

June 23, 2014

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. Diglio, Mrs. Becker, Deputy Mayor Elvidge, Mr. Flynn, Mayor Ricciardo, Thomas S. Russo, Jr., Town Manager, Debra J. Millikin, Deputy Town Manager and Ursula Leo, Esq., Town Attorney.

Mayor Ricciardo 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, 2013."

Mayor Ricciardo led the Pledge of Allegiance to the flag and the Deputy Clerk called the roll and upon motion of Mrs. Diglio, seconded by Mrs. Becker, and carried, the minutes of June 9, 2014 Regular meeting were approved.

OPEN TO THE PUBLIC

Mayor Ricciardo 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."

Dennis Becker, 116 Main Street, member of the Historic Commission appeared before the Council. Mr. Becker stated he would like Ordinance 2014-11 removed from the agenda for three reasons. First, the Historic Commission's recommendation should be sent first to the Planning Board. Second, at the introduction of this Ordinance the public portion was cut short by Mayor Ricciardo, preventing some of the other members of the Council from hearing the public comments. Third, Mayor Ricciardo's vote should be recused because of his issues with the Historic Commission and Wayne McCabe.

Mayor Ricciardo advised he would not recuse himself, he made his mind up on the information presented. Mr. Russo, clarified that the Code, Chapter 139, states the Governing Body is the body of authority to consider the designation.

PRESENTATIONS

- a.) **Victory Arch** – Deputy Mayor Elvidge presented the following proclamation to Kenneth Jaekel, Wayne McCabe and Michael Richards:

Office of the Mayor
Newton, New Jersey
Proclamation
Victory Arch

June 23, 2014

WHEREAS, the Town of Newton was incorporated in 1864, and this year is proudly celebrating its 150th Anniversary; and

WHEREAS, residents and business owners were encouraged to help celebrate by installing flags, tapers and bunting on their homes and businesses; and

WHEREAS, in celebration of Newton's history, the 150th Anniversary Committee decided to replicate the historic "Victory Arch" that was erected in 1919 to welcome the soldiers home from World War I for the Sussex County Heroes Day on October 4, 1919; and

WHEREAS, the plans for the Victory Arch were prepared by local historian Wayne T. McCabe, and Jim Hofmann, a teacher in Newton High School, spent numerous hours with the help of students fabricating the towers with materials supplied by the Newton Town Council; and

WHEREAS; Sean and Mike McGuire generously donated the use of their property on Main Street so Jim and the students had room to work. With the assistance of David Hughen and Chester Wisniewski, the project was completed and was ready for installation; and

WHEREAS, with the assistance of the Police Department and the Department of Public Works the arch was erected over Spring Street;

NOW THEREFORE, WE, the Mayor and Town Council of the Town of Newton, hereby proclaim our appreciation and gratitude to those that were involved for their community spirit and dedication in the planning, replication, and installation of the VICTORY ARCH across Spring Street in celebration of Newton's 150th Anniversary:

150 th Anniversary Committee	Department of Public Works	
Newton Police Department	James Hofmann	Caitlin Bailey
Cindy Bailey	William Bailey	Stacey Yauch
Cassandra Yauch	Mark Nelson	Katherine Nelson
Bradford Howie	Dawn Howie	Darren Howie
Jason DeClesis	Casey Duran	Donald Hoskins
Brian Hoskins	Heidi Hoskins	David Hughen
Chester Wisniewski	Michael McGuire	Sean McGuire

b.) Mayor Joseph A. Ricciardo

Deputy Mayor Elvidge presented Mayor Ricciardo with a plaque that states:

Joseph A. Ricciardo

Newton Town Council

In grateful appreciation for your 13 years of dedication and devoted service to
the Town of Newton

In appreciation in outstanding leadership to the Newton Town Council

2001-2014

Deputy Mayor Elvidge thanked Mayor Ricciardo for the pleasure of serving with him over the years and campaigning together. Deputy Mayor Elvidge went on further to acknowledge the many accomplishments during Mayor Ricciardo's tenure, most notably the Vision Plan and Redevelopment.

Mayor Ricciardo then spoke stating he has considered his seat on the Council as a seat of honor; he has enjoyed his time and will miss it. He thanked everyone for their support over the years.

COUNCIL & MANAGER REPORTS

a.) Utility Board Appeal

Mr. Russo advised the first item is an appeal of a Utility Advisory Board decision. Mr. Russo directed Ms. Leo to give the Council a brief overview of the request and advised the applicants, Mr. and Mrs. Caraballo were also in attendance. Ms. Leo explained the applicants recently purchased a property in Town. Their attorney requested the current utility fees. A late fee came into play. The applicants made an appeal to the Utility Advisory Board to waive the penalty, and the Utility Advisory Board denied the request on May 20, 2014. The applicants are here to request the Council waive the late fee. Mr. Caraballo then spoke, explaining he closed on March 28, 2014. His attorney received payment from the mortgage company on March 31, 2014, and then made payment to the Town. His attorney was not aware of a late fee due.

A discussion ensued on whom the responsibility lies with regarding the late payment. A consensus of the Town Council determined they did not feel the applicants should be responsible for late fees for water they did not use.

A motion was made by Mayor Ricciardo, seconded by Mrs. Diglio to waive the late fee for Mr. and Mrs. Caraballo and roll call resulted as follows:

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

b.) Requests

Mr. Russo had two items.

1. Fire Department requesting approval to hold a coin toss fundraiser on August 29th and 30th at the intersection of Woodside and Diller Avenues from 4:00pm to 7:00pm with rain dates of September 3rd and 4th. The proceeds will benefit the Newton Fire Museum restoration efforts. They have submitted the proper insurance and will wear the proper safety vests. Mayor Ricciardo asked if there were any objections, with no objections approval is granted.

2. Mr. Russo reminded the Council the annual reorganization meeting will be held on Tuesday, July 1st at 6:00pm.
3. In closing Mr. Russo thanked Mayor Ricciardo for his service.

ORDINANCES

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

ORDINANCE #2014-11

AN ORDINANCE OF THE TOWN OF NEWTON REJECTING THE RECOMMENDATIONS OF THE TOWN OF NEWTON HISTORIC PRESERVATION ADVISORY COMMISSION TO DESIGNATE HORTON MANSION AS A LOCAL HISTORICAL LANDMARK PURSUANT TO NEWTON TOWN CODE SECTION 139-9

WHEREAS, the Historic Preservation Advisory Commission ("Commission") of the Town of Newton considered the request of the Sussex County Historical Society to designate the Horton Mansion located on the campus of the Sussex County Community College, also known as Lot 19, Block 3.01, Slate Hill Road in Newton, New Jersey as a local historic landmark building pursuant to Newton Town Code Section 139-9; and

WHEREAS, the Commission held a public hearing on April 2, 2014 and recommended landmark designation for Horton House and directed the Commission's secretary to issue a report and provide notice of the decision pursuant to the Newton Town Code; and

WHEREAS, the Commission Secretary prepared a report, which was delivered to the Town Manager, Town Council, Planning Board and Town Clerk, and the Commission's recommendations were appropriately published on April 13, 2014; and

WHEREAS, the Town Council considered the Commission's recommendation that the Horton House be designated as a local historic landmark building at the Council's April 21, 2014 public meeting; and

WHEREAS, at the April 21, 2014 public meeting, many residents and concerned citizens spoke both in favor of and in opposition to the inclusion of the Horton House as a historic landmark; and

WHEREAS, pursuant to Town Code Section 139-9.C, the Town Council is required to consider the proposed designation and approve, reject or modify such recommendation by ordinance; and

WHEREAS, the majority of the Town Council rejects the Commission's recommendation to include Horton Mansion as a historic landmark building;

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

The recommendation of the Historic Preservation Advisory Commission of the Town of Newton to designate the Horton House as a local historic landmark building is hereby rejected.

Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

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Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Effective Date. This Ordinance will take effect after publication and passage according to law.

Mayor Ricciardo advised anyone wishing to speak on this matter, limit their comments to five minutes. Mayor Ricciardo then opened the hearing to the public.

First up, Neil Flathery, of 154 Sparta Avenue read the following statement:

"I want to express my opposition to Ordinance 2014 – 11 - Rejecting the Recommendations of the Town of Newton Historic Preservation Advisory Commission to Designate Horton Mansion as a Local Historic Landmark.

I have been involved in Historic Preservation and Restoration for over thirty years working with the South Street Seaport Museum in NYC. Although much of my work has been working on ships the Museum is also responsible for the preservation of the historic buildings along Front Street and Schermehorn Row. I know that preservation of our history can be expensive and requires dedication but I also have seen firsthand the value it brings to people, especially our youth, in educating them about our past and inspiring them about our future.

The Horton Mansion is worth of preservation. In a year when we are celebrating Newton's 150th Anniversary the Horton Mansion parallels that timeline and It helps tell the story of Newton and how we got to where we are today. The style and architecture is unique to its age and tells of the craftsmanship of its builders.

It is true that the Horton Mansion is in need of significant repair but that does not mean it is beyond preservation. We should allow the Historical Society an opportunity to put together a group and a plan for the stabilization and preservation of the Horton Mansion.

Destroying this landmark would not be in keeping with our Master Plan and would be a crime. Sussex County Community College has been entrusted with one of our historic treasures and through benign neglect it has failed in that trust. Now as a matter of convenience they want cover up their negligence by removing it from sight. What is the lesson they are teaching our youth? That if for years you ignore the responsibilities entrusted to you just say; it's too late to do anything about it and remove.

The tearing down of the Horton Mansion is a waste of taxpayer's money and to put in a parking lot is wrong. I know that the school has now said that maybe they would use the space to put up an administration building but the Horton Mansion could be repurposed for that use.

If we allow this part of our historical heritage to be destroyed we might as well take down the signs around the town that say "Historic Newton" because they no longer have any meaning.

To paraphrase the Joni Mitchell song: That you don't know what you got until it's gone. They've torn down Horton Mansion and put up a parking lot.

I would respectfully ask you to vote against Ordinance 2014 – 11".

Next Mr. Harry Dunleavy of 16 Price Road, Augusta, NJ read the following statement:

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*"Having perused and cogitated the excellent analytical headline article by Bruce Scruton in the New Jersey Herald on Sunday, June 22, 2014, I find the actions of the **majority** of the College Trustees nothing short of scurrilous with the wanton disregard for the taxpayers. Accepting one bid a million dollars higher than earlier estimates hardly sounds plausible. Any actions like this should be done with due care and attention. Instead, it was rushed through behind closed doors, absent appropriate time for a proper evaluation by all board members. These actions could conceivably be criminal if the acts are carried out. Several classes at the college have been cut, yet the trustees find extra millions to throw away needlessly. These actions will cause many students from Sussex County to go to Morris County College and elsewhere. On another vein, spending almost three million dollars on basic repairs is slightly incredible. Do the trustees when having major repairs done on their homes accept the only bid presented to them or would they continue consulting with other contractors to be sure the one they choose is the best value? Where is all the money coming from?"*

On another vein, there is the second issue regarding the Horton Mansion! If the county and county college spend three (3) million on repairs to one building, why couldn't they have spent some money on the upkeep of the beautiful Horton Mansion? By the college administration claiming that it would cost around \$450,000 to demolish the historic mansion is insulting to the public. Why haven't the half million to million dollars now apparently available been used for the upkeep of the mansion over the past thirty (30) years? When gone, it's gone forever. It's also sad that the college president and many trustee members, who serve only temporarily when considering the historical picture, lack the cultural values to protect our county's history."

Mr. Kevin Wright of 69 Christie Avenue, River Edge, NJ. Mr. Wright stated he had served on the Newton Historic Commission for twenty-three (23) years. Mr. Wright gave a brief history of Mr. Horton and what he brought to the Town of Newton. Mr. Wright urged the Council to preserve the Horton Mansion and believes it would be a mistake to allow it to be torn down. The mansion was built of limestone with a slate roof. The craftsmanship is unique. Mr. Wright went on to say, this is the only college left in Newton, we need to preserve the college to build the workforce in Newton that will supply the innovation economy.

Lisa Holder of 63 Ryerson Avenue, read the following statement:

"The Horton Mansion was built around 1857, it is a beautiful stone gothic mansion that is still standing today. It is not crumbling at our feet, that says a lot for it. The Horton Mansion is part of Newton's history. The mansion is located at the Sussex County Community College, a college that is there for the community. Where better to educate our community about local history than at our local college? Please listen to the community and preserve the Horton Mansion. The Sussex County Historical Society has gathered over 1,250 signatures from the people of our community, the State of New Jersey and around the nation supporting the Horton Mansion. Several have volunteered to restore the mansion, including contractors. The building can be used for the college bookstore, offices or classrooms. Help us celebrate Newton's 150 Anniversary and preserve the Horton Mansion."

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Bill Weightman of Hardyston spoke next, stating he has lived in the county for over 50 years. Mr. Weightman stated the mansion could serve as an inspiration to the students. He asked the Council to use compassion and common sense and to show leadership toward the mansion.

Toni Bauman, of Newton addressed the Council. Ms. Bauman stated she is a 30 year resident of the county and has been a property owner in town for 17 years. Ms. Bauman feels the Horton Mansion does not need to be destroyed. Newton's charm is in its historic architecture. The Town's new logo is "City Style. Country Cool." and it is not cool to tear down the mansion. The mansion is on the top 10 list for endangered places in New Jersey. Ms. Bauman asked the Council to do what they can to help remove it from this list.

Mr. Wayne McCabe, President of the Sussex County Historical Society, resident of 82 Main Street, Newton, also the County Historian. Mr. McCabe questioned the validity of the engineer's report that was provided to the Council by the College. Mr. McCabe had two contractors, who specialize in historic restoration look at the building, though they only reviewed the outside of the structure, they believe it is sound. Mr. McCabe asked the Council to save this major historic site, and to base their decision on the ordinances of the Town not on their personal opinions.

Wayne Levante of 5 East Stuart Street spoke next. He stated he has talked to the people of the community, and they are more concerned with rising taxes, increases in medical expenses and increases in tuition. He went on to say that although his vote does not count tonight, if he was to vote he would vote yes.

Mayor Ricciardo allowed Mr. McCabe an additional 2 minutes to speak. Mr. McCabe responded to Mr. Levante that he has signatures of people in the Town that do want to save the mansion.

Mayor Ricciardo allowed Mr. Dunleavy to speak again for 2 minutes. Mr. Dunleavy stated you have to be careful of contractors that say it costs \$450,000 to tear down the mansion, but \$5 million to restore it. He hopes the Council votes to save the mansion.

Carole Wiley of Plainfield Avenue, spoke next. Ms. Wiley said she was shocked that no one seems to be looking for a compromise.

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Mr. Ed Fritch, a member of the Historic Alliance. Mr. Fritch stated at their meeting they dedicated themselves to preserving the Horton Mansion as best they can, including fundraising. He was at the College early this evening, and they are forming a committee to preserve the Horton Mansion. The College is not against saving the mansion. Mr. Fritch is looking for the Council's support in preserving the mansion.

Dr. Kevin Shaw, a Newton resident, spoke stating that he has spoken to a New York City contractor and he would be willing to give of his time to evaluate whether the figures presented are accurate. Dr. Shaw believes we need more estimates before we tear down this building. His twelve-year old son said to him, "we don't need another parking lot". Dr. Shaw believes we could make the mansion of jewel of the college by restoring and preserving it.

There being no one else from the public to be heard, Mayor Ricciardo closed the public portion.

Mayor Ricciardo asked his fellow Council members if they had any comments.

Mrs. Becker spoke first, stating she is a lifelong resident of the area and has a huge respect and passion for the town in which she lives and its historic value. She questioned the members of the audience on why nothing was done sooner to restore the mansion. If there is grant money available and historic designation possible, why has it not been a priority until now?

Mr. McCabe responded to Mrs. Becker saying the Master Plan for the College in 2009 did not have plans for the destruction of the Horton Mansion. In the 2013 Master Plan, destruction of the mansion was included. The Sussex County Historical Society believed the College would be taking care of restoring the mansion.

Mayor Ricciardo questioned Mr. Fritch on the meeting he attended at the College earlier tonight. He wanted clarification on the committee he mentioned earlier. Mr. Fritch explained the Historical Alliance will be forming a committee to preserve the building and present it to the College. The College is not part of the committee. Mayor Ricciardo also said the Council was presented the estimated costs by a professional engineer from the College. The Council has to accept the figures presented are valid unless a second report from a professional engineer is presented.

A discussion ensued among the Council and Mr. McCabe. Deputy Mayor Elvidge stated we tell property owners how to maintain their buildings through our

ordinances. He believes the estimate does sound suspect, and he wouldn't make a decision for the Town of Newton based on one estimate. He believes the strength of this community is the historic strength of it. If the College wanted collaboration with the Historical Society and the Town of Newton we could do that and save the mansion.

Mrs. Becker questioned why there was not any representation from the College here tonight. Mr. Fritch clarified at the meeting earlier tonight at the College the College Board assured him they have not made a decision on the fate of the mansion.

Mr. Russo clarified the ordinance is strictly on the historic designation. The Council's vote is not on the demolition of the mansion.

Mr. Flynn stated he is not basing his decision on an engineer's report, he is basing it solely on the fact that this is a community college. A community college's purpose is to provide an education to its students at the lowest cost possible. The audience is not filled with students wanting to preserve the mansion, and the students are the ones that would bear the cost through higher tuition. Mr. Flynn stated he does not want to see the building destroyed, but believes an affordable education is more important to the community. He will not put his name on a vote that will increase the tuition on a college, which is one of this County's greatest assets.

Mrs. Diglio believes the building should be preserved. She has been in the building and does not believe it is in such a state of disrepair as the College is leading people to believe. She went on further to say, the building does not belong to the College it belongs to the public.

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

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

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

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

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ORDINANCE #2014-12

REFUNDING BOND ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING CALLABLE GENERAL OBLIGATION REFUNDING BONDS OF THE TOWN, DATED FEBRUARY 1, 2004, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$2,775,000, AND/OR ALL OR A PORTION OF THE OUTSTANDING CALLABLE GENERAL IMPROVEMENT BONDS OF THE TOWN DATED APRIL 1, 2006, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$4,041,000, APPROPRIATING \$4,250,00 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,250,00 REFUNDING BONDS OF THE TOWN FOR FINANCING THE COST THEREOF

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Town of Newton, in the County of Sussex, New Jersey (the "Town") is hereby authorized to refund all or a portion of the outstanding callable General Obligation Refunding Bonds of the Town issued in the original principal amount of \$2,775,000 and dated February 1, 2004 (the "2004 Bonds") and/or to refund all or a portion of the outstanding callable General Improvement Bonds of the Town originally issued in the principal amount of \$4,041,000 and dated April 1, 2006 (the "2006 Bonds") (the 2004 Bonds and the 2006 Bonds are collectively referred to herein as the "Prior Bonds").

The 2004 Bonds maturing on or after October 1, 2015 (the "2004 Refunded Bonds") may be redeemed at the option of the Town in whole or in part on any date on or after October 1, 2014 (the "2004 Redemption Date") at a redemption price equal to the par amount of the 2004 Refunded Bonds to be redeemed plus accrued interest, if any, to the 2004 Redemption Date.

The 2006 Bonds maturing on or after April 1, 2017 (the "2006 Refunded Bonds") may be redeemed at the option of the Town in whole or in part on any date on or after April 1, 2016 (the "2006 Redemption Date") at a redemption price equal to the par amount of the 2006 Refunded Bonds to be redeemed plus accrued interest, if any, to the 2006 Redemption Date.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the aggregate principal amount not to exceed \$4,250,000 pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the \$4,250,000 amount of the Refunding Bonds authorized by this refunding bond ordinance and that an amount representing the \$3,701,000 principal amount of the bonds to be refunded will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

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

Section 6. No Local Finance Board approval is required as the issuance of the Refunding Bonds will comply with the requirements of N.J.A.C. 5:30-2.5.

Section 7. The Mayor, the Chief Financial Officer, the Town Clerk and other appropriate representatives of the Town are hereby authorized to prepare such documents, to publish such notices and to take such other actions as are necessary or desirable to enable the Town to prepare for the sale and the issuance of the Refunding Bonds authorized herein and to provide for the redemption of the Prior Bonds referred to in Section 1 hereof.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption.

Mayor Ricciardo opened the hearing to the public.

There being no one from the public to be heard, the hearing was closed.

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

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

June 23, 2014

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

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

ORDINANCE #2014-13

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

WHEREAS, the Town of Newton has determined that three (3) certain municipally owned properties, as listed on Schedule "A" attached, as shown on the Town of Newton Tax Map ("Property"), are 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;

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

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 for each parcel is provided on Schedule "A" attached, plus for each parcel:
 - A. the cost of recording deeds, which deeds shall be recorded on behalf of the purchaser by the Town Attorney;
 - B. the costs of notice for publication; and
 - C. \$450 for Town attorney fees related to the Property transfer.
3. The Property shall be sold at public auction, to the highest bidder of each parcel, on July 30, 2014, at 3:00 p.m.
4. The Governing Body hereby appoints and designates the Newton Town Manager or his designee, 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 on Schedule "A", attached to 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 October 30, 2014, 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 October 30, 2014, 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 Ricciardo opened the hearing to the public.

There being no one from the public to be heard, the hearing was closed.

Mrs. Diglio asked if the Fire Patrol building belonged to the Town. Mrs. Leo advised that it did.

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

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

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

The Deputy Clerk will advertise the above Ordinance according to law.

OLD BUSINESS

There was no Old Business to be discussed.

CONSENT AGENDA

Mayor Ricciardo 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 consent agenda with the Town Council.

RESOLUTION #110-2014*

AUTHORIZE THE RELEASE OF THE PERFORMANCE GUARANTEE POSTED BY MICHAEL FITZPATRICK & SON INC., FOR THE RELOCATION OF NEWTON OWNED WATER TRANSMISSION MAINS LOCATED IN SPARTA, NEW JERSEY

WHEREAS, Jersey Investors Growth, Co., L.P. and 56 Main Street Associates, LLC entered into an Amended and Restated Waterline Easement Agreement with the Town of Newton to relocate Newton-owned water transmission mains to install a connector road between Main Street and County Route 517 Bypass in Sparta, New Jersey for the Sparta Town Center Project; and

WHEREAS, as a condition of said agreement, Michael Fitzpatrick & Son, Inc. of Oak Ridge, New Jersey, the contractor for the project, was required to post a Performance Guarantee in the amount of \$84,858.00 in assumption of repairs in the event of a water break during construction; and

WHEREAS, in a letter dated June 12, 2014, David B. Simmons, Jr., PE of the firm of Harold E. Pellow & Associates, Inc., Town Engineer, has recommended the Performance Guarantee in the amount of \$84,858.00, currently on file with the Town of Newton be released, subject to the following conditions:

1. Posting of a two-year Maintenance Bond running from the date of acceptance of the connector road by Sparta Township, which was November 27, 2012 in the amount of \$84,858.00. The Maintenance Bond shall run from November 27, 2012 to November 27, 2014.
2. Payment of all engineering and legal fees associated with this project.

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NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby authorizes the release of the Performance Guarantee in the amount of \$84,858.00 posted by Michael Fitzpatrick & Son, Inc., with the Town of Newton, related to the development of a connector road between Main Street and County Route 517 Bypass in Sparta, New Jersey based on the recommendation and conditions of the Town Engineer.

RESOLUTION #111-2014*

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 following Club Licenses be renewed for the licensing year 2014-2015, effective July 1, 2014:

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

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.

RESOLUTION #112-2014*

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 following Plenary Retail Consumption Licenses are renewed for licensing year 2014-2015, effective July 1, 2014:

No. 1915-33-001-005 be issued to Chun Bo, Inc., t/a Chun Bo Chinese Restaurant, 66 Sparta Avenue, Newton, New Jersey; and

No. 1915-33-002-009 be issued to B&M LLC, t/a O'Reillys Pub & Grill, 271 Spring Street, Newton, New Jersey; and

No. 1915-33-003-007 be issued to Big Tadew, LLC, t/a Andre's Restaurant, 188-190 Spring Street, Newton, New Jersey; and

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; and

No. 1915-33-008-004 be issued to F. Roger Pierson Enterprises, Inc., t/a Trinity, 173 Spring Street, Newton, New Jersey; and

No. 1915-33-011-008 be issued to The County Seat Restaurant, LLC, t/a The County Seat Dining Cocktails & Caterers, 64 Water Street, Newton, New Jersey; and

No. 1915-33-006-011 be issued to Thordon Inc., t/a Tuscany Bistro, 216 Woodside Avenue, Newton, New Jersey;

BE IT FURTHER RESOLVED by the Town Council of the Town of Newton, County of Sussex State of New Jersey, that the following Plenary Retail Consumption License w/Broad Package Privilege be renewed for licensing year 2014-2015, effective July 1, 2014:

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.

RESOLUTION #113-2014*

RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSES

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BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Plenary Retail Distribution Licenses be renewed for the licensing year 2014-2015, effective July 1, 2014:

No. 1915-44-010-003 be issued to Bia Krishna, Inc., t/a Seplow's Liquors, 5 Woodside Avenue, Newton, New Jersey; and

No. 1915-44-004-012 be issued to HV Patel Corporation, t/a Spring Liquors, 110 Spring Street, Newton, New Jersey.

RESOLUTION #114-2014*

AUTHORIZE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES FOR THE ROOF REPLACEMENT AT THE WASTEWATER TREATMENT PLANT

WHEREAS, the Town of Newton has a need to acquire the services of Hatch Mott MacDonald for a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 for engineering services for the roof replacement at the Wastewater Treatment Plant located on Townsend Street; and

WHEREAS, Hatch Mott MacDonald has submitted a proposal, dated May 27, 2014, outlining the services to be provided for an amount not to exceed \$47,400.00; and

WHEREAS, the Chief Financial Officer of the Town of Newton has certified that funds are available to support this contractual services agreement;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Hatch Mott MacDonald, for the engineering services for the roof replacement at the Wastewater Treatment Plant located on Townsend Street, and that a notice of this agreement be published in the newspaper of record for the Town in accordance with the Local Public Contracts Law.

RESOLUTION #115-2014*

AUTHORIZE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES FOR THE REPLACEMENT OF PRIMARY SETTLING TANK DRIVE AND COVERS AT THE WASTEWATER TREATMENT PLANT

WHEREAS, the Town of Newton has a need to acquire the services of Hatch Mott MacDonald for a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 for engineering services for the replacement of the primary settling tank drive and covers at the Wastewater Treatment Plant located on Townsend Street; and

WHEREAS, Hatch Mott MacDonald has submitted a proposal, dated May 22, 2014, outlining the services to be provided for an amount not to exceed \$61,800; and

WHEREAS, the Chief Financial Officer of the Town of Newton has certified that funds are available to support this contractual services agreement;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Hatch Mott MacDonald, for the engineering services for the replacement of the primary settling tank drive and covers at the Wastewater Treatment Plant located on Townsend Street, and that a notice of this agreement be published in the newspaper of record for the Town in accordance with the Local Public Contracts Law.

RESOLUTION #116-2014*

SUPPORT SUBMISSION OF APPLICATION FOR NJDOT SAFE ROUTES TO SCHOOL PROGRAM

WHEREAS, the Town of Newton is applying for funding in the amount for \$68,010.00 to conduct crosswalk sting enforcement and pedestrian safety signage

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along the school route to Merriam Avenue School and Halsted Street Middle School, within the Town of Newton; and

WHEREAS, the project will help to continue the promotion of pedestrian safety for the school children in the Town;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby supports the submission of a grant application for the Safe Routes to School Program within the State of New Jersey Department of Transportation and authorizes the Mayor, the Town Manager, and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

RESOLUTION #117-2014*

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT TO EXCEED \$4,250,000 PRINCIPAL AMOUNT OF REFUNDING BONDS OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND PROVIDING FOR THE SALE AND DELIVERY OF SUCH BONDS

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Town of Newton, in the County of Sussex, New Jersey (referred herein as the "Town") hereby authorizes the sale, in one or more series, of an amount not to exceed \$4,250,000 Refunding Bonds (the "Bonds") by virtue of its final adoption by a two-thirds majority of its full membership on June 23, 2014 of a bond ordinance entitled, "Refunding Bond Ordinance of the Town of Newton, in the County of Sussex, New Jersey, Providing for the Refunding of All or a Portion of the Outstanding Callable General Obligation Refunding Bonds of the Town, Dated February 1, 2004, Issued in the Original Principal Amount of \$2,775,000, and/or All or a Portion of the Outstanding Callable General Improvement Bonds of the Town, Dated April 1, 2006, Issued in the Original Principal Amount of \$4,041,000, Appropriating \$4,250,000 Therefor and Authorizing the Issuance of \$4,250,000 Refunding Bonds of the Town for Financing the Cost Thereof" (the "Bond Ordinance").

Section 2. The Bonds are hereby authorized to be sold to Roosevelt & Cross, Inc. (referred to herein as the "Underwriter") in accordance with the purchase contract to be entered into by and between the Underwriter and the Town (the "Purchase Contract") pursuant to this resolution. The purchase price for the Bonds shall be as set forth in the Purchase Contract, plus unpaid accrued interest, if any, from the dated date of the Bonds to, but not including, the delivery date of the Bonds. The Mayor and/or Chief Financial Officer is hereby authorized to enter into the Purchase Contract on behalf of the Town with the Underwriter in a form satisfactory to McManimon, Scotland & Baumann, LLC, Bond Counsel for the Town ("Bond Counsel") for the sale of the Bonds to the Underwriter in accordance with the provisions of this resolution. The signature of the Mayor and/or Chief Financial Officer on the Purchase Contract shall be conclusively presumed to evidence any necessary approvals.

Section 3. The Bonds are being issued to incur interest cost savings by redeeming all or a portion of the callable outstanding General Obligation Refunding Bonds of the Town originally issued in the principal amount of \$2,775,000 dated February

1, 2004, which bonds maturing on or after October 1, 2015 (the "2004 Refunded Bonds") are redeemable at the option of the Town in whole or in part on any date on or after October 1, 2014 at par (the "2004 Redemption Price"), plus in each case accrued interest, if any, to the date fixed for redemption and/or by redeeming all or a portion of the callable outstanding General Improvement Bonds of the Town originally issued in the principal amount of \$4,041,000 dated April 1, 2006, which bonds maturing on or after April 1, 2017 (the "2006 Refunded Bonds") are redeemable at the option of the Town in whole or in part on any date on or after April 1, 2016 at par (the "2006 Redemption Price"), plus in each case accrued interest, if any, to the date fixed for redemption. The 2004 Refunded Bonds and the 2006 Refunded Bonds may be collectively referred to herein as the "Refunded Bonds." The 2004 Redemption Date and the 2006 Redemption Date may be collectively referred to herein as the "Redemption Date." The 2004 Redemption Price and the 2006 Redemption Price may be collectively referred to herein as the "Redemption Price."

Section 4. The Bonds shall be issued in accordance with the terms and the conditions set forth in the Purchase Contract within the parameters set forth herein:

(A) The Bonds shall be issued in a par amount determined to be necessary to pay costs of issuance and to provide for payment of the Redemption Price of the Refunded Bonds on the Redemption Date, and the interest due on the Refunded Bonds through the Redemption Date;

(B) The Bonds shall be dated such date as established in the Purchase Contract;

(C) The Bonds shall mature in the principal amounts on or about October 1, 2014 and on or about April 1 of each year thereafter or as otherwise set forth in the Purchase Contract and shall bear interest at interest rates per annum on the unpaid principal balance on each April 1 and October 1 until maturity or earlier redemption, commencing on or about October 1, 2014 or as otherwise set forth in the Purchase Contract;

(D) The Bonds shall be issued in the form of one bond for each maturity except if all or any portion of the Bonds are issued as term bonds;

(E) The Bonds shall be numbered consecutively from R-1 upward and shall mature in such principal amounts with such mandatory call features and with such mandatory sinking fund payments as set forth below and as determined in the Purchase Contract;

(F) The Bonds may be subject to optional redemption or not as set forth in the Purchase Contract;

(G) Depending on market conditions at the time of the sale, the Bonds may be issued in one or more series as determined by the Chief Financial Officer, in consultation with Bond Counsel and Phoenix Advisors, LLC (the "Financial Advisor").

Section 5. The Bonds shall be substantially in the form set forth in Exhibit A attached hereto, with such additions, deletions and omissions as may be necessary for the Town to conform the Bonds to the requirements of the Purchase Contract.

Section 6. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by Bond Counsel, complete except for omission of its date. The Town Clerk is hereby authorized and directed to file a signed duplicate of such written opinion in the Town Clerk's office. Alternatively, each Bond may be accompanied by the signed legal opinion or copy thereof.

Section 7. Bond Counsel and the Financial Advisor are authorized to arrange for the printing of the Bonds. The proper officials of the Town are hereby authorized and directed to execute the Bonds and to deliver them to the Underwriter in exchange for payment, including accrued interest from their date to the date of delivery, if any.

Section 8. The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with The Depository Trust Company, New York, New York as may be necessary in order to provide that the Bonds will be eligible for deposit with The Depository Trust Company and to satisfy any obligation undertaken in connection therewith.

Section 9. In the event that The Depository Trust Company may determine to discontinue providing its service with respect to the Bonds or is removed by the Town and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to registered bonds (the "Registered Bonds") in denominations of \$5,000, or any integral multiple thereof, except that an amount maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 will be in denominations of \$1,000, or any integral multiple thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of such Registered Bonds. The Town shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

Section 10. The Town hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986 (the "Code") in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, and that it will refrain from taking any action that would adversely affect the tax exemption of the Bonds under the Code. The Town authorizes the Chief Financial Officer to act and determine on behalf of the Town whether the Bonds will be designated as "bank qualified" within the meaning of Section 265 of the Code.

Section 11. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Town shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to 270 days from the end of each fiscal year, beginning December 31, 2014, electronically to the Municipal Securities Rulemaking Town's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the SEC to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Town consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Town and certain financial information and operating data consisting of (1) Town and overlapping indebtedness including a schedule of outstanding debt issued by the Town; (2) the Town's most current adopted budget; (3) property valuation information; and (4) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law;

(b) If any of the following material events occur regarding the Bonds, a timely notice not in excess of ten business days after the occurrence of the event sent to EMMA:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive

agreement relating to any such actions, other than pursuant to its terms, if material;

- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

(c) Notice of failure of the Town to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA;

(d) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided;

(e) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Town prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule;

(f) In the event that the Town fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Town shall not be liable for monetary damages, remedy being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 12. The Town hereby approves the preparation and the distribution of the Preliminary Official Statement in the form to be approved by the Chief Financial Officer. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Town by the Chief Financial Officer. The Preliminary Official Statement shall be prepared in final form in connection with the issuance of the Bonds, and the Chief Financial Officer is authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Final Official Statements shall be delivered to the Underwriter within the earliest of seven business days following the sale of the Bonds

or to accompany the Underwriter's confirmations that request payment for the Bonds. Bond Counsel and/or the Town's Financial Advisor are further authorized to arrange on behalf of the Town for a rating for the Bonds from Standard & Poor's and/or Moody's Investors Service, and all such actions taken to date are hereby ratified.

Section 13. The Chief Financial Officer, with the advice of the Bond Counsel and the Financial Advisor, is authorized to arrange for bond insurance if advantageous based on the advice of the Financial Advisor to be provided at a premium not to exceed 75 basis points of the amount of principal and interest payable in order to obtain the best possible rates and the most cost effective financing and is authorized to take all steps on behalf of the Town necessary to do so.

Section 14. The Chief Financial Officer, with the advice of Bond Counsel, shall arrange for paying agent services or redemption agent services with a banking institution if any portion of the Bonds are term bonds requiring a sinking fund.

Section 15. The Chief Financial Officer is also authorized and directed to pay the costs of issuance in connection with the sale of the Bonds pursuant to a certificate of the Chief Financial Officer to be executed upon delivery of the Bonds in an aggregate amount not to exceed the amount outlined in the Bond Ordinance.

Section 16. The Chief Financial Officer shall take all steps necessary to call the Refunded Bonds on the Redemption Date, at par, plus any unpaid accrued interest thereon and to take all steps necessary for the investment of the proceeds of the Refunded Bonds necessary to arrange for such redemption. Bond Counsel and/or the Financial Advisor on behalf of the Town are authorized to reserve and purchase open market treasury securities and/or United State Treasury—State and Local Government Series (SLGs) for deposit with the escrow agent if required. All of the principal amount and interest earnings on the open market treasury securities and/or SLGs, as well as cash, if necessary, will be used to pay the interest due on the Refunded Bonds through the Redemption Date and pay the Redemption Price on the Refunded Bonds on the Redemption Date. The Town hereby authorizes the Chief Financial Officer to select a bank to serve as escrow agent and authorizes the Mayor and/or the Chief Financial Officer to enter into an Escrow Deposit Agreement with such escrow agent in order to provide instructions regarding the deposit of the open market treasury securities and/or SLGs and cash, if any.

Section 17. The Town hereby authorizes Ferraioli, Wielkocz, Cerullo & Cuva, P.A. to serve as verification agent to confirm the accuracy of the arithmetical and mathematical computations supporting (i) the accuracy of the interest cost savings and the sufficiency of the amount in the escrow account to pay the interest due on the Refunded Bonds through the Redemption Date and pay the Redemption Prices on the Redemption Date; and (ii) the calculations of yield supporting the conclusion of Bond Counsel that the Bonds are not "arbitrage bonds" as such meaning is set forth in the Code.

Section 18. The Mayor, Chief Financial Officer and other appropriate representatives of the Town are hereby authorized to take all steps necessary to

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provide for the issuance of the Bonds and the redemption of the Refunded Bonds, including preparing and executing such agreements and documents on behalf of the Town and taking all steps necessary or desirable to implement the requirements of this resolution, such agreements, and documents as may be necessary and appropriate and the transactions contemplated thereby.

Section 19. This resolution shall take effect immediately.

RESOLUTION #118-2014*

**REFUND OF MONIES FOR TAXES, DUE TO A STATE TAX COURT JUDGMENT FOR BLOCK 22.05,
LOT 13**

WHEREAS, Michael A. Vespasiano, Esq., the attorney representing Martorana Enterprises, LLC owner of Block 22.05, Lot 13 also known as 104 Sparta Avenue, Newton, New Jersey filed a State Tax Court Appeal to lower the 2012 and 2013 assessment on said block and lot; and

WHEREAS, the Newton Tax Office received a Judgment on June 13, 2014, which has been issued by the New Jersey State Tax Court ordering a reduction in the assessment for the tax years 2012 and 2013 for Block 22.05, Lot 13. This order has resulted in a refund of monies in the total amount of \$42,034.99;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Michael A. Vespasiano, Esq, representing Martorana Enterprises, LLC is entitled to a refund in the amount of \$42,034.99; and

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$42,034.99 to, Michael A. Vespasiano, Esq, representing Martorana Enterprises, LLC, 331 Main Street, Chatham, NJ 07928.

RESOLUTION #119-2014*

**REFUND OF MONIES FOR TAXES, DUE TO A STATE TAX COURT JUDGMENT FOR BLOCK 1.01,
LOT 19**

WHEREAS, Saul A. Wolfe, Esq., representing Sussex Nine, Inc. owner of Block 1.01, Lot 19 also known as 249 High Street, filed a State Tax Court Appeal to lower the 2013 assessment on said block and lot; and

WHEREAS, the Newton Tax Office received, a Judgment on June 12, 2014, which has been issued by the New Jersey State Tax Court ordering a reduction in assessment for the tax year 2013 for Block 1.01, Lot 19. This order has resulted in a refund of monies in the total amount of \$16,570.57;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Saul A. Wolfe, Esq., representing Sussex Nine, Inc. is entitled to a refund in the amount of \$16,570.57; and

BE IT FURTHER RESOLVED, that the Treasurer is authorized to issue a check in the amount of \$16,570.57 to, Sussex Nine Inc C/O Barnhill Conv., C/O Saul A. Wolfe, 293 Eisenhower Parkway, Livingston, NJ 07039.

RESOLUTION #120-2014*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

BE IT RESOLVED by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly

made in the 2013 and 2014 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

TOWN BILLS

614.46	Quill Corporation	33712
110.48	Staples Credit Plan, Inc.	33713
3,256.75	Printing Center, Inc	33714
195.00	Sussex Car Wash Inc	33716
734.30	Furgiuele, Camille	33717
683.20	G & G Diesel Service Inc	33718
93.00	New Jersey Herald, Inc.	33719
444.96	SCMUA	33720
112.00	Teets, Michael D	33721
223.35	Centurylink Communications, Inc.	33722
3,064.20	Centurylink Communications, Inc.	33723
2,593.25	Hollander, Strelzik, Pasculli, Hinkes	33724
1,258.80	Frisbie, Arthur & Rita	33725
1,258.80	Iliff, John and Terry	33726
344.19	Campbell's Small Engine Inc.	33727
2,271.50	Fire Fighters Equipment Co. Inc.	33728
4.00	Lock & Key World	33729
125.00	Sussex County Economic	33730
6,043.50	Newton First Aid Squad	33731
619.50	McManimon, Scotland & Baumann, LLC	33732
112.00	Holzhauer, Scott	33733
350.00	Willco, Inc.	33734
758.50	Sloan, James P, P.C., Inc.	33735
9,745.46	Treasurer, State NJ/727 Fund	33736
292.22	Newton Trophy	33737
37.50	Kithcart, Brock	33738
27.95	Galls Incorporated	33739
758.00	Minisink Press Inc.	33740
629.40	Garris, Jean	33741
3.74	Sebring Auto Parts, Inc.	33742
30.00	Sussex County Fire Academy	33743
228.64	Sherwin-Williams, Inc.	33744
2,951.00	Stamp Fulfillment	33745
585.28	Dempsey Uniform & Supply Inc.	33746
140.00	Millikin, Debra	33747
629.40	Richards, Jean	33748
1,962.91	Boonton Tire Supply Inc.	33749
2,287.91	McGuire, Inc.	33750
917.00	Rutgers Center for Gov't Serv., Inc.	33751
53,775.32	Statewide Insurance Fund	33752
50.00	Sussex & Warren Tax Col. Asso.	33753
112.00	Miller, Jason	33754
944.10	Ransnorth, James & Nancy	33755
1,420.58	Verizon Wireless, Inc.	33756
17.92	Walmart	33757
76.30	Mr. John, Inc.	33758
479.94	Peachtree Business Products, LLC.	33759
2,705.04	Gold Type Business Machines	33760
39.00	Div Alcohol Beverage Control	33761
37.50	Teresa Ann Oswin	33762
750.00	Vogel, Chait, Collins, Schneider, PC	33763
624.37	Home Depot, Inc.	33764
629.40	Romyns, Larry E.	33765
1,258.80	Morris, Thomas & Bulah	33766
88.17	Paint Spot	33767
986.81	Staples Business Advantage, Inc.	33768
15.98	Staples Business Advantage, Inc.	33769
629.40	Douglas Cummins	33770
176.24	Sussex County Engineering Division	33771

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3,042.06	Rachles/Michele's Oil Company, Inc.	33772
2,339.24	Taylor Oil Co., Inc.	33773
343.34	Strutural Metal Fabricators, Inc.	33774
2,250.00	Laddey, Clark & Ryan, LLP	33775
6,866.83	Laddey, Clark & Ryan, LLP	33776
1,258.80	Ronald Clouse	33777
12.00	Thomas S Russo Jr	33778
847.15	Jersey Central Power & Light, Inc.	33779
629.40	James J Kilduff	33780
12,000.00	Enforsys Police System, Inc.	33781
1,305.00	Trimboli & Prusinowski, LLC.	33782
564.75	Penteledata	33783
235.00	Rutgers, Center for Government Serv	33784
629.40	Steve Mills	33785
629.40	Michael A Pandiscia	33786
121.50	Kerry Deckert	33787
944.47	Fastenal Company, Inc.	33788
805.00	J.Caldwell & Associates, LLC.	33789
2,633.69	Morphotrak, Inc.	33790
258.72	Tracy Villaverde	33791
100.00	Somerset County Police Academy	33792
2,500.00	Community Resource Partners, LLC	33793
205.00	USA Hoistco., Inc.	33794
267.10	Morris Asphalt Co.	33795
200.79	Cintas Fire Protection	33796
108.00	Some's World-Wide Uniforms	33797
48.46	Hummingbird House	33798
446.25	Miracle Chemical Co	33799
493.72	STS Tire & Auto	33800
42,034.99	Michael A Vespasiano Attny Trust Ac	33801
981,859.18	Newton Board of Education	141042
215,063.00	Payroll Account	141041
CAPITAL		
221.04	New Jersey Herald, Inc.	8292
3,797.81	McManimon, Scotland & Baumann, LLC.	8293
8,308.00	Carpet Gallery	8294
244.00	Laddey, Clark & Ryan, LLP	8295
2,398.00	Code 96 LLC	8296
603.75	J. Caldwell & Associates, LLC.	8297

Total TOWN BILLS \$1,408,650.80

WATER AND SEWER ACCOUNT

10.27	Montague Tool & Supply, Inc.	14296
5,299.37	Schmidt's Wholesale, Inc.	14297
687.91	CCP Industries, Inc.	14298
24.19	Aurora Electrical Supply, LLC.	14299
385.57	Elizabethtown Gas	14300
125.10	New Jersey Herald, Inc.	14301
525.00	Pumping Services, Inc.	14302
208.15	SCMUA	14303
12,244.82	Coyne Chemical Corp., Inc.	14304
1,251.63	Centurylink Communciations, Inc.	14305
910.00	Campbell's Small Engine Inc.	14306
975.00	Garden State Laboratories, Inc.	14307
25.00	Sussex County Economic	14308
1,934.53	Hamburg Plumbing Supply Co Inc.	14309
629.40	Wagner, William	14310
2,655.90	Stamp Fulfillment	14311
276.01	Dempsey Uniform & Supply Inc.	14312
215.17	Airgas East	14313
48,915.15	Statewide Insurance Fund	14314
1,560.00	Westra, Albert L.	14315

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559.97	JCI Jones Chemicals, Inc.	14316
118.35	Verizon Wireless, Inc.	14317
2,508.80	Smalley, John	14318
748.00	Main Pool & Chemical Company, Inc.	14319
180.16	Cooper Electric Supply Co.	14320
364.39	Home Depot, Inc.	14321
4,345.02	Pall Corporation	14322
182.48	Staples Business Advantage, Inc.	14323
1,592.25	Murch Auto Body, Inc.	14324
608.00	Laddey, Clark & Ryan, LLP	14325
5,935.28	Accurate Waste Removal Inc.	14326
119.90	Penteledata	14327
183.06	One Call Concepts, Inc.	14328
472.08	Toyota Motor Credit Corp.	14329
625.68	Miracle Chemical Co	14330
35,510.20	Payroll Account	146021
429.37	State of New Jersey-PWT	146020

CAPITAL

30.60	New Jersey Herald, Inc.	2350
256.00	Laddey, Clark & Ryan, LLP.	2351

Total WATER & SEWER BILLS \$133,627.76

TRUST

1,448.50	Pellow, Harold & Asso, Inc.	3253
1,946.00	Hollander, Strelzik, Pasculli, Hinkes	3254
780.00	McManimon, Scotland & Baumann, LLC.	3255
574.83	Sloan, James P, P.C., Inc.	3256
32.10	Walmart	3257
885.00	Vogel, Chait, Collins, Schneider, PC	3258
3,685.00	J. Caldwell & Associates, LLC.	3259
227.95	Creative Service of New England	3260
150.00	Lakeland Bus Lines, Inc.	3261
1,861.64	Payroll Account	147112
420.00	Kohl's	3252
200.00	Current Account	3251

Total TRUST ACCOUNT BILLS \$12,211.02

DEVELOPERS ESCROW ACCOUNT

730.80	Dolan & Dolan, Inc.	1184
285.00	Vogel, Chait, Collins, Schneider, PC	1185
63.75	Ferriero Engineering Inc.	1186
1,175.61	Edward J Buzak	1187

Total DEV. ESCROW BILLS \$2,255.16

FEDERAL/STATE GRANTS

85.00	Newton Junior Athletic League	1212
666.16	Home Depot, Inc.	1213
366.00	Screen Creation Plus	1214
200.00	Town of Newton Pool	1215
1,000.00	Party King Entertainment	1216

Total FEDERAL/STATE GRANTS \$2,317.16

DOG RESERVE

72.00	Hollander, Strelzik, Pasculli, Hinkes	8542
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Total DOG RESERVE \$72.00

RESOLUTION #121-2014*

PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1915-33-001-005

June 23, 2014

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1915-33-001-005, heretofore issued to Chun Bo Inc., t/a Chun Bo, for premises located at 66 Sparta Avenue, Newton, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes and regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED, that the Newton Governing Body does hereby approve, effective July 1, 2014, the transfer of the aforesaid Plenary Retail Consumption License to Chenlin Chun Bo Inc. t/a Chun Bo and does hereby direct the Town Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Chenlin Chun Bo Inc., effective July 1, 2014."

RESOLUTION #122-2014*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

WHEREAS, the Water and Sewer Collector has determined that the following Water and Sewer Utility Account is due a credit for the reason 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 account for amount billed incorrectly due to the reason(s) stated:

CREDIT FOR METER READ INCORRECTLY:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
12630	80 Madison St.	\$308.51

The Deputy Clerk presented an application for an on-premise raffle (50-50 and Raffle) from the Newton Fire Department Auxilliary to be held on November 20, 2014 at 8:00 p.m. at 56 Woodside Avenue, Newton. It was noted the application was in order and accompanied by the prescribed fees.

A motion was made by Deputy Mayor Elvidge to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Mrs. Becker, Mr. Flynn recused himself for Check #1186 on Resolution #120-2014 and roll call resulted as follows:

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

INTERMISSION

Mayor Ricciardo stated a five minute break will be taken before discussion items.

DISCUSSION

a.) Spring Street- Harold Pellow

Mr. Harold Pellow, Town Engineer, gave a brief overview of the crosswalks on Spring Street and making them more permanent as Council has previously requested. Mr. Pellow explained two options for the crosswalks. The first option is installing a 9 inch concrete base with a 2 inch layer of sand, and installing bricks on top. Mr. Pellow explained laying the brick in a herringbone design will lock in the bricks. A discussion ensued. The Council asked Mr. Pellow to consider some alternates when bidding the project. Alternate No. 1 being instead of brick, the project could be stamped concrete. Alternate No. 2 would be to have the bricks or stamped concrete installed curb to curb in front of the Fire Museum. Finally, Alternate No. 3 should be to have bump outs in the sidewalk curbing to allow for more parking. Mr. Russo advised Mr. Pellow that the project should include the entire length of Spring Street, up to and including Station House Plaza.

Next, Mr. Pellow discussed the possibility of making Spring Street a one-way street to allow for parking on both sides of the street. Mr. Pellow advised that in 2005 he had prepared a map for the Town Council to consider, it was also discussed again with the Council in 2008. A discussion ensued. Mr. Pellow advised that if the street was to be restricted to one-way traffic, that should be decided before the crosswalk project goes out to bid, so it can be striped properly. A consensus of the Council was taken, all were in favor of making Spring Street one-way going from Madison Street to Main Street.

b.) Free Saturday Parking Ordinance- Draft

The Council reviewed the draft ordinance with no comment. Mayor Ricciardo instructed Mr. Russo to move forward with the ordinance.

c.) Zoning Permit Ordinance- Draft

Mrs. Leo advised our current ordinance does not comply with Municipal Land Use laws. Currently the ordinance states the Zoning Officer has 15 days to make a decision on a zoning permit, Land Use law allows for only a 10 day time frame. The Council thanked Ms. Leo for her guidance. Mayor Ricciardo instructed Mr. Russo to move forward with the ordinance.

OPEN TO THE PUBLIC

June 23, 2014

Mayor Ricciardo opened the meeting to the public. There being no one from the public to be heard, the public portion was closed.

COUNCIL & MANAGER COMMENTS

Mrs. Becker thanked Mayor Ricciardo for his mentorship and contribution to the Town over the years.

Mrs. Diglio wished Mayor Ricciardo luck in the future.

Mr. Flynn stated it has been his pleasure to serve with Mayor Ricciardo.

Mayor Ricciardo thanked everyone for the kind words and stated it is time for someone else to take his seat.

EXECUTIVE SESSION

A motion offered by Mr. Flynn, seconded by Mrs. Becker to enter into Executive Session, and roll call resulted as follows:

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

RESOLUTION #123-2014*

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Town Council of the Town of Newton is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specific purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Town Council of the Town of Newton to discuss in a session not open to the public certain matters relating to the item authorized by N.J.S.A. 10:4-12b and designated below:

- (1) Contract Negotiations

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on June 23, 2014, that an Executive Session closed to the public shall be held on June 23, 2014, at 9:13PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific item designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Town Council that the public interest will no longer be served by such confidentiality.

Council came out of Executive Session at 9:53PM.

There being no further business to be conducted, upon motion of Mrs. Becker,

June 23, 2014

seconded by Mrs. Diglio and unanimously carried, the meeting was adjourned at 9:54 p.m.

Respectfully submitted,



Teresa Ann Oswin, RMC
Deputy Municipal Clerk