



# Town of Newton


Council-Manager Plan Since 1956

Thomas S. Russo, Jr.  
Office of the Town Manager

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March 10, 2009

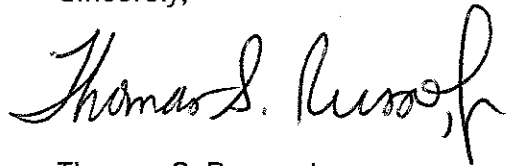
Benjamin Spinelli, Exec. Director  
DCA - Office of Smart Growth  
PO Box 204  
Trenton, NJ 08625-0204

Dear Mr. Spinelli, 

Enclosed please find a fully executed Memorandum of Understanding (MOU) between the Town of Newton and the Office of Smart Growth. This agreement also serves as Resolution 45-2009 of the Newton Town Council and authorizes the execution of such.

Thank you for your assistance with this matter.

Sincerely,



Thomas S. Russo, Jr.  
Newton Town Manager

cc: Debra Millikin, Deputy Town Manager  
Jessica C. Caldwell, P.P., A.I.C.P.  
Eileen Swan, Exec. Director, NJ Highlands Council  
Eric Snyder, Sussex County Planning Director  
Kate Meade, DCS- OSG  
File

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NJ DEPT OF  
COMMUNITY AFFAIRS  
OFFICE OF SMART GROWTH

**MEMORANDUM OF UNDERSTANDING BETWEEN**  
**THE STATE PLANNING COMMISSION AND THE TOWN OF NEWTON**

**WHEREAS**, the Town of Newton (petitioner), has submitted a petition for Plan Endorsement to the State Planning Commission (Commission) pursuant to Plan Endorsement Guidelines adopted October 18, 2007 and proposed rules based on same; and

**WHEREAS**, the petitioner has been afforded the choice to pursue Plan Endorsement pursuant to the adopted Plan Endorsement Guidelines and proposed rules based on same; and

**WHEREAS**, the Executive Director of the Office of Smart Growth has determined that petitioner is currently seeing plan endorsement in good faith; and

**WHEREAS**, the Office of Smart Growth and relevant State agencies have conducted a substantive review of planning documents and other submissions and has conducted an opportunities and constraints analysis based on same; and

**WHEREAS**, the Office of Smart Growth and relevant State agencies have negotiated an Action Plan to be completed as a condition of receiving plan endorsement, which includes designation of an interim center by the Commission; and

**NOW, THEREFORE BE IT RESOLVED**, that petitioner and the State Planning Commission do hereby agree to enter into this Memorandum of Understanding (MOU), including the Action Plan attached hereto as **Exhibit A**, in order to advance the petition for plan endorsement; and

**BE IT FURTHER RESOLVED**, that the State Planning Commission and petitioner hereby agree as follows:

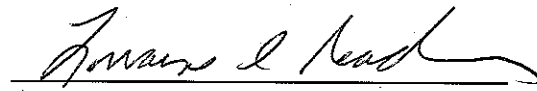
1. Petitioner acknowledges receipt of a letter from the Office of Smart Growth setting forth all current issues concerning the consistency of the petition with the State Plan and the necessary actions to be taken in order for petitioner to achieve Plan Endorsement.
2. Petitioner acknowledges it has reviewed and agreed upon the terms contained in the Action Plan.
3. Petitioner agrees to exert good faith efforts to achieve Plan Endorsement and to meet the timelines set forth in the Action Plan attached hereto.
4. Petitioner agrees to provide necessary documentation of its planning efforts to the Office of Smart Growth and to resolve issues of consistency with the State Plan so as to achieve Plan Endorsement.

5. Office of Smart Growth and State agency members of the State Planning Commission agree to continue efforts to facilitate petitioner's achievement of Plan Endorsement.
6. Office of Smart Growth, relevant State agencies and the Commission agree to exert good faith efforts to timely provide benefits delineated in the Action Plan attached hereto in order to advance petitioner's efforts to achieve plan endorsement, including but not limited to designating an interim center.

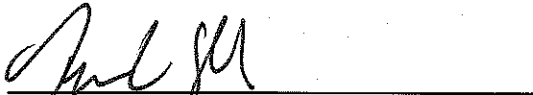
**BE IT FURTHER RESOLVED**, that the Executive Director of the Office of Smart Growth shall satisfy public notice and posting requirements in accord with proposed new plan endorsement rules; and


**BE IT FURTHER RESOLVED**, that the Executive Director of the Office of Smart Growth and the Chairman of the State Planning Commission are hereby authorized to execute such documents and to take other actions as may be necessary to execute this MOU.

  
Town of Newton

  
Attest

Date:

  
Ben Spinelli, Executive Director  
Office Smart Growth

  
Attest

Date: 2/27/2009