

February 11, 2013

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 p.m. Present were Mrs. Becker, Mr. Elvidge, Deputy Mayor Ricciardo, Mr. Flynn, Mayor Diglio, Thomas S. Russo, Jr., Town Manager and Angelo J. Bolcato, Esq., Town Attorney.

Mayor Diglio made the following declaration that "in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 31, 2012."

Mayor Diglio led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Mr. Flynn, seconded by Mrs. Becker and carried, the minutes of January 14, 2013 Regular Meeting (with minor correction) and January 14, 2013 Executive Session Meeting were approved.

**OPEN TO THE PUBLIC**

Mayor Diglio read the following statement:

*"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."*

Mr. Fred Judge, Hicks Avenue, Newton outlined several negative reasons why this Ordinance should not be passed. Mr. Judge indicated that Ordinance #2013-1 would incur excessive costs to a resident or developer in order to clear a lot for building purposes. The cost of removing the trees could potentially cost more than the property is worth.

Mr. Wayne McCabe, 125 High Street, Newton expressed his disappointment with the negative impact it would have on the residents in Town and suggested that the Ordinance be amended or abandoned.

Mr. Dennis McConnell, 11 Overlook Road, Newton also expressed several negative points to this Ordinance and feels that there should be a better solution without the excessive cost.

Mr. John Nuss, Best Choice Realtors, expressed the negative factors with the Ordinance and requested that it be redacted prior to approval.

Mr. Ken Hardmeyer, 70 Pine Street, Newton advised that it was the Shade Tree Commission who suggested this Ordinance. He would be willing to sit down with

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principal residents to improve on the Ordinance but truly believes it is a necessary Ordinance to adopt.

Mr. Anwar Qarmout, 45 Woodside Avenue, Newton questioned the purpose of the ordinance and requested that the Council revisit the Ordinance prior to approving same.

Mrs. Karen Loughran, 19 Slate Hill Road, Newton advised that this Ordinance would halt her efforts to build on her subdivided property due to the excessive fees it would cost her to remove her trees.

**COUNCIL & MANAGER REPORTS**

**A. PROCLAMATION – DAWN DELANEY**

Mr. Russo read the Proclamation into the record.

***Dawn Delaney***

**WHEREAS**, Dawn Delaney exemplifies the spirit that the Sussex County St. Patrick's Day Committee upholds; and

**WHEREAS**, Dawn has helped to bring Irish Culture and Irish History into Sussex County by her support of all of the St. Patrick's Day Committee events throughout the years; and

**WHEREAS**, Dawn has been an active member of the St. Patrick's Day Committee since 2004; and

**WHEREAS**, as part owner of Minisink Press with her husband Tom, Dawn has been actively involved in the St. Patrick's Day Committee's publication of its Ad Journal, a main source for fundraising; and

**WHEREAS**, Dawn is proud to give back to her community, and as one of the three Grand Marshals of the 2013 Sussex County St. Patrick's Day Parade, has chosen the Sun Rise House Foundation as her Chosen Charity for 2013;

**NOW, THEREFORE**, We, the Mayor and Town Council of the Town of Newton hereby proclaim our appreciation and gratitude to Dawn Delaney for her dedication to her Irish heritage, and in recognition of her volunteer efforts, we congratulate Dawn on being named:

**"Sussex County's Grand Marshal for the 2013 St. Patrick's Day Parade"**

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

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

Date: February 11, 2013

Mr. Russo read communication from Nancy Woods, Executive Director of Greater Newton Chamber of Commerce, requesting permission to close Spring Street on Saturday, April 20, 2013 for the "Chamber Fest" event from 11:00 a.m. to 3:00 p.m. Set

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up will begin at 9:00 a.m. and closure will be from Main Street to Adams Street. Council unanimously agreed to approve closure of Spring Street on Saturday, April 20<sup>th</sup>.

Mr. Russo noted that there is a meeting sponsored by the Sussex County Board of Taxation on Wednesday, February 20<sup>th</sup> and he will be attending with the Tax Assessor, Scott Holzhauser. Mr. Russo would like the Mayor to attend as well.

Mr. Russo reminded Council of the two upcoming budget hearings scheduled for Wednesday, February 13, 2013 at 6:30 p.m. and Thursday, February 21, 2013 at 6:30 p.m.

Mr. Russo noted his attendance at Statewide Insurance Fund Reorganization meeting and advised that the Town was the proud recipient of two awards. One was the Loss Control Award, for ongoing participation and safety and risk management program for 2012, and the other was for Outstanding Claim Reporting Investigating and Cooperation for 2012. Mr. Russo thanked Ms. Babcock and all the employees of the Town for all their efforts.

Mr. Russo noted that he has issued a "stop fishing order" for Morris Lake. He indicated that the Town Attorney has some concerns and Mr. Russo and Mrs. Leo will work on some new regulations surrounding ice fishing as well as regular fishing.

Mr. Russo noted the boil water order notice in effect for Birch Drive and Linmor Avenue due to recent watermain break.

Town Hall is closed Monday, February 18, 2013 in observation of Presidents' Day.

## **ORDINANCES**

Mayor Diglio directed the Clerk to read aloud the following Ordinance relative to final adoption.

### **ORDINANCE #2013-1**

#### **AN ORDINANCE ESTABLISHING CHAPTER 242 TREE PROTECTION OF THE CODE OF THE TOWN OF NEWTON**

**WHEREAS**, the Mayor and Town Council of the Town of Newton find that the indiscriminate and uncontrolled removal and cutting of Trees upon lots and tracts of land particularly on steep slopes and along stream corridors within the Town has resulted in increased municipal costs to control drainage and repair roads and has caused soil erosion and decreased fertility of the soils as well as dust; and

**WHEREAS**, the Town of Newton's Shade Tree Advisory Commission (NSTAC) has recommended a Tree Protection Ordinance to help alleviate and mitigate any potential negative impacts resulting from the indiscriminate removal of Trees; and

**WHEREAS**, the Town Council of the Town of Newton implemented Tree Protection and Replacement for new Site Plan and Subdivision applications in the Town of Newton by adding Tree Protection and Replacement requirements in Chapter 240 Site Plan And Subdivision of the Town Ordinances;

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey as follows:  
Section I: Chapter 242, Tree Protection, is hereby created and made a part of the Code of the Town of Newton.

242-1 Purpose. The purpose of this ordinance is to prevent the indiscriminate and uncontrolled removal and cutting of Trees upon Subdividable Lots and Undeveloped Lots.

242-2 Applicability. Tree Protection applies to all Subdividable Lots and Undeveloped Lots in the Town of Newton, which may be developable pursuant to the Site Plan and Subdivision requirements of Chapter 240.

242-3 Definitions, as used in this Chapter only:

"Alter" means to take action by cutting or pruning any Tree, or by filling, surfacing, grading, compacting or changing the drainage pattern of the soil around any Tree in a manner that threatens to diminish the vigor of the Tree; provided that, as used in this chapter, the term "Alter" does not include: normal seasonal trimming, shaping, thinning or pruning of a Tree necessary to its health and growth.

"Dripline" shall mean a line connecting the tips of the outermost branches of a Tree, projected vertically onto the ground.

"Person" shall mean any owner, operator, company, corporation, general agent, forester, or contractor of a property that has Trees.

"Subdividable Lot" shall mean a legally established and existing parcel of land, with boundaries determinable from existing records, which has a building located thereon which is occupied or capable of being occupied, but which has a lot size at least three times the minimum zoning requirements of the Town, with dimensions and setbacks sufficient to allow subdivision into at least three building lots and having the same restrictions as an Undeveloped Lot.

"Tree" shall mean any woody perennial plant, having a diameter of five (5) inches or greater, measured from a point four and one-half (4 1/2) feet above ground (dbh forestry method).

"Tree Replacement Plan" shall mean a specific plan for replacement of removed Trees in accordance with the provisions of this ordinance. See section 240-7.

"Undeveloped Lot" shall mean a legally established and existing parcel of land, with boundaries determinable from existing records, which does not have a building located thereon. Whenever approval is granted by the Planning Board to an application for preliminary major subdivision, each lot shown upon the subdivision plat, which does not have a building, located thereon shall be deemed a separate Undeveloped Lot for the purposes of this Chapter.

242-4 Undeveloped or Subdividable Lots. Prohibited Activities.

A. No Person shall Alter, injure, deface, poison, damage or remove any Tree located on any Undeveloped Lot or Subdividable Lot within the Town without an approved site plan or subdivision.

B. No Person shall excavate, remove or place any material, temporary soil deposit, large machinery or equipment that may cause damage to roots or may compact soil, within the Dripline or within six feet of any Tree, whichever distance is greater.

C. Landscaping Plan. A Person seeking approval for a subdivision or site plan on an Undeveloped Lot or Subdividable Lot shall submit to the Planning Board a Landscaping Plan in accordance with Chapter 240-7 of the Revised General Ordinances of the Town of Newton.

D. Responsibilities of owner and contract purchaser. No owner or contract purchaser of an Undeveloped Lot or Subdividable Lot who employs any Person to perform any work upon such lot shall permit such Person to violate any provision of this ordinance.

E. Nothing contained in this section relieves the owner of any private property from the duty to keep all Trees, shrubs or plants on his property or under his control in such condition so as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, park, pleasure ground, alley or public place within the Town.

SECTION II: PENALTIES FOR NON-COMPLIANCE: The penalty for conducting or allowing conduct prohibited by this section shall be calculated on a Tree-by-Tree basis where damage or removal of each and every Tree constitutes a separate offense. The penalty shall be a fine calculated as \$100 per caliper inch of the affected Tree (measured at the diameter at breast height, or 4.5 feet) up to a maximum of \$2,000. Where the caliper of the affected tree cannot be determined, the penalty shall not be less than \$350 nor more than \$2,000.

SECTION III: SEVERABILITY AND REPEALER

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

SECTION IV: EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption and publication in accordance with law.

Mayor Diglio opened the hearing to the public.

Mayor Diglio requested Jessica Caldwell, Town Planner, to review Ordinance 2013-1.

After a brief discussion, Council addressed concerns with the Ordinance being applied to residential areas.

There being no one from the public to be heard, upon motion of Mayor Diglio, seconded by Mr. Elvidge and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE** was offered by Deputy Mayor Ricciardo, who moved its adoption, seconded by Mr. Elvidge and roll call resulted as follows:

Mrs. Becker	No	Mr. Elvidge	No
Deputy Mayor Ricciardo	No	Mr. Flynn	No
Mayor Diglio	No		

This Ordinance was not adopted and no advertisement was necessary.

Mayor Diglio directed the Clerk to read aloud the following Ordinance relative to final adoption.

**ORDINANCE #2013-2**

**AN ORDINANCE AMENDING CHAPTER 240-7, ADDING CHAPTER 241 TREE BANK AND AMENDING CHAPTER 100 FEES AND COSTS OF THE CODE OF THE TOWN OF NEWTON**

**WHEREAS**, the Mayor and Town Council of the Town of Newton find that the indiscriminate and uncontrolled removal and cutting of trees upon large lots and tracts of land particularly on steep slopes and along stream corridors within the Town has resulted in increased municipal costs to control drainage and repair roads and has caused soil erosion and decreased fertility of the soils as well as dust; and

**WHEREAS**, the Town of Newton's Shade Tree Advisory Commission (NSTAC) has recommended a tree protection ordinance to help alleviate and mitigate any potential negative impacts resulting from the indiscriminate removal of trees; and

**WHEREAS**, the Town Council of the Town of Newton implemented Tree Protection for new Major Site Plan and Major Subdivision applications in the Town of Newton by adding tree protection and replacement requirements in Chapter 240 Site Plan And Subdivision of the Town Ordinances; and

**WHEREAS**, Chapter 240, Section 7, subsection B.(6) provides for a developer to pay into a Tree Bank, if they choose not to or do not have adequate space to replace the required amount of trees on their property; and

**WHEREAS**, the Town Council of the Town of Newton would like to establish such a Tree Bank for developers to contribute to in lieu of planting the required trees such that trees may be replaced somewhere in the Town but preferably in the same general area of Town where the trees were removed; and

**WHEREAS**, the Tree Bank may also be an account where the Town of Newton may accept donations for those interested in providing for trees to be planted within the Town of Newton;

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

SECTION I: Chapter 240-7.B (6)(d) Landscaping, Tree Protection and Replacement shall be amended to read:

(d) Tree protection and replacement must be undertaken as part of the site plan. All existing trees over five inches in dbh shall be surveyed and shown on the site plan with the dbh and removal status. Trees that are surveyed shall be marked in the field for verification by the Planning Board Engineer. Trees shown to be removed shall be replaced with trees that will equal fifty percent of the total dbh at the time of planting to replace the trees proposed for removal. For example, if a 10 inch dbh tree is proposed to be removed the developer should propose to replace it with a 5 inch dbh tree. Where a developer cannot or does not wish to replace all trees on the site, that developer shall pay a fee per tree into the Town of Newton Tree Bank at a fee as established in Chapter 100 Fees and Costs.

Section II: Chapter 241, Tree Bank, is hereby created and made a part of the Revised General Ordinances of the Town of Newton.

241-1 The purpose of this ordinance is to provide a fund for the planting of trees within the Town of Newton. More specifically, when an applicant for a Major Site Plan or Major Subdivision cannot or does not wish to fulfill the tree replacement requirements of Chapter 240-7.B(6), then the applicant must contribute to the Tree Bank. Additionally, public or private entities that wish to donate to the Town of Newton to provide for trees to be planted may donate to the Tree Bank for said purpose.

241-2 Definitions, as used in this ordinance:

"Subdividable Lot" shall mean a legally established and existing parcel of land, with boundaries determinable from existing records, which has a building located thereon which is occupied or capable of being occupied, but which has a lot size at least twice the minimum zoning requirements of the Town, with dimensions and setbacks sufficient to allow subdivision into at least two building lots and having the same restrictions as an undeveloped lot.

"Tree" shall mean any woody perennial plant, having a diameter of five (5) inches or greater, measured from a point four and one-half (4 1/2) feet above ground (dbh forestry method).

"Undeveloped Lot" shall mean a legally established and existing parcel of land, with boundaries determinable from existing records, which does not have a building located thereon. Whenever approval is granted by the Planning Board to an application for preliminary major subdivision, each lot shown upon the subdivision plat, which does not have a building, located thereon shall be deemed a separate undeveloped lot for the purposes of this ordinance.

#### 241-3 Applicability.

The Tree Bank applies to all Subdividable Lots and Undeveloped Lots in the Town of Newton, which may be developable pursuant to the Major Site Plan and Major Subdivision requirements of Chapter 240.

#### 241-4 Town Tree Bank.

A. Town shall establish and maintain a Tree Bank where fees collected from developer contribution pursuant to Section 240-7.B(6)(d) paid shall be kept. The fund shall be utilized by the Town Manager, or his designee, for Tree planting in the Town of Newton. The Town's Shade Tree Commission (NSTAC) shall provide recommendations at least once annually for consideration by the Town Manager, or his designee, for use of the fund.

B. Funds within the Tree Bank shall be allocated to at least one Tree planting event per year subject to fund availability. Members of the NSTAC shall provide recommendations to the Town Manager, or his designee, in the selection of species and location of planting.

C. Trees planted by Tree Bank funds should be located as closely as possible to the areas where Tree removal occurred that generate payments to the Tree Bank.

D. The Town Tree Bank Fund may also accept donations and/or funds from other sources for the express purpose of planting Trees at locations selected by the Town Manager or his designee.

SECTION III: Chapter 100 Fees and Costs is amended as follows:

#### Section 100-24 Miscellaneous Fees and Charges

##### 100-24-L. Tree Protection and Replacement (Chapter 241)

(1) Tree Bank Fee for Trees (as defined by Chapter 241) proposed for removal that are not replaced on site: \$50.00 per caliper inch of Tree removed as measured at the diameter at breast height (4 ½ feet).

#### SECTION IV: SEVERABILITY AND REPEALER

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

#### SECTION V: EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption and publication in accordance with law.

Mayor Diglio opened the hearing to the public.

Mrs. Caldwell noted that this Ordinance goes hand in hand with Ordinance 2013-1.

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There being no one from the public to be heard, upon motion of Mr. Elvidge, seconded by Mr. Flynn and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE** was offered by Mr. Elvidge, who moved its adoption, seconded by Mr. Flynn and roll call resulted as follows:

Mrs. Becker	No	Mr. Elvidge	No
Deputy Mayor Ricciardo	No	Mr. Flynn	No
Mayor Diglio	No		

This Ordinance was not adopted and advertisement was not necessary.

Mayor Diglio directed the Clerk to read aloud the following Ordinance relative to final adoption.

### **ORDINANCE #2013-3**

#### **AN ORDINANCE TO ESTABLISH A LENGTH OF SERVICE AWARDS PROGRAM (LOSAP) FOR MEMBERS OF THE NEWTON VOLUNTEER FIRST AID SQUAD**

Mayor Diglio recused herself from discussion on this Ordinance.

**WHEREAS**, the Town Council of the Town of Newton deems it appropriate and necessary to act to ensure the retention of volunteer members of the Newton First Aid Squad by rewarding such members for their loyal, diligent, and devoted service to the residents of the Town of Newton; and

**WHEREAS**, the Town Council of the Town of Newton has determined that the creation of a Length of Service Award Program ("LOSAP") as authorized by State law will enhance the ability of the municipality to recruit and retain volunteer first aid squad members;

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

1. A Length of Service Award Program ("LOSAP") is hereby created in accordance with the "Emergency Services Volunteer Length of Service Award Program Act," N.J.S.A. 40A:14-183 to 194 (hereinafter referred to as "the Act"), to reward members of the Newton Volunteer First Aid Squad for their loyal, diligent, and devoted service to the residents of the Town of Newton.
2. The LOSAP shall provide for annual contributions on behalf of each eligible member to a deferred income account within a plan to be established by the Town of Newton and administered in accordance with the Act and all applicable State and Federal laws.
3. To be eligible for LOSAP contributions on his or her behalf, a member must meet the following criteria, to be determined each calendar year:
  - a. A member must accumulate at least fifty (50) points for activities as set forth in the annexed Schedule "A" during a calendar year to be eligible for the LOSAP contribution for that calendar year. There shall be no carry over from year to year.
  - b. The annual contribution for each eligible member shall be between a minimum of \$115.00 and a maximum of \$1,150.00.
  - c. A member shall be eligible for participation in the LOSAP immediately upon commencement of service with the Newton Volunteer First Aid Squad. Five

years of service, as determined by N.J.S.A. 40A:14-188, shall be required for each individual member to vest in contributions made on his or her behalf.

4. There shall be no credit for prior years of service, except for a point award as set forth in the annexed Schedule "A".
5. The estimated cost of the program is \$34,500 per year.
6. Each active volunteer member shall be credited with points for volunteer service in accordance with the activities described in the annexed Schedule "A".
7. **Effective Date.** This Ordinance shall not take effect unless it is approved by the voters as a public question at the next General Election to be held after publication and passage of the Ordinance according to law.
8. **Severability.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect.
9. **Repealer.** All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**SCHEDULE "A"**

**Schedule of Points**

Each active volunteer member shall be credited with points for volunteer services provided to the Newton Volunteer First Aid Squad in accordance with the following schedule:

A. Town of Newton Volunteer First Aid Squad Members

1. One hundred points (100) are required for a member to be eligible for 100% of the annual contribution. If a member achieves fewer than 100 points, the following table shall be used in determining the contributions:

<u>Number of Points</u>	<u>Contribution</u>
100	100%
90 through 99	75%
80 through 89	50%
70 through 79	25%
50 through 69	10%
0 through 49	0%

2. Points earned for first aid calls.

<u>Percent</u>	<u>Number of Points</u>
60% to 100%	60
45% to 59%	50
30% to 44%	40
20% to 29%	30
10% to 19%	20
1% to 9%	10
0%	0

3. Elected Officers

a. President	20 Points
b. Vice President	15 Points
c. Secretary	15 Points
d. Treasurer	15 Points

4. Miscellaneous Committees.

Two Points will be credited for participating in activities which are deemed official by the Captain or President, such as:

- a. Vehicle Committees.
- b. First Aid Informational Activities.
- c. Wakes and Memorial Services.
- d. Local Relief Association meetings as delegate or trustee.
- e. Local exempt Association Member.
- f. Attendance as Delegate to County or State Association Meetings.
- g. Parades and Other Special Events.
- h. Attendance at outside First Aid Activities not previously covered.

5. Miscellaneous

- a. Captain 30 Points
- b. 1<sup>st</sup> Lieutenant 25 Points
- c. 2<sup>nd</sup> Lieutenant 20 Points
- d. Trustee Chairman 20 Points
- e. Equipment Engineer 15 Points
- f. Mechanical Engineer 15 Points
- g. Trustee 15 Points
- h. Chairman of Committee 10 Points
- i. First Aid Advisor 5 Points
- j. Training or Drills One Point Each
- k. Special details One Point Each
- l. Schooling Four Points Each Class
- m. Committee Meetings One Point Each
- n. Squad Meetings One Point Each
- o. Stand-by's One Point Each

6. Longevity Point System

<u>Number of Years Completed</u>	<u>Number of Points</u>
5 to 10	5
11 to 20	10
21 to 30	15
31 to 40	20
Over 40	25

Mayor Diglio opened the hearing to the public.

There being no one from the public to be heard, upon motion of Mr. Elvidge, seconded by Mr. Flynn and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE** was offered by Deputy Mayor Ricciardo, who moved its adoption, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Abstain	

This Ordinance will take effect after publication and adoption according to law.

The Clerk will advertise the above Ordinance according to law.

Mayor Diglio directed the Clerk to read aloud the following Ordinance relative to final adoption.

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**ORDINANCE #2013-4**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN LANDS IN THE TOWN OF NEWTON BY PUBLIC AUCTION**

**WHEREAS**, the Town of Newton has determined that certain municipally owned property, located at Block 18.02, Lot 2 (formerly Block 1301, Lot 1.02), as shown on the Town of Newton Tax Map ("Property"), is no longer necessary for municipal purposes and as such shall be sold at public auction sale in accordance with N.J.S.A. 40A:12-13; and

**WHEREAS**, the Local Lands and Building Law, N.J.S.A. 40A:12-1, et seq., authorizes the sale by municipalities of any real property, capital improvement, or personal property no longer needed for public use by public sale; and

**WHEREAS**, the Town of Newton has determined that the public interest is best served by reserving easements on this Property in favor of the Town of Newton, as set forth in Schedule "A", attached hereto ("Easements").

**NOW, THEREFORE, BE IT ORDAINED** by the Newton Town Council that the Property shall be sold at public auction, subject to Easements and terms and conditions set forth, pursuant to N.J.S.A. 40A:12-13.

**BE IT FURTHER ORDAINED**, the following terms and conditions shall apply:

1. The Town Council reserves the right to reject all bids.
2. The minimum bid the Town will consider is \$120,000.00 plus the cost of recording deeds, which deeds shall be recorded on behalf of the purchaser by the Town Attorney; costs of notice for publication; and \$450 for Town attorney fees related to the Property transfer.
3. The Property shall be sold at public auction, to the highest bidder, on March 27, 2013, at 3:00 p.m.
4. The governing body hereby appoints and designates the Newton Town Manager or such other person as the governing body shall designate, to conduct the sale of the Property on behalf of the governing body.
5. Notice of the auction sale of the Property shall be advertised in the New Jersey Herald newspaper at least once a week during two consecutive weeks, the last publication being no earlier than seven days prior to the date of such sale.
6. **Potential Bidders are advised:**
  - A. To conduct all necessary title searches prior to the date of the sale.
  - B. That the description of the Property is intended as a general guide only and may not be accurate. No representations of any kind are made by the Town of Newton as to the conditions of the Property, including habitability or usability; the Property is being sold in its present condition "as is".
  - C. That the sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Town of Newton.
  - D. That no employee, agent or officer of the Town of Newton has any authority to waive, modify or amend any of the conditions of the sale.
  - E. That offers for the Property must be made for a sum equal or greater to the minimum bid price listed in Section 2 of this Ordinance.
  - F. The Property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription, and as set forth herein, and without representation as to character of title of the Property to be conveyed.

G. The highest bidder for the Property shall have the right, at its sole cost and expense, to obtain a new survey of the Property. Provided such survey depicts the Property and is certified to be correct to the Town of Newton, the Town of Newton shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Town of Newton not less than one week prior to the date set for closing of title.

7. **Additional Terms the Successful Bidder must comply with:**

A. Bidder shall deposit cash, bank check or cashier's check or money order in the amount of not less than 10% of the bid price at the time of sale. In the event the successful bidder fails to deposit 10% of the bid price at the time of the sale, the Town will re-auction the Property at the same sale. If the successful bidder fails to pay the deposit, the bidder shall be responsible for any difference between their bid and the final sale bid in the event such bid is lower than the bid of the original bidder.

B. Pay at the time of closing, no later than May 27, 2013, at the office of the Town of Newton, or at such other location as mutually agreed upon, via cash or certified check:

(1) The balance of the purchase price;

(2) The cost of recording deeds, which deeds shall be recorded on behalf of the purchaser by the Town Attorney; costs of notice of publication; and \$450 for Town attorney fees related to the Property transfer.

C. To pay prorated real estate taxes for the balance of the current year as of the date of closing.

D. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.

E. That the failure to close title as agreed shall forfeit to the Town of Newton any and all money deposited with the Town.

F. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other properties.

G. That the title shall close on or before May 27, 2013, and that date shall be considered time of the essence. The Town reserves the right to require that two or more pieces of contiguous property be merged and treated as one piece of property.

H. The Town reserves the right to withdraw the offer of sale and reject any and all bids.

I. All sales are subject to final approval by the Town Council.

J. Parties interested in submitting bids and who require additional information, should contact Thomas S. Russo, Jr., Town Manager, Town of Newton, Municipal Building, 39 Trinity Street, Newton, New Jersey 07860.

K. Execution of Acceptance of Offer to Sell Property by the Town of Newton, in the form attached hereto.

8. The Town does not warrant or certify title to the Property and in no event shall the Town of Newton be liable for any damages to the purchaser/successful bidder if title is found unmarketable for any reason, and the purchaser/successful bidder waives any and all right in damages or by way of liens against the Town, the sole remedy being the right to receive a refund, prior to closing, of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to the Property prior to the closing. In the event of closing and later

finding of defect of title, the Town shall not be responsible for the same, and shall not be required to refund money or correct any defect in title or be held liable for damages.

9. Acceptance of the bids shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms of conditions of the sale herein contained.

10. The sale is subject to all of the terms and conditions as provided for in the Notice of Sale.

This Ordinance shall take effect upon final passage, approval and publication as required by law.

Mayor Diglio opened the hearing to the public.

There being no one from the public to be heard, upon motion of Mr. Ricciardo, seconded by Mr. Elvidge and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE** was offered by Mr. Flynn, who moved its adoption, seconded by Deputy Mayor Ricciardo and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Yes	

This Ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

Mayor Diglio directed the Clerk to read aloud the following Ordinance relative to introduction of same.

**ORDINANCE #2013-5**

**AN ORDINANCE TO EXCEED THE 2013 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

The following **ORDINANCE** was offered by Mrs. Becker, who moved its introduction, seconded by Mr. Flynn and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	No	Mr. Flynn	Yes
Mayor Diglio		Yes	

**BE IT RESOLVED** by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on February 25, 2013.

Mayor Diglio directed the Clerk to read aloud the following Ordinance relative to introduction of same.

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**ORDINANCE #2013-6**

**AN ORDINANCE NAMING A PUBLIC ALLEY AS "ART ALLEY"**

The following **ORDINANCE** was offered by Mrs. Becker, who moved its introduction, seconded by Deputy Mayor Ricciardo and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio	Yes		

**BE IT RESOLVED** by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on February 25, 2013.

Mayor Diglio directed the Clerk to read aloud the following Ordinance relative to introduction of same.

**ORDINANCE #2013-7**

**ORDINANCE REAPPROPRIATING \$29,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE ACQUISITION OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY**

The following **ORDINANCE** was offered by Mrs. Becker, who moved its introduction, seconded by Mr. Elvidge and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio	Yes		

**BE IT RESOLVED** by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on February 25, 2013.

**OLD BUSINESS**- None

**CONSENT AGENDA**

Mayor Diglio read the following statement:

*"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."*

Mr. Russo reviewed the various resolutions on the consent agenda.

**RESOLUTION #25-2013\***

**RESOLUTION TO ACCEPT THE CERTIFIED LIST OF QUALIFYING 2012 LOSAP PARTICIPANTS**

**WHEREAS**, the Length of Service Awards Program (LOSAP) for the Newton Volunteer Fire Department was approved by the Mayor and Council through the

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passage of Ordinance #2003-12 on August 11, 2003, confirmed by Resolution #104-2003, and approved by Newton voters as a public question at the General Election on November 4, 2003; and

**WHEREAS**, the Newton Volunteer Fire Department has certified a list of members who are eligible, in accordance with guidelines outlined in Ordinance 2003-12, to receive an amount between \$115.00 and \$1,150.00 based on points credited for volunteer services rendered in 2012 as per the 2012 LOSAP LIST attached; and

**WHEREAS**, the total number of qualifying volunteers for the Fire Department is 32 for a total contribution of \$32,142.50; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2012 to cover the cost of this contract;

#### **RESOLUTION #26-2013\***

##### **LIFTING OF WATER RESTRICTIONS FOR TOWN OF NEWTON**

**WHEREAS**, in September 2012 the Town of Newton's reservoir at Morris Lake, Sparta, New Jersey was 27 inches below the top of the spillway; and

**WHEREAS**, due to the continued drop in water at Morris Lake, the Town of Newton imposed Water Restrictions on September 12, 2012 by the adoption of Resolution 193-2012; and

**WHEREAS**, Morris Lake is currently 9 inches below the top of the spillway;

**WHEREAS**, the Governing Body feels there is no longer a need to impose water restrictions for the Town Newton;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that we hereby rescind Resolution #193-2012 and lift the water restrictions for the Town of Newton.

#### **RESOLUTION #27-2013\***

##### **APPROVAL OF A RENEWAL APPLICATION FOR A TEMPORARY JUNK DEALERS LICENSE FOR NEWTON AUTO SALVAGE**

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

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

**WHEREAS**, Section 156-8 requires that the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junk yards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 156; and

**WHEREAS**, Newton Auto Salvage has been DENIED by the Sussex County Health Department for the ongoing tire storage issue and is required to rectify this health violation by May 31, 2013 **or** this license will not be further renewed by the Town of Newton if the re-inspection by the Sussex County Health Department reveals that the violations have not been corrected; and

**WHEREAS**, Newton Auto Salvage has provided a two hundred dollar (\$200.00) cash performance bond conditioned for the due observance of all ordinances of the

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Town relating to the business of junk dealer;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that it hereby approves a temporary junk dealers license based on the application for a renewal Junk Dealer License submitted by Mike Sesera, 79 Mt. View Street, Newton, N.J., which shall expire on May 31, 2013.

**RESOLUTION #28-2013\***

**APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALER'S LICENSE FOR GEORGE'S SALVAGE COMPANY, INC.**

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

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

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

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

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

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by George Miller, for George's Salvage Company, Inc., 10 South Park Drive, Newton, N.J which shall expire on December 31, 2013.

**RESOLUTION #29-2013\***

**APPROVE PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY**

**WHEREAS**, the Town of Newton wishes to apply for funding for a project under the New Jersey Safe and Secure Communities Program (Grant # P-5802-13); and

**WHEREAS**, the Town Council of the Town of Newton has reviewed the application and has approved said request; and

**WHEREAS**, the project is a joint effort between the Department of Law and Public Safety and the Town of Newton for the purpose described in said application;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that:

- 1) As a matter of public policy, the Town of Newton wishes to participate to the fullest extent possible with the Department of Law and Public Safety; and
- 2) The Attorney General will receive funds on behalf of the applicant; and
- 3) The Division of Criminal Justice shall be responsible for the receipt and review of the application for said funds; and

4) The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

**BE IT FURTHER RESOLVED**, that the Town Manager is hereby authorized to execute any and all documents necessary to effectuate the funding for the Safe and Secure Communities Program Grant No. P-5802-13.

**RESOLUTION #30-2013\***

**TEMPORARY CAPITAL BUDGET AMEND**

<b>Whereas</b> , the local capital budget for the year 2013 has not yet been adopted; and						
<b>Whereas</b> , it is desired to adopt a temporary capital budget which amends the adopted capital budget section of a prior year;						
<b>Now , Therefore Be It Resolved</b> , by a majority of the full membership of the Governing Body of the Town of Newton, County of Sussex that the following capital budget amendment of 2013 be made:						
	(			(		
RECORDED VOTE:	AYES	(		NAYS	(	
		(			(	
(Insert last name)		(			(	
		(			(	
ABSTAIN	(		(			
ABSENT	(		(			
				<b>Funding as Amended</b>		
<b>Project Title</b>	<b>Project Number</b>	<b>Cost Estimate as Adopted</b>	<b>Cost Estimate as Amended</b>	<b>Capital Improvement Fund</b>	<b>Prior Year Reserves</b>	<b>Grants in Aid</b>
<b>General Capital</b>						
Section 3. c) Acquisition of Equipment consisting of a street sweeper, a chipper and a crack sealer	#2012-13	\$ 289,000.00	\$ 260,000.00	\$ 13,000.00		
Acquisition of DPW Equipment consisting of a zero turn mower, walk-behind mower with backpack blower and a blacktop pavement roller	#2013-7	\$ -	\$ 29,000.00	\$ 1,450.00		
<b>Total - All Projects</b>		<b>\$ 289,000.00</b>	<b>\$ 289,000.00</b>	<b>\$14,450.00</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Be It Further Resolved</b> , that one certified copy of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the Town Auditor and filed with the Chief Financial Officer.						

**RESOLUTION #31-2013\***

**APPROVE BILLS AND VOUCHERS FOR PAYMENT**

**TOWN BILLS**

58.00	Quill Corporation	31415
240.14	Montague Tool & Supply, Inc.	31416
1,477.50	Pellow, Harold & Assoc., Inc.	31417
6,421.00	Municipal Software, Inc.	31418
981.00	Decker's Fire & Safety Equip. Inc.	31419
142.00	Abcode Security Inc.	31420
78.69	G & G Diesel Service, Inc.	31421
4,066.87	JCP&L	31422
680.94	SCMUA	31423
161.21	Sussex County P & H, Inc.	31424
200.00	B & G Elevator	31425
35.00	Centurylink Communications, Inc.	31426
2,936.68	Centurylink Communications, Inc.	31427
2,155.00	Newton Medical Center	31428
634.86	Rowe & Company, Inc.	31429
2,302.69	County of Sussex	31430
761,134.70	County of Sussex	31431
67.92	County of Sussex	31432
21,465.54	County of Sussex	31433
172.34	County of Sussex	31434
55,372.23	County of Sussex	31435
99.05	Neopost Leasing, Inc.	31436
3,019.40	Timmerman Company, Inc.	31437
145.50	Tri-State Rentals, Inc.	31438
250.00	Sussex County Economic	31439
99.00	Lawyers Diary & Manual	31440
315.00	New Jersey Planning Officials	31441

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778.88	McManimon, Scotland & Baumann, LLC	31442
1,362.00	Willco, Inc.	31443
20.00	J & D Sales and Service, Inc.	31444
7.00	Smith, William F.	31445
350.00	Treasurer, State of New Jersey	31446
75.00	T.A. Mountford Company, Inc.	31447
522.00	Galls Incorporated	31448
4,800.00	Lou's Glass	31449
100.00	Sussex County Detectives Assoc.	31450
33.53	Microsystems-NJ Com, LLC	31451
1,988.50	Ben Shaffer & Associates Inc.	31452
432.40	Sebring Auto Parts, Inc.	31453
30.00	Greater Newton Chamber of Commerce	31454
7.60	Airgas East	31455
2,037.42	L-3 Comm. Mobile-Vision	31456
1,386.76	Boonton Tire Supply, Inc.	31457
1,316.14	Vision Service Plan	31458
175.00	IAAO	31459
191.85	Verizon Wireless, Inc.	31460
443.20	Munidex	31461
299.00	Medtronic Physio-Control Corp.	31462
10.43	County of Sussex	31463
3,756.99	County of Sussex	31464
598.00	Walmart	31465
76.13	Mr. John, Inc.	31466
1,818.89	The Phillips Companies, Inc.	31467
525.00	Vogel, Chait, Collins, Schneider, PC	31468
35.45	Advance Auto Parts	31469
479.28	The Home Depot, Inc.	31470
1,997.53	Fire & Safety Services, Ltd., Inc.	31471
44.35	Carquest, Inc.	31472
219.85	Rogo Fastener Co., Inc.	31473
1,995.00	Access Control Technology, Inc.	31474
130.40	Universal Uniform	31475
140.45	AW Direct Inc.	31476
1,231.19	Staples Business Advantage, Inc.	31477
17.99	Staples Business Advantage, Inc.	31478
142.28	Lowe's, Inc.	31479
59.00	Screen Creation Plus	31480
385.00	Spectrum Communications, Inc.	31481
121.00	CSS Test, Inc.	31482
76.74	Nestle Waters, Inc.	31483
1,273.01	Rachles/Michele's Oil Company, Inc.	31484
2,224.18	Taylor Oil Co., Inc.	31485
1,619.01	Firefighter One, LLC	31486
1,073.76	International City/Cnty. Mngmt. Assoc.	31487
82.50	Tony Sanchez, LTD, Inc.	31488
3,590.50	Civic Plus, Inc.	31489
160.00	Jersey Central Power & Light	31490
3,900.00	Trimboli & Prusinowski, LLC.	31491
264,781.56	NJMEBF	31492
2,010.00	Chelbus Cleaning Co., Inc.	31493
305.00	Pool Operation Management	31494
74.69	Adam Gourlay	31495
6,430.79	Direct Energy Business, Inc.	31496
139.70	Harter Equipment, Inc.	31497
260.00	Van Meter & Assoc's, Inc.	31498
144.45	Extra Tech Data Services, LLC	31499
226.00	J. Caldwell & Associates, LLC	31500
2,615.00	Recreation Supply Company, Inc.	31501
5,266.92	Cargill Deicing Technology, Inc.	31502
199.00	APCO International	31503
589.00	Tiffin Metal Products	31504

**CAPITAL**

744.64	Vital Computer Resources, Inc.	31413
196,822.56	Payroll Account	131007
4,536.00	Pellow, Harold & Assoc., Inc.	8063
163.97	Campbell's Small Engine, Inc.	8064
6,618.17	McManimon, Scotland & Baumann, LLC	8065
13,935.65	Major Police Supply	8066
49.79	Denville Line Painting, Inc.	8067
107.25	Custom Products Corp.	8068
226.00	J. Caldwell & Associates, LLC.	8069
39,777.15	Crafco, Inc.	8070

**Total TOWN BILLS \$1,454,875.74**

**WATER AND SEWER ACCOUNT**

168.79	Quill Corporation	13386
11,973.33	Schmidt's Wholesale, Inc.	13387
1,500.00	Pellow, Harold & Assoc., Inc.	13388
6,527.60	Municipal Software, Inc.	13389
5,260.49	JCP&L	13390
6,534.92	Pumping Services, Inc.	13391
848.70	SCMUA	13392
9,615.61	Coyne Chemical Corp., Inc.	13393
1,219.50	Centurylink Communications, Inc.	13394
125.85	Centurylink Communications, Inc.	13395
3,101.00	Garden State Laboratories, Inc.	13396
378.62	Vision Service Plan	13397
700.00	JCI Jones Chemicals, Inc.	13398
653.40	Univar USA, Inc.	13399
4,520.00	Passaic Valley Sewerage Comm.	13400
1,392.60	Main Pool & Chemical Company, Inc.	13401
27.92	Home Depot, Inc.	13402
2,837.56	Suburban Energy Services, LP.	13403
331.58	Pall Corporation	13404
9.30	Staples Business Advantage	13405
111.91	Denville Line Painting, Inc.	13406
3,408.50	Civic Plus, Inc.	13407
48,646.44	NJMEBF	13408
11,766.60	Direct Energy Business, Inc.	13409
134.94	One Call Concepts, Inc.	13410
462.12	Capitol Supply Const. Products, Inc.	13411

**CAPITAL**

33,496.78	Payroll Account	136003
1,494.00	Pellow, Harold & Assoc., Inc.	2279
147.32	Denville Line Painting	2280

**Total WATER & SEWER BILLS \$157,395.38**

**TRUST**

1,350.00	Pellow, Harold & Assoc., Inc.	3095
339.74	Hollander, Strelzik, Pasculli, Hinkes	3096
1,031.26	Payroll Account	137103

**Total TRUST ACCOUNT BILLS \$2,721.00**

**DEVELOPERS ESCROW ACCOUNT**

72.00	Hollander, Strelzik, Pasculli, Hinkes	1113
1,095.00	Vogel, Chait, Collins, Schneider, PC	1114
226.00	J. Caldwell & Associates, LLC.	1115

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**Total DEV. ESCROW BILLS \$1,393.00**

**FEDERAL/STATE GRANTS**

155.00                      Draeger Safety Diagnostics, Inc.                      1131

**Total FEDERAL/STATE GRANTS \$155.00**

**RESOLUTION #32-2013\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 13.05, LOT 18 (FORMERLY BLOCK 1005, LOT 6)**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 13.05, Lot 18 (Formerly Block 1005, Lot 6), also known as 66 Woodside Avenue, for 2009 delinquent real estate taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1336, was sold to US Bank cust for Pro Capital I LLC for 0% redemption fee; and

**WHEREAS**, Duane Morris LLP, the legal firm representing the mortgage company, has effected the redemption of Certificate #1336 in the amount of \$796.04. Legal foreclosure fees in the amount of \$1,092.00 have also been received;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank cust for Pro Capital I LLC is entitled to the redemption in the amount of \$796.04 as well as the legal foreclosure fees in the amount of \$1,092.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue two (2) checks, the first in the amount of \$796.04 for the redemption of Certificate #1336. The second check in the amount of \$1,092.00 for the legal foreclosure fees to US Bank cust for Pro Capital I LLC, 50 S. 16th Street, Suite 1950, Philadelphia, PA 19102.

The Clerk presented an application for an off-premise raffle from Newton Memorial Hospital Foundation, 175 High Street, Newton, NJ to be held on Friday, March 29, 2013 at 12:00 noon at Newton Medical Center, 175 High Street. Newton. It was noted that the application was in order and accompanied by the prescribed fee.

A motion was made by Mrs. Becker to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Mr. Flynn and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Yes	

**INTERMISSION** – 10 minutes

**DISCUSSION**

**A. Vision Plan**

Jessica Caldwell, Town Planner and Stuart Z. Koperweis, Senior Vice President of Millennium Strategies, presented the Town Council with the updated Strategic Vision Plan. It was noted that the Town had created an Urban Design Plan in 2005 and Jessica

and Stuart were charged with reviewing, updating and building on the original Urban Design Plan.

The Strategic Vision plan focuses on the center of the Town, as the heart of the Town that provides life and vibrancy to the Town as a whole. When the center of the Town is not doing well, the whole Town suffers. The Strategic Vision for the Town envisions what the downtown can be: "Sussex County's Downtown: a charming, unique place to live and visit that is compact, attractive and offers arts, entertainment, dining, shopping and activities for all ages." The Strategic Vision is a focused look at the heart of the downtown, what it is today, what it can be tomorrow and how to get there.

The marketing plan results and the public process findings were filtered into three comprehensive goals for implementing the Strategic Vision. **Goal 1** is to improve the conditions of hardscape and buildings in the downtown. The actions to reach this goal include aggressive code enforcement, addressing overcrowding and single room occupancy hotels, studying redevelopment designations in the area and maintaining and improving hardscape, landscaping and the public space. **Goal 2** is to create a vibrant downtown. The recommendations to achieve Goal 2 include: studying the feasibility of a Special Improvement District (SID), supporting the existing merchants' group, implementing a marketing campaign for the Town, identifying public/private partnerships for economic development, and improving the arts, entertainment and cultural experiences in the Town. **Goal 3** is to improve the quality of life in the downtown. Recommendations to implement Goal 3 include: increasing police and security presence; advertising the presence of existing security cameras and installing speakers and playing music in the downtown. Each goal and the actions that support it are included in an implementation matrix which contains what will be done, by whom, when, what resources are needed, and what additional steps will need to be taken. The Urban Plan has provided a solid vision for the Town and remains a strong foundation for the Town's overall growth and development. This Strategic Vision Plan focuses on the heart of the Town, Newton's downtown area, which is centered on Spring Street. The community's perception of the Town is based on the vitality of Spring Street and the overall health, economic vitality and sense of place hinges on Spring Street. Therefore, the Strategic Vision Plan provides a vision for a safe, vibrant and attractive downtown that will breathe life and vitality into the Town as a whole.

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Mayor Diglio opened this portion to the public.

Mr. Jonathan Andrews, Springboard Shoppes, updated Council that there are three vacant buildings in Town which has recently been purchased. He believes that these three (3) new property owners will take advantage of the abatement program that the Town offers.

Mr. Rick Bitondo, owner of 216-218 Spring Street, feels that there is a missing component to the vision plan, which is the school district. Mr. Bitondo also inquired whether the State stills has grants available for the BID analysis. Mr. Koperweis advised that the grants are no longer available for BID analysis.

**B. Court Fees**

Mr. Russo and the Governing Body reviewed the draft ordinance which would amend several parking fines in 307-69; Schedule XIX, Local Supplemental Violations Bureau Schedule of Code Board of the Town of Newton.

After a brief discussion, Council approved the draft ordinance as submitted.

**C. 2013 Municipal Budget**

Mr. Russo had no update for the 2013 Municipal Budget, due to the cancellation of the budget hearing on February 9<sup>th</sup>.

Mayor Diglio inquired about Ordinance 2013-5, "An Ordinance to Exceed the 2013 Municipal Budget Appropriation Limits and to Establish a Cap Bank (NJSA: 40A:4-45.14)" which was addressed by Ms. Babcock, CFO.

**OPEN TO THE PUBLIC**

Mayor Diglio opened the hearing to the public. There was no one from the public to be heard.

**COUNCIL & MANAGER COMMENTS**

There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Mr. Flynn and unanimously carried, the meeting was adjourned at 9:28 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk