body, warranted and authorized by statute above referred to, and is necessary for the orderly operation of the Town of Newton for the reasons hereinafter set forth:

The Police Department main unit compressor has two units. One compressor is locked up and no longer operational. The second compressor is running the building, however, will not be able to sustain the building on hot days and may also fail. The compressor units provide heating and air conditioning for the entire police department and the dispatching center. The dispatch center operates for Newton and nine other municipalities. It is emergent to replace and repair these units.

BE IT FURTHER RESOLVED, that two certified copies of this Resolution be forwarded to the Director of the Division of Local Government Services.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #124-2012

June 25, 2012

“Approval of a Renewal Application for a Taxicab Owner's License for Doragail Spicer t/a DADS Taxi & Limo”

WHEREAS, the Code of the Town of Newton requires that under **283.2, License Required**, “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to the expiration to the Chief of Police”; and

WHEREAS, the Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Owner's License application is complete and accurate; and

WHEREAS, in accordance with **283.6, Inspection of Vehicles**, “Before a vehicle is used as a taxicab within the Town it shall be inspected.....to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law”;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner's License application submitted by Doragail Spicer, 128 Plains Road, Augusta, NJ 07822, t/a DADS Taxi & Limo, which shall expire June 12, 2013;

BE IT FURTHER RESOLVED that the applicant must be in compliance with all aspects of **Chapter 283**, of the Code of the Town of Newton, as well as, the provisions of N.J.R.S. 46:16.

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, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #125-2012

June 25, 2012

"Approval of a Renewal Application for a Taxicab Driver's License for Doragail Spicer"

WHEREAS, the Code of the Town of Newton requires that under **283-2, License Required**. "No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police"; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver's License application is complete and accurate;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Doragail Spicer, 128 Plains Road, Augusta, New Jersey and represents D.A.D.S. Taxi & Limo, which expires on June 12, 2013.

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 meeting of said Governing Body conducted on Monday, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #126-2012

June 25, 2012

"Approval of a Renewal Application for a Taxicab Driver's License for Glen Spicer"

WHEREAS, the Code of the Town of Newton requires that under **283.2, License Required**. "No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police"; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver's license application is complete and accurate;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Glenn T. Spicer, 128 Plains Road, Augusta, New Jersey and represents D.A.D.S. Taxi & Limo, which expires on June 12, 2013.

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 meeting of said Governing Body conducted on Monday, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



**TOWN OF NEWTON
RESOLUTION #127-2012**

June 25, 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 Bills:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
5344	46 Hillside Terr.	\$150.00

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, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #128-2012

June 25, 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, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #129-2012

June 25, 2012

"Reappointment of Ms. Betsy Van Orden to the Advisory Shade Tree Commission"

BE IT RESOLVED by the Town Council of the Town of Newton that Ms. Betsy Van Orden is hereby reappointed to a five-year term on the Newton Advisory Shade Tree Commission, effective immediately and continuing through May 31, 2017.

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, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #130-2012

June 25, 2012

"Resolution of the Town of Newton, in the County of Sussex, New Jersey Designating Block 10.01, Lots 5 and 6 as an Area in Need of Redevelopment"

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

WHEREAS, the Town directed the Planning Board by resolution to examine whether Block 10.01, Lots 5 and 6 (formerly known as Block 801, Lots 49.01 and 49.02, collectively, the "Study Area"), should be determined an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, J. Caldwell and Associates, LLC (the "Planning Consultant") prepared a preliminary investigation report of the above-referenced Study Area in accordance with the Redevelopment Law, entitled "Area in Need of Redevelopment Study for the Newton Armory & ShopRite Block 10.01, Lots 5 & 6" (the "Study", a copy of which is attached hereto as Exhibit A); and

WHEREAS, the Study concluded that the Study Area qualifies as an area in need of redevelopment pursuant to the Redevelopment Law, for the reasons set forth in the Study; and

WHEREAS, pursuant to the Redevelopment Law, the Planning Board caused a duly noticed public hearing to be held concerning the Study on June 20, 2012, giving all persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment the opportunity to be heard; and

WHEREAS, at said public hearing, the Board considered the Study, heard the comments of the Planning Consultant, opened the meeting for public comment, and deliberated on the matter using the criteria set forth in the Redevelopment Law; and

WHEREAS, on June 20, 2012, the Planning Board adopted a resolution (a copy of which is attached hereto as Exhibit B) accepting and adopting the recommendations contained in the Study, and recommending that the Study Area be declared an area in need of redevelopment for the reasons set forth therein; and

WHEREAS, after careful consideration of the Study, the Planning Board resolution, and all of the relevant facts and circumstances concerning this matter;

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

Section 1. Designation of the Redevelopment Area. Based on substantial evidence and the recommendation of the Planning Board, the Town Council hereby designates Block 10.01, Lots 5 and 6 as an area in need of redevelopment.

Section 2. Transmittal of Resolution to Commissioner of Community Affairs. The Town Council hereby directs the Town Clerk to transmit a certified copy of this resolution forthwith to the Commissioner of the Department of Community Affairs for review.

Section 3. Effective Date. This resolution shall take effect immediately.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk

Exhibit A

Study

ON FILE IN THE MUNICIPAL CLERK'S OFFICE

Exhibit B

Planning Board Resolution



Memorandum

To: Town Council

Cc: Thomas S. Russo, Jr., Town Manager

FROM: Kathy Citterbart, Planning Board Secretary

DATE: June 21, 2012

**RE: Area in Need of Redevelopment Study
Block 10.01, Lots 5 & 6
Newton Armory & ShopRite**

At their regular meeting held on June 20, 2012 the Newton Planning Board, after consideration of all evidence presented and all testimony offered, accepts and adopts the recommendation contained in the Area in Need of Redevelopment Study for the Newton Armory & Shoprite, Block 10.01, Lots 5 & 6 prepared by J. Caldwell and Associates, LLC. Attached is a copy of the Resolution of the Planning Board recommending that a certain area within tax block 10.01 be designated as an "Area in Need of Redevelopment" which is found to be consistent with the Master Plan of the Town of Newton and recommends that the Town Council consider the Board's recommendation.

**RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF
NEWTON IN THE COUNTY OF SUSSEX, NEW JERSEY
RECOMMENDING THAT A CERTAIN AREA WITHIN TAX BLOCK
10.01 BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT**

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

WHEREAS, the Town directed the Planning Board by resolution to examine whether Block 10.01, Lots 5 and 6 (formerly known as Block 801, Lots 49.01 and 49.02, collectively, the “Study Area”), should be determined an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, J. Caldwell and Associates, LLC (the “Planning Consultant”) prepared a preliminary investigation report of the above-referenced Study Area in accordance with the Redevelopment Law, entitled “Area in Need of Redevelopment Study for the Newton Armory & ShopRite Block 10.01, Lots 5 & 6” (the “Study”); and

WHEREAS, the Study concluded that the Study Area qualifies as an area in need of redevelopment pursuant to the Redevelopment Law, for the reasons set forth in the Study; and

WHEREAS, pursuant to the Redevelopment Law, the Planning Board caused a duly noticed public hearing to be held concerning the Study on June 20, 2012, giving all persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment the opportunity to be heard; and

WHEREAS, at said public hearing, the Board considered the Study, heard the comments of the Planning Consultant, opened the meeting for public comment, and deliberated on the matter using the criteria set forth in the Redevelopment Law; and

WHEREAS, after careful consideration of all evidence presented and all testimony offered,

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE TOWN OF NEWTON AS FOLLOWS:

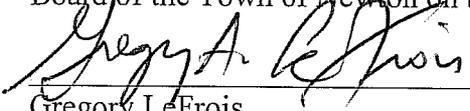
Section 1. Transmission to the Town Council. The Study, and the findings of fact and conclusions contained therein, is hereby incorporated herein by reference in its entirety. The Planning Board Secretary is hereby directed to transmit a copy of the Study and of this Resolution to the Town Council.

Section 2. Recommendation – Area in Need of Redevelopment. After consideration of all evidence presented and all testimony offered, the Planning Board accepts and adopts the recommendation contained in the Study, and hereby recommends that the Study Area be

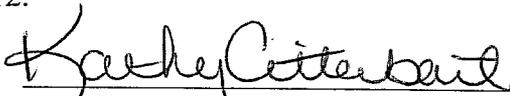
declared an area in need of redevelopment in accordance with the Redevelopment Law, for the reasons set forth in the Study.

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

We hereby certify this to be a true and complete copy of a Resolution adopted by the Planning Board of the Town of Newton on the 20th day of June, 2012.



Gregory LeFrois
Board Chair



Kathy Citterbart
Board Secretary



TOWN OF NEWTON
RESOLUTION #131-2012

June 25, 2012

"Resolution of the Town of Newton, in the County of Sussex, New Jersey Authorizing an Amendment to a Site Access Agreement With Respect to the Newton Armory Property"

WHEREAS, the Town of Newton owns that certain land known as the Newton Armory and identified on the Official Tax Map of the Town as Block 10.01, Lot 6 (formerly Block 801, Lot 49.01) (the "**Property**"); and

WHEREAS, Newton 213, L.L.C. (the "**LLC**"), has expressed interest in purchasing the Property, and has requested that the Town grant the LLC access to the Property and permission to conduct thereon certain investigations, surveys, testing and studies of the Property (collectively, the "**Investigations**"), all at the LLC's cost and expense and at no cost or expense to the Town; and

WHEREAS, on April 9, 2012 the Town authorized the execution of a site access agreement (the "**Agreement**") establishing the terms and conditions of such access to the Property; and

WHEREAS, the LLC has requested to extend the term of the Agreement until September 24, 2012, and the Town wishes to so extend the term of the Agreement;

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Town hereby authorizes the execution of a letter amendment to the Agreement in substantially the form attached hereto as **Exhibit A** and by this reference incorporated herein. The Mayor is hereby authorized to execute the Agreement in substantially the form attached hereto, with such additions, deletions and modifications as may be necessary or desirable in consultation with the Town Attorney and Special Counsel.

Section 3. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 4. A copy of this resolution shall be available for public inspection at the offices of the Town Clerk.

Section 5. This Resolution shall take effect immediately.

EXHIBIT A

FORM OF LETTER AMENDMENT TO SITE ACCESS AGREEMENT

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 25, 2012.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON
39 Trinity Street
Newton, New Jersey 07860

June 25, 2012

Via Federal Express:

David P. Romano
Newton 213, L.L.C.
Morris Canal Plaza
1070 U.S. Highway 46
Ledgewood, New Jersey 07852-9735

Re: Town of Newton Site Access Agreement – Newton Armory

Dear Mr. Romano,

The Town of Newton (the “Town”) and Newton 213, L.L.C. (the “Company”) have entered into that certain site access agreement with respect to Block 10.01, Lot 6 (the “Property”) dated April 2012 (the “Agreement”).

Section 1 of the Agreement reads in its entirety:

“Section 1. The Town hereby grants permission and a limited, revocable license to the LLC, and the LLC’s designated employees, consultants, agents, contractors and subcontractors (the **“Representatives”**), to access the Property for a period not to exceed sixty (60) days from the Effective Date to conduct the Investigations (the **“Investigative Period”**).”

This letter agreement shall serve to evidence our agreement to modify Section 1 of the Agreement to read:

“Section 1. The Town hereby grants permission and a limited, revocable license to the LLC, and the LLC’s designated employees, consultants, agents, contractors and subcontractors (the **“Representatives”**), to access the Property for a period beginning on the Effective Date and expiring on September 24, 2012 to conduct the Investigations (the **“Investigative Period”**).”

All other provisions of the Agreement shall remain unmodified in force and effect. Please have the Company indicate its agreement to the foregoing by executing a copy of this letter and returning it to my attention via facsimile and Federal Express. By signing this letter, we are each representing that we have the full authority and power to do so.

Sincerely,

Helen R. Le Frois
Mayor

Agreed to on behalf of Newton 213, L.L.C.:

Name:

Title: