



AGENDA
NEWTON TOWN COUNCIL
JANUARY 12, 2015
7:00 P.M.

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

- DECEMBER 22, 2014 SPECIAL MEETING
- DECEMBER 22, 2014 REGULAR MEETING

V. OPEN TO THE PUBLIC

AT THIS POINT IN THE MEETING, THE TOWN COUNCIL WELCOMES COMMENTS FROM ANY MEMBER OF THE PUBLIC ON ANY TOPIC. TO HELP FACILITATE AN ORDERLY MEETING AND TO PERMIT THE OPPORTUNITY FOR ANYONE WHO WISHES TO BE HEARD, SPEAKERS ARE ASKED TO LIMIT THEIR COMMENTS TO 5 MINUTES. IF READING FROM A PREPARED STATEMENT, PLEASE PROVIDE A COPY AND EMAIL A COPY TO THE CLERK'S OFFICE AFTER MAKING YOUR COMMENTS SO IT MAY BE PROPERLY REFLECTED IN THE MINUTES.

VI. COUNCIL & MANAGER REPORTS

- a. BUDGET HEARING DATES
- b. TOWN COUNCIL & BOARD OF EDUCATION JOINT MEETING, FEBRUARY 24TH AT 6:00PM

VII. ORDINANCES

- a. 2ND READING AND PUBLIC HEARING

ORDINANCE 2014-27

AN ORDINANCE REVISING SECTION 307-57 OF THE CODE OF THE TOWN OF NEWTON TO DESIGNATE A PORTION OF SPRING STREET AS ONE-WAY AND A SEPARATE PORTION OF SPRING STREET FOR TWO-WAY TRAFFIC

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

ORDINANCE 2014-28

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$110,000.00 FOR WASTE WATER TREATMENT PLANT BUILDING ROOFS IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY

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

b. INTRODUCTION

ORDINANCE 2015-1

AN ORDINANCE AMENDING SECTION 320-2.C "PERMITTED USES" OF THE NEWTON TOWN CODE TO PERMIT PUBLIC, PRIVATE AND PAROCHIAL SCHOOLS IN THE T-3, T-4 AND T-5 ZONES

VIII. OLD BUSINESS

IX. CONSENT AGENDA

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

- a. RESOLUTION #1-2015*** TO CANCEL PRELIMINARY ENGINEERING FOR MERRIAM AVENUE WATERMAIN BALANCE IN THE WATER SEWER CAPITAL FUND
- b. RESOLUTION #2-2015*** APPOINTMENT OF EXCEL ENVIRONMENTAL RESOURCES, INC., AS ENVIRONMENTAL ENGINEER FOR CALENDAR YEAR 2015
- c. RESOLUTION #3-2015*** ADOPTION OF THE TEMPORARY OPERATING BUDGET AND TEMPORARY WATER AND SEWER BUDGET FOR 2015
- d. RESOLUTION #4-2015*** DESIGNATE OFFICIALS TO SIGN CHECKS FOR THE TOWN OF NEWTON – TOWNSHIP OF GREEN CONSOLIDATED MUNICIPAL COURT
- e. RESOLUTION #5-2015*** ACCEPTANCE OF THE PAVING OF VARIOUS STREETS PROJECT FOR DILLER AVENUE, STUART STREET AND TOWNSEND STREET
- f. RESOLUTION #6-2015*** APPOINTMENT OF HELEN LE FROIS AS A REGULAR MEMBER OF THE NEWTON PLANNING BOARD
- g. RESOLUTION #7-2015*** RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF NEWTON AUTHORIZING AN AGREEMENT FOR CERTAIN LEGAL SERVICES
- h. RESOLUTION #8-2015*** FINAL ACCEPTANCE OF THE ROOF REPLACEMENT PROJECT AT THE NEWTON FIRE MUSEUM
- i. RESOLUTION #9-2015*** 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
- j. RESOLUTION #10-2015*** AUTHORIZE AGREEMENT WITH NJDOT REGARDING ROUTE 206 MILLING AND PAVING PROJECT
- k. RESOLUTION #11-2015*** APPROVE BILLS AND VOUCHERS FOR PAYMENT

I. APPLICATION(S)*

AN APPLICATION FOR AN OFF-PREMISE RAFFLE (50-50) FROM THE SUSSEX COUNTY COMMUNITY COLLEGE FOUNDATION TO BE HELD ON APRIL 16, 2015 AT 9:00PM AT ONE COLLEGE HILL ROAD, NEWTON

X. DISCUSSION

- a. PROPERTY MAINTENANCE – DRAFT ORDINANCE
- b. PARK HOURS – DRAFT ORDINANCE

XI. OPEN TO THE PUBLIC

XII. COUNCIL & MANAGER COMMENTS

XIII. EXECUTIVE

- a. RESOLUTION #12-2015

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

- 1. POTENTIAL LITIGATION
- 2. CONTRACT NEGOTIATIONS

XIV. ADJOURNMENT

TOWN OF NEWTON

ORDINANCE #2014-27

AN ORDINANCE REVISING SECTION 307-55 and SECTION 307-57 OF THE CODE OF THE TOWN OF NEWTON TO DESIGNATE A PORTION OF SPRING STREET AS ONE-WAY AND A SEPARATE PORTION OF SPRING STREET FOR TWO-WAY VEHICULAR TRAFFIC

WHEREAS, the Town Council has determined a portion of Spring Street should be designated as one-way to allow for additional parking along Spring Street for the benefit to the downtown business community; and

WHEREAS, N.J.S.A. 39:4-85.1 permits governing bodies of municipalities to designate local roadways for one-way traffic; and

WHEREAS, the Town engineer has recommended that Spring Street be one-way from Madison Street running northwesterly approximately 982 feet to Route 206/94; and two-way vehicular traffic from Sparta Avenue to Madison Street;

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

Section 1. Spring Street shall be designated one-way to vehicular traffic from Madison Street to Route 206/94, running northwesterly a distance of 982 feet. Spring Street shall be open to two-way vehicular traffic from Sparta Avenue to Madison Street.

Section 2. Section 307-55, of the Code of the Town of Newton, entitled "Schedule VI: One-Way Streets" shall be revised to include the following:

Name of Street	Direction	Location
Spring Street	Northwesterly	From Madison Street to Route 206/94

Section 3. Section 307-57, of the Code of the Town of Newton, entitled "Schedule VII: Through Streets" shall be revised to include the following:

Name of Street	Location
Spring Street	Between Sparta Avenue and Madison Street

Section 4. 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.

Section 5. 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.

Section 6. Effective Date. This Ordinance will take effect after publication and passage according to law.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, December 22, 2014. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body, conducted at 7:00pm on Monday, January 12, 2015 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE #2014-28

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$110,000.00 FOR WASTE WATER TREATMENT PLANT BUILDING ROOFS IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY

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

Section 1. \$110,000.00 is hereby appropriated for Waste Water Treatment Plant Building Roofs and all costs necessary therefore or incidental thereto from the following sources:

Water Sewer Capital – Capital Improvement Fund	\$110,000.00
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Section 2. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services and is filed and available for public inspection in the office of the Municipal Clerk.

Section 3. This ordinance shall take effect as provided by the law.

TAKE NOTICE that the above entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton held on December 22, 2014. It was adopted, after public hearing and final reading thereon, at a regular meeting of said Governing Body conducted on January 12, 2015, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE 2015-1

**AN ORDINANCE AMENDING SECTION 320-2.C “PERMITTED USES” OF THE
NEWTON TOWN CODE TO PERMIT PUBLIC, PRIVATE AND PAROCHIAL
SCHOOLS IN THE T-3, T-4 and T-5 ZONES**

WHEREAS, the Town of Newton Planning Board adopted a Master Plan Reexamination Report and Amendment on December 17, 2014 that recommends that Public and Private Schools be added as a permitted use in the T-3, T-4 and T-5 Zones within the Town of Newton; and

WHEREAS, the Mayor and Town Council of the Town of Newton wish to update the Town Ordinances to be consistent with the Master Plan Reexamination and Amendment dated December 17, 2014; and

WHEREAS, the Town Council of the Town of Newton finds that after having reviewed the various zoning districts within the Town of Newton, that the T-3, T-4 and T-5 Zones are suitable locations for Public, Private and Parochial School uses;

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 1: Section 320-2.C “Permitted Uses” shall be revised as follows:

	Transect Zones	T-1	T-2	T-3	T-4	T-5	T-6
1.	Public, private or parochial school	NP	NP	P	P	P	NP

	Special Districts	SD-1	SD-2	SD-3	SD-4	SD-5	SD-6	SD-7	SD-8	SD-9
1.	Public, private or parochial school	NP	P	NP	NP	NP	P	NP	NP	P

SECTION 2: 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 3: NOTICE

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

SECTION 4: EFFECTIVE DATE

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

This Ordinance shall take effect immediately upon adoption and publication in accordance with law. **TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, January 12, 2015. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday, January 26, 2015 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #1-2015

January 12, 2015

“To Cancel Preliminary Engineering for Merriam Avenue Watermain Balance in the Water Sewer Capital Fund”

WHEREAS, preliminary engineering costs for Merriam Avenue Watermain Improvements were authorized by Resolution #86-2010 on June 28, 2010; and

WHEREAS, a balance of \$15,232.77 exists on the Water Sewer Capital Budget Trial Balance for Preliminary Engineering Merriam Avenue Watermain; and

WHEREAS, the Deputy Town Manager has reviewed and determined there are no additional costs for this project and the Town Manager has concurred; and

WHEREAS, it is necessary to formally cancel said balance to Capital Improvement Fund;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that the Preliminary Engineering Costs for Merriam Avenue Watermain Improvements in the Water Sewer Capital Fund in the amount of \$15,232.77 be cancelled to Water Sewer Capital - Capital Improvement Fund.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 12, 2015.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #2-2015

January 12, 2015

“Appointment of Excel Environmental Resources, Inc. as Environmental Engineer for Calendar Year 2015”

WHEREAS, the Town of Newton has a need for a qualified Environmental Engineer to provide consulting and engineering services throughout the year as matters arise; and

WHEREAS, engineering services is a professional service as defined by the Local Public Contracts Laws and is, therefore, exempt from public bidding requirements in accordance with for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S.A 40A:11-5(1)(a); and

WHEREAS, the Newton Town Council appointed Excel Environmental Resources, Inc., in 2013 and 2014 to provide environmental engineering on some specific parcels in the Town of Newton, and said professional services may be needed by the Town of Newton during calendar year 2015; and

WHEREAS, Excel Environmental Resources, Inc., has submitted a *Scope of Services* proposal for environmental engineering services; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2015; and

WHEREAS, this contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts law, because Excel Environmental Resources, Inc., is a licensed Environmental Engineering Firm in the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it hererby appoints Excel Environmental Resources Inc., as Environmental Engineer for the Town of Newton for calendar year 2015; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Excel Environmental Resources, Inc., and that a notice of this award be published in the newspaper of record published in accordance with the Local Public Contracts Law.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 12, 2015.

Lorraine A. Read, RMC
Municipal Clerk

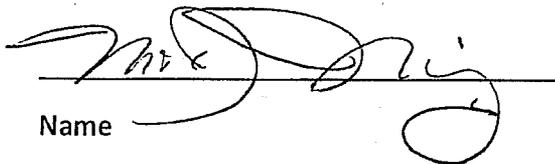


*Solving Environmental Problems
& Creating Redevelopment Opportunities*

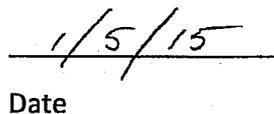
Nature/Scope of Services – Town of Newton is requesting qualifications from individuals and firms to provide Environmental Consulting services of a specialized nature to the Town, including but not limited to the following.

- Assistance in the formal preparation and submission of grant applications.
- Identification of possible funding sources matching the needs of the Township.
- Preparation of comprehensive applications for grants under the NJ Hazardous Discharge Site Remediation Fund. (HDSRF)
- The performance of Preliminary Assessments, Site Investigation, Remedial Investigation and Remedial Action involving the HDSRF and projects outside of the HDSRF program.
- Implementation of each of the phases of investigation, and a demonstrated ability to manage the Brownfield investigation and remediation process to achieve resolution of environmental issues within a reasonable timeframe.
- Assistance in contacting and meeting with the appropriate State Officials, both elected and agency or departmental, who have input in project funding.
- Assistance in preparing supplemental documents and presentation materials concerning projects and needs.
- Advocate and help obtain governmental funding assistance to advance a given environmental project on behalf of the Town of Newton.
- Preparation of financial, administrative and/or operating reports and/or documents required by the funding agency subsequent to the receipt of grant funds.
- Preparation of status reports indicating activities during the most recent month for presentation and discussion.
- Follow up on all funding assistance on all Town environmental projects.

Authorization:


Name

MICHAEL J. MEZINEY, V.P.


Date





111 North Center Drive
North Brunswick, NJ 08902
Phone: (732) 545-9525
Fax: (732) 545-9425

<p style="text-align: center;">MUNICIPAL GRANT SERVICES RATE SCHEDULE (Effective January 1, 2015)</p>

Principal	\$200.00	/hour
Project Director/Sr. Project Engineer	\$200.00	/hour
Sr. Project Manager	\$175.00	/hour
Sr. Remediation Site Manager	\$150.00	/hour
Project Manager III	\$150.00	/hour
Remediation Site Manager	\$125.00	/hour
Sr. Engineer/Sr. Geologist	\$125.00	/hour
Project Manager II	\$125.00	/hour
Sr. Project Geologist/Scientist/Engineer II	\$125.00	/hour
Project Manager I	\$115.00	/hour
Sr. Project Geologist/Scientist/Engineer I	\$115.00	/hour
Assistant Project Manager	\$105.00	/hour
Project Geologist/Scientist/Engineer II	\$105.00	/hour
Project Geologist/Scientist/Engineer I	\$95.00	/hour
Field Supervisor	\$95.00	/hour
Chief Financial Analyst	\$95.00	/hour
Staff Geologist/Scientist/Engineer II	\$85.00	/hour
Staff Geologist/Scientist/Engineer I	\$75.00	/hour
CAD Operator	\$75.00	/hour
Administrative Assistant/Technician	\$75.00	/hour

<p style="text-align: center;">Materials, Equipment & Travel Expenses</p>
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1. Outside services subcontracted by Excel, including subcontracted drilling and analytical services, will be billed at cost plus 15% to cover environmental insurance and other surcharges.
2. Mileage will be billed from the Excel Environmental Resources office to the site location at the IRS Standard mileage rate for businesses which is \$0.575/mile for 2015.



TOWN OF NEWTON

RESOLUTION #3-2015

January 12, 2015

“Adoption of the Temporary Operating Budget and Temporary Water and Sewer Budget for 2015”

WHEREAS, funds are needed to operate the Municipal Government and the Water and Sewer Utility for the first ninety (90) days of calendar year 2015; and

WHEREAS, N.J.S.A. 40A:4-19 provides for adoption of a Temporary Budget, not to exceed twenty-six and one-quarter percent (26.25%) of the preceding year's Budget;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the 2015 Temporary Operating Budget and the 2015 Temporary Water and Sewer Utility Budget be and are hereby approved, pending adoption of the 2015 Annual Municipal Budget and the 2015 Water and Sewer Utility Budget.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 12, 2015.

Lorraine A. Read, RMC
Municipal Clerk

2015 TOWN OF NEWTON TEMPORARY OPERATING BUDGET

<u>BUDGETARY ACCOUNT</u>		<u>ACCOUNT NO.</u>	<u>2015 TEMPORARY BUDGET</u>
Town Manager's Office	S&W	1050101	\$32,000
	OE	1050226	30,000
Town Clerk's Office	S&W	1051101	30,000
	OE	1051201	3,000
Town Council	S&W	1052103	4,000
	OE	1052244	1,800
Human Resources	S&W	1053103	8,000
	OE	1053247	2,500
Elections	OE	1053244	2,000
Financial Administration	S&W	1054101	20,000
	OE	1054226	3,700
	AUDIT	1054300	1,000
Assessment of Taxes	S&W	1055103	9,000
	OE	1055216	11,000
Collection of Taxes	S&W	1056101	16,000
	OE	1056226	4,000
Legal Services and Costs	S&W	1058100	0
	OE	1058200	40,000
Municipal Court	S&W	1059101	38,000
	OE	1059226	4,000
Engineering Services	OE	1060216	5,000
Buildings and Grounds	S&W	1061101	0
	OE	1061255	60,000
Planning	S&W	1062100	12,000
	OE	1062216	6,000
Historic Commission	OE	1063201	500
Community Development	S&W	1064101	20,000
	OE	1064216	3,500

<u>BUDGETARY ACCOUNT</u>		<u>ACCOUNT NO.</u>	<u>2015 TEMPORARY BUDGET</u>
Industrial Commission	OE	1065200	0
Shade Tree Commission	OE	1065300	500
Economic Dev. Commission	OE	1065400	800
Employee Group Insurance	OE	1066200	400,000
Health Benefit Waiver	OE	1066300	4,000
Workers' Compensation Ins.	OE	1067200	45,000
Surety Bond Premiums	OE	1068200	0
Liability and Other Insurance	OE	1069200	105,000
Fire	OE	1070212	6,000
Aid to Volunteer Fire Cos.	OE	1072200	0
Police	S&W	1074111	910,000
	OE	1074223	30,000
Communications Center	OE	1074326	35,000
Parking Meter Maintenance	S&W	1075100	1
	OE	1075271	0
First Aid Organization	OE	1076200	7,000
Inspection of Buildings	S&W	1077101	9,000
	OE	1077247	1,000
Code Enforcement	S&W	1077403	4,000
	OE	10775247	1,000
Emergency Management	S&W	1078100	2,700
	OE	1078246	2,000
Road Repair & Maintenance	S&W	1080101	175,000
	OE	1080259	16,000
Road Machinery Repair & Maintenance	OE	1080326	9,000
Snow Removal	S&W	1081101	45,000
	OE	1081239	50,000

<u>BUDGETARY ACCOUNT</u>		<u>ACCOUNT NO.</u>	2015 TEMPORARY BUDGET
Stormwater/Flood	OE	1082216	2,000
Recycling/Sanitation	S&W	1083101	600
	OE	1083269	12,000
Vehicle Maintenance	OE	1083380	32,000
Board of Health	OE	1084252	500
Occupational Health(PEOSHA)	S&W	1085100	2,500
	OE	1085200	1,000
Recreation	SW	1087100	5,000
	OE	1087200	6,000
Utilities/Bulk Purchases	OE	1089225	110,000
Swimming Pool	S&W	1090100	1,000
	OE	1090207	5,000
Parks and Playgrounds	S&W	1091101	22,000
	OE	1091218	10,000
Celebration of Public Events	OE	1092200	3,000
Senior Citizen Programs	S&W	1093100	7,000
	OE	1093272	500
Spring Street Contribution	OE	1094300	0
Length of Service Awards	OE	1094500	0
Aid to Dennis Mem. Library	OE	1094200	0
Recycling Tax O/S Cap	OE	1094550	200
Interlocal Parking Authority	S&W	1094710	4,000
Interlocal 911 – Cencom	S&W	1094730	0
	OE	1094746	0
Interlocal 911 – Misc Oper.	SW	1094770	0
Public Employee Retire. Sys.	OE	1098296	128,885
Police & Fire Retirement Sys.	OE	1098297	0
Def. Contrib. Retire System	OE	1098294	5,000
Social Security System	OE	1098298	75,000
Unemployment	OE	1098299	500

TOTAL 2015 TEMPORARY OPERATING BUDGET \$ 2,658,686
 (Subject to 26.25% increase)

APPROPRIATIONS NOT SUBJECT TO 26.25% INCREASE

Public & Private Programs			
Offset by Revenues:			
Body Armor	OE	1094816	2,355
DDEF	SW	1094814	1,610
Capital Improvements	OE	1095200	120,000
Debt Service	OE	1096200	500,000

2015 TEMPORARY BUDGET CALCULATION

\$12,075,900	Total 2014 Budget
0	Less: Res. Uncollected Taxes
1,847,572	Less: Debt (principal & interest)
0	Less: Public Assistance
<u>100,000</u>	Less: Capital Improvements
\$10,128,328	Amount on which % is applied
<u>x .2625</u>	Percentage increase allowed by state
\$2,658,686	Allowable 2015 Temporary Budget

2015 TEMPORARY WATER AND SEWER BUDGET

**2015
TEMPORARY
BUDGET**

	<u>2014 BUDGET</u>	
Salaries and Wages	\$880,480	\$200,000
Other Expenses	1,732,190	476,500
Public Employee Retirement System	15,465	14,500
Unemployment	4,200	1,000
Social Security System	<u>66,050</u>	<u>16,326</u>
	\$2,698,385	\$ 708,326
	x <u>.2625</u>	
	\$ 708,326	

TOTAL 2015 TEMPORARY WATER & SEWER BUDGET	\$708,326
TOTAL 2015 TEMPORARY W&S CAPITAL IMPR BUDGET	\$410,000
TOTAL 2015 TEMPORARY W&S DEBT SERVICE BUDGET	\$300,000



TOWN OF NEWTON

RESOLUTION #4-2015

January 12, 2015

“Designate Officials to Sign Checks for the Town of Newton – Township of Green Consolidated Municipal Court”

BE IT RESOLVED by the Town Council of the Town of Newton that the Municipal Court Administrator, Lucy M. DeLoreto, and the Municipal Court Judge, John E. Mulhern are hereby authorized to sign General Account checks and Bail Account checks for the Town of Newton and Green Township Consolidated Municipal Court.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 12, 2015.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #5-2015

January 12, 2015

"Acceptance of the Paving of Various Streets Project for Diller Avenue, Stuart Street and Townsend Street"

WHEREAS, the Town Council of the Town of Newton awarded a contract for the paving of various streets to Tilcon New York, 625 Mt. Hope Road, Wharton, New Jersey through Contract #6 Road Resurfacing for District #2 in the Morris County Co-Op's portion for municipalities with regard to resurfacing of roads by the adoption of Resolution #140-2014 on July 28, 2014; and

WHEREAS, the original contract amount was \$123,362.54, and the Governing Body approved Change Order No. 1 for said project by the adoption of Resolution #195-2014 on October 27, 2014 resulting in a new contract amount of \$122,078.50; and

WHEREAS, Harold E. Pellow of Harold E. Pellow & Associates, Inc., the Town Engineer, has recommended in his letter dated December 18, 2014 the project be accepted as complete by the Town Council so the final paperwork can be started;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby accepts the Paving of Various Streets Project for Diller Avenue, Stuart Street and Townsend Street as complete based on the recommendation of the Town Engineer, so final paperwork can be started.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 12, 2015.

Lorraine A. Read, RMC
Municipal Clerk



HAROLD E. PELLOW & ASSOCIATES, INC.

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS

Established 1969

HAROLD E. PELLOW, *PRESIDENT*
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,
PA - P.E.

ANN PELLOW WAGNER
NJ - C.L.A., VA - C.L.A., PA - C.L.A.
(5/26/84 - 7/27/89)

DAVID B. SIMMONS, JR., *VICE PRESIDENT*
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,
NY - P.E. & L.S., PA - P.E. & L.S.

CORY L. STONER, *ASSOCIATE*
NJ - P.E., NJ - C.M.E.,
PA - P.E.

THOMAS G. KNUTELSKY
NJ - P.E.

December 18, 2014

FAX: (973) 383-8961

MEMORANDUM TO: Mr. Thomas S. Russo, Jr., Newton Town Manager

FROM: Harold E. Pellow, P.E., L.S., Town Engineer

SUBJECT: REQUEST FOR ACCEPTANCE

Milling and Paving of Diller Avenue & Stuart Street; and Townsend Street
Town of Newton, Sussex County
HPA Nos. 14-090 & 14-091

Dear Tom:

The milling and paving of the above referenced project has been completed by the contractor, Tilcon New York, Inc., and I recommend the project be accepted by the Town Council.

Once this project has been accepted by the Council, please notify this office so that the final paperwork can be started and forwarded to Tilcon New York, Inc.

Very truly yours,

Harold E. Pellow, P.E., L.S.
HAROLD E. PELLOW & ASSOCIATES, INC.
Town of Newton Engineer

HEP:mac
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\14-090 & 14-091 - DILLER AVE & STUART ST; TOWNSEND ST\MCCPC\MILLING AND PAVING\RUSSO4.DOC

cc: Debra Millikin, Newton Deputy Town Manager/QPA (Via Fax 973-383-8961)



TOWN OF NEWTON

RESOLUTION #6-2015

January 12, 2015

“Appointment of Helen Le Frois as a Regular Member of the Newton Planning Board”

WHEREAS, there is currently a vacancy for a Regular Member on the Town of Newton Planning Board; and

WHEREAS, Helen Le Frois, currently an Alternate on the Planning Board, has expressed interest in serving as a Regular Member of the Planning Board;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Helen Le Frois is hereby appointed to a four-year term as a Regular Member of the Newton Planning Board, effective immediately with said term continuing to December 31, 2018.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 12, 2015.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #7-2015

January 12, 2015

“Resolution by the Town Council of the Town of Newton Authorizing an Agreement for Certain Legal Services”

WHEREAS, there exists a need for specialized legal services in connection with the redevelopment program and the authorization and the issuance of bonds, notes or other obligations of the Town of Newton (the “Town”) in the County of Sussex, State of New Jersey, including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community; and

WHEREAS, such special legal services can be provided only by an experienced law firm and recognized Bond Counsel firm, and the law firm of McManimon, Scotland & Baumann, L.L.C., Roseland, New Jersey has the experience and is so recognized by the financial and legal community; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised;

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

1. The law firm of McManimon, Scotland & Baumann, L.L.C., Roseland, New Jersey is hereby retained to provide the specialized legal services necessary in connection with the redevelopment program and the authorization and the issuance of bonds, notes or other obligations by the Town in accordance with an Agreement dated January 12, 2015 and submitted to the Town (the “Contract”).
2. The Contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Town.
4. A notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in the *New Jersey Herald*.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 12, 2015.

Lorraine A. Read, RMC
Municipal Clerk

A G R E E M E N T

THIS AGREEMENT ("Agreement"), made as of this ____ day of _____, 20__, by and between the TOWNSHIP of NEWTON, in the County of Sussex, a body politic of the State of New Jersey, herein designated as the "Client" and McMANIMON, SCOTLAND & BAUMANN, LLC, Attorneys at Law with offices at 75 Livingston Avenue, Roseland, New Jersey 07068, hereinafter designated as "Counsel":

WITNESSETH:

The Client desires to engage the services of Counsel for one or more of the services described herein which may consist of (i) services related to public finance and (ii) services related to redevelopment, environmental, litigation or other non-public finance services. To the extent that the Client requests such services of Counsel for any of such services, they shall be billed as follows:

I. Public Finance

1. Counsel, in consideration of the making and the signing of this Agreement, agrees to render the following services:

A. Counsel will prepare or review all bond ordinances adopted or to be adopted by the governing body.

B. Counsel will assemble a certified record of proceedings to evidence the proper adoption of each bond ordinance in accordance with the provisions of the Local Bond Law and other applicable New Jersey statutes.

C. When the Client determines to issue bonds or notes, Counsel will prepare the necessary resolutions or other operative documents to set up the bond or note sale and will submit them to the Client's general counsel for review. Counsel will seek the advice of the Client's financial advisor and/or auditor in connection with the appropriate maturity schedule for the bonds or notes to be sold and will review legal issues relating to the structure of the bond or note issue. Counsel will assist the Client in seeking from other governmental authorities such approvals, permissions and exemptions as Counsel determines are necessary or appropriate in connection with the authorization, issuance and delivery of bonds or notes. Counsel will review those sections of the official statement, private placement memorandum or other form of offering or disclosure document to be disseminated in connection with the sale of the bonds or notes and will arrange for the printing and the distribution of such offering or disclosure document. Counsel will prepare and review the notice of sale pertaining to the competitive sale of the bonds or notes and will arrange for the printing of such notice of sale in The Bond Buyer, as applicable, and will answer inquiries made by the investment

community concerning the bond or note sale. Counsel will assist the Client in presenting information to bond rating organizations and providers of credit enhancement relating to legal issues affecting the issuance of bonds or notes. Counsel will render legal advice as necessary concerning the submission of bids for the bonds or notes in accordance with the notice of sale and the requirements of law. After the bond or note sale, Counsel will prepare the bonds or notes for execution, will prepare and see to the execution of the necessary closing certificates, including the continuing disclosure undertaking of the Client, and will establish the time and the place for the delivery of the bonds or notes to the successful bidder. Counsel will coordinate the closing, at which time the bonds or notes will be delivered, payment will be made for the bonds or notes, and Counsel will issue a final approving legal opinion with respect to the validity and binding effect of the bonds or notes, the source of payment and security for the bonds or notes and the excludability of interest on the bonds or notes from gross income for federal and New Jersey income tax purposes, if applicable.

D. Counsel will provide basic advice in regard to the effect of the federal arbitrage regulations on the issuance of bonds or notes and the investment of the proceeds thereof.

E. Counsel will provide such other services as may be requested from time to time by the Client including any referendum, validation proceedings or other action relating to the Client or the authorization and issuance of a financing instrument by the Client.

2. The Client will make payment to Counsel for services rendered in accordance with the following schedule:

A. For services rendered in connection with each bond sale, a fee of \$3,500, plus \$1.00 per thousand dollars of bonds issued for the first \$15,000,000 of bonds issued and \$.75 per thousand dollars of bonds issued in excess of \$15,000,000. If there is more than 1 series of bonds issued, there will be an additional charge of \$1,000 for each such additional series.

B. For services rendered in connection with the preparation or review of each bond ordinance and the compiling of a certified record of proceedings in connection therewith, a fee of \$600.

C. For services rendered in connection with each note sale, a fee equal to the hourly rates reflected in paragraph I(2)(G), with a minimum fee of \$.50 per thousand dollars of notes issued up to \$15,000,000 of notes issued and \$.40 per \$1,000 of notes in excess of \$15,000,000, but not less than \$800. If more than one series of notes are issued, there will be an additional charge of \$500 for each such additional series.

D. For services rendered in connection with arbitrage compliance and related tax analysis, a fee of \$250.

E. In the event that a letter of credit, bond insurance, or similar credit enhancement facility is used in connection with either a bond or note issue, an additional fee of \$1,000 will be charged.

F. In the event of a refunding bond issue consistent with the provisions of the Internal Revenue Code to provide for the payment of a prior issue of bonds, there will be an additional fee of \$5,000 for each refunded issue.

G. Services rendered on an hourly basis, including preparation of an application to and an appearance before the Local Finance Board, attendance at meetings, litigation, continuing disclosure undertakings and preliminary and final official statement or other offering or disclosure document work, will be billed at the blended hourly rate of \$215 per hour for attorneys and \$135 per hour for legal assistants.

H. Counsel's fee is usually paid at the closing of the bonds or notes, and Counsel customarily does not submit any statement until the closing unless there is a substantial delay in completing the financing. In the event that legal services described herein are provided in connection with a bond or note sale and the bond or note sale is not consummated or is completed without the delivery of Counsel's bond opinion as bond counsel, or this Agreement is terminated prior to the sale of bonds or notes, the fee for services to be charged shall be based on the hourly rates as set forth in paragraph I(2)(G).

I. Reasonable and customary out of pocket expenses and other charges, including but not limited to, photocopying, express delivery charges, travel expenses, telecommunications, telecopy, filing fees, computer-assisted research, book binding, messenger service or other costs advanced on behalf of the Client, shall be added to the fees referred to in this Agreement.

II. Redevelopment, Environmental, Litigation and Non-Public Finance Services

1. To the extent that the Client desires to engage Counsel for general legal services in connection with (i) redevelopment projects (the "Redevelopment Projects"), (ii) environmental issues including the giving of advice or preparation of work product at the direction of the Client related to or concerning the identification, investigation, remediation or preparing of grant applications to assist the Client in responding to potential or actual environmental conditions ("Environmental Services"), (iii) litigation, including representation in any and all action authorized by the Client and relating to a threatened, pending or actual legal proceeding or any condemnation or alternate dispute resolution matters ("Litigation Services") or (iv) any other legal services, such services shall be billed as follows:

2. The Client will make payment to Counsel for such general legal services at the blended hourly rates set forth in paragraph I(2)(G). Services rendered to the Client the cost of which is reimbursed by a developer through a developer-funded escrow account pursuant to an escrow agreement between the developer and the Client shall be billed at the blended hourly rate of \$325 for attorneys and \$180 for legal assistants. In addition to the hourly time charges described above, Counsel will be reimbursed for out-of-pocket expenses as set forth in paragraph I(2)(I).

3. Services rendered in connection with the issuance of bonds pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., the Redevelopment Area Bond Financing Law, N.J.S.A. 40A:12A-64 et seq., or the Revenue Allocation District Financing Act, N.J.S.A. 52:27D-459 et seq., will be billed in accordance with the fee schedule set forth in paragraph I(2)(D) through (G).

III. General Provisions

1. Upon execution of this Agreement, the Client will be Counsel's client and an attorney-client relationship will exist between Client and Counsel. Counsel assumes that all other parties will retain such counsel, as they deem necessary and appropriate to represent their interests in the transactions contemplated hereby. Counsel's services are limited to those contracted for in this Agreement; the Client's execution of this Agreement will constitute an acknowledgment of those limitations. Counsel's representation of the Client will not affect, however, our responsibility to render an objective bond opinion. Counsel's representation of the Client and the attorney-client relationship created by this Agreement will be concluded upon termination of this Agreement.

2. At the request of the Client, papers and property furnished by the Client will be returned promptly upon receipt of payment for outstanding fees and Client charges. Counsel's own files, including lawyer work product, pertaining to the transactions contemplated hereby will be retained by Counsel. For various reasons, including the minimization of unnecessary storage expenses, Counsel reserves the right to dispose of any documents or other materials retained by Counsel after the termination of this Agreement.

3. Counsel and the Client hereby incorporate into this contract the mandatory language of N.J.A.C. 17:27-3.4(a) and the mandatory language of N.J.A.C. 17:27-3.6(a) promulgated pursuant to N.J.S.A. 10:5-31 to 38 (P.L. 1975, c. 127, as amended and supplemented from time to time), and Counsel agrees to comply fully with the terms, the provisions and the conditions of N.J.A.C. 17:27-3.4(a) and N.J.A.C. 17:27-3.6(a), provided that N.J.A.C. 17:27-3.4(a) shall be applied.

4. Counsel and the Client hereby incorporate into this contract the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 USC §121 01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities, and the rules and regulations promulgated thereunder.

5. Counsel hereby represents that it has filed with the Client proof of professional liability insurance with coverage amounts acceptable to the Client.

6. This Agreement shall be in full force and effect until such time as either party gives written notice to the other of termination.

TOWNSHIP OF NEWTON

ATTEST:

By: _____

McMANIMON, SCOTLAND & BAUMANN, LLC

By: Andrea L. Kahn
Andrea L. Kahn



TOWN OF NEWTON

RESOLUTION #8-2015

January 12, 2015

“Final Acceptance of the Roof Replacement Project at the Newton Fire Museum”

WHEREAS, on August 25, 2014 by way of adoption of Resolution #161-2014, the Newton Town Council awarded a contract to VMG Group, for the Roof Replacement Project at the Newton Fire Museum; and

WHEREAS, in a memo to the Town Manager dated December 17, 2014, Town Engineer, Cory L. Stoner, P.E., C.M.E., of Harold E. Pellow & Associates, Inc., states that said project has been completed and recommends the project be accepted as final and complete;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer's recommendation and accepts the Roof Replacement Project at the Newton Fire Museum as final and complete so that final paperwork can be started; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to VMG Group and the Town Engineer.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 12, 2015.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #9-2015

January 12, 2015

“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-6402-15); 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-6402-15.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 12, 2015.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #10-2015

January 12, 2015

“Authorize Agreement with NJDOT Regarding Route 206 Milling and Paving Project”

WHEREAS, the Town of Newton received a Utility Agreement from NJDOT regarding the NJDOT covering the Town of Newton's costs associated with the relocation of water and sewer utilities in relation to the milling and paving of Route 206; and

WHEREAS, the Town Attorney has reviewed said Agreement and feels it is acceptable for the Town of Newton to execute; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it hereby authorizes the Mayor, Town Manager, and Municipal Clerk to execute the Agreement with NJDOT for the Route 206 Milling and Paving Project in relation to the water and sewer utility relocation; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to NJDOT with the executed Agreement.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 12, 2015.

Lorraine A. Read, RMC
Municipal Clerk

Work done by State's Contractor

Route 206
Andover Boro, Town of Newton,
Sussex County
Newton Water and Sewer
UECA-5-206Pines-103330
UPC Code:103330
Contract ID No.:15-18029

THIS AGREEMENT made this _____ day of _____, _____, between the COMMISSIONER OF TRANSPORTATION, acting for and in the name of the STATE OF NEW JERSEY, hereinafter called the "State", and the Newton Water and Sewer, hereinafter called the "Utility".

WHEREAS, State is about to undertake the design and construction of Route 206 South of Paterson Road to South of Pines Rd, Andover Boro, Town of Newton, Hampton Twp., Frankford Twp., Sussex County, hereinafter called the "Project"; and

WHEREAS, the Project may require the construction of new, and/or the protection, relocation and/or adjustment of facilities of the underground Water and Sewer system which is owned and operated by the Utility; and

WHEREAS, Utility's legal right to occupy public right-of-way, subject to the conditions imposed by the State, is in no way mitigated by this Agreement; and

WHEREAS, Utility is not obligated by State law or agreement to relocate its own facilities at its own expense for this type of Project; and

WHEREAS, the provisions of the State's Accommodation of Utilities within Highway Right-of-Way N.J.A.C. 16:25 and Code of Federal Regulations, 23 C.F.R. 645, Subpart B are applicable.

NOW THEREFORE, State and Utility, for the mutual benefits to be obtained, agree as follows:

- (1) The State and Utility shall cooperate in developing plans and cost estimates for their respective work necessitated by the Project.
- (2) The Utility shall designate a responsible representative to coordinate its effort with those of the State.
- (3) The State will, at its sole cost and expense, contract for and cause to be constructed, all items indicated in the State's contract plans and specifications for the Project, related to existing and proposed facilities owned and operated by the Utility.
- (4) The State will authorize and reimburse the Utility for its actual costs for design, review, approval and inspection, for the protection, relocation or adjustment of its existing facilities necessary to accomplish the Project.
- (5) The Utility's preliminary engineering design costs for correspondence, meetings and exchanges of engineering information are eligible for reimbursement and the State will accept billing of these costs after this Agreement is fully executed and issued.

Route 206
Andover Boro, Town of Newton,
Sussex County
Newton Water and Sewer
UECA-5-206Pines-103330
UPC Code:103330
Contract ID No.:15-18029

- (6) The Utility shall disclose and verify its existing facilities at no cost to State within the Project limits identifying the facility type, size and operating potentials.
- (7) The State will indicate the existing and proposed utility facilities, owned and operated by the Utility, and to be constructed by the State, in State's contract documents for the Project.
- (8) When the State proceeds to develop the Project plans, the State and Utility shall jointly identify potential conflicts between the Utility's facilities and the Project, and shall jointly develop a scheme for the protection, relocation, rearrangement and/or betterment of facilities in accordance with N.J.A.C. 16:25 Utility Accommodation to accomplish the Project.
- (9) Subsequent to the development of the above scheme with the approval of the State and concurrence of the Utility, the State will issue a "Utility Owner Design Authorization (Check List)" describing the utility work and authorizing the State's designer to finalize design plans, estimates, and schedules necessary to construct new, and/or protect, relocate, and/or rearrange facilities in concert with the Project, and incorporate them into the State's Project contract documents.
- (10) The State will develop a "Utility Agreement Modification" which may include a Utility Agreement Plan outlining work "To be performed by State's contractor at State Expense", estimated cost for field engineering, inspection and/or valve turning operations to be performed by Utility's personnel. This will be issued in the person of the Program Manager Group *B* of NJDOT.
- (11) The purpose of this Agreement is to cover all the required utility facility construction, protection, relocation, and rearrangement work necessitated by the Project; however, it is agreed that the State, in the person of the Program Manager Group *B* of NJDOT, will issue modifications to this Agreement to cover unanticipated work, resulting from Project activities and/or field conditions.
- (12) State will supply the Utility with a copy of the contract plans and specifications when the Project is advertised.
- (13) The State will request, by certified mail, the Utility to submit final invoices for costs incurred by the Utility upon; (a) completion of design; (b) completion of the utility work; or (c) cancellation of the Project. All such invoices shall be submitted to the State within sixty (60) days of this request. The State may not accept invoices for payment submitted after the sixty (60) day period.

Route 206
 Andover Boro, Town of Newton,
 Sussex County
 Newton Water and Sewer
 UECA-5-206Pines-103330
 UPC Code:103330
 Contract ID No.:15-18029

- (14) All matters pertaining to subcontracted work, billing, estimates, survey control, extra work items and inspection responsibility shall be in accordance with the Memorandum Of Record dated January 10, 2013, entitled: "Procedures Governing Estimation of Costs, Requirements During Construction and Billing the New Jersey Department of Transportation for Public Utility Work", and in accordance with the Federal Regulations 23 CFR 645, Subpart A and with it being understood that where the State's Regulations are in conflict with the Federal Regulations, the Federal Regulations shall govern. Billing shall be based on accounting methods used by the Utility in conformity with the system of accounts adopted and prescribed by the Division of Local Government Services of the State of New Jersey. The matter of "Credit for Expired Service Life" has been considered for all items and where allowances apply, same are hereinafter specified in description of items and the cost summary.
- (15) The Utility will comply with the Buy America Federal Regulation requirements U.S.C. 313 and 23 CFR 635.410, for all steel and iron materials furnished by the Utility and its Subcontractors for permanent incorporation in this Project. Under this requirement, all manufacturing processes for steel and iron products shall occur in the United States including all melting, rolling, extruding, machining, bending, grinding, drilling and coating. The Utility Company shall submit a Buy America Commitment letter at the time of execution of this Agreement affirmatively stating that the Utility is committed to complying with all the requirements of the Buy America Federal Regulations, and that the Utility will comply with its approved Buy America Assurance Plan. The Utility's Buy America Assurance Plan shall indicate how the Utility will ensure that only materials that comply with the Federal Buy America requirements will be used for permanent incorporation into this Project. This will include how the Utility will maintain the records of certification from suppliers, fabricators and manufacturers verifying compliance with Buy America Federal Regulations. The State reserves the right to audit such records at the completion of the Project. The lack of these documents will be justification for rejection of the steel and/or iron product thus resulting in nonpayment for all work performed by the Utility.
- With the Final Construction Invoice submission, the Utility shall submit a "Buy America Certification of Compliance" certifying that:
- All steel and iron products provided for permanent incorporation in the Project, were made from steel and iron that was melted and manufactured in the United States including the application of coatings which protect or enhance the value of the material.**
- Or if any material does not comply with these requirements, the Utility will indicate what material does not comply. The State may require the Utility to remove and replace material that does not comply with the Buy America requirements, at no expense to the Department and may deny the Utility reimbursement for all the relocation costs incurred by the Utility.
- (16) The Utility shall perform the work, specified herein, with its own forces wherever possible and only have that portion of the work performed by a consultant or contractor that the Utility is not adequately staffed or equipped to perform with its own forces.

Route 206
Andover Boro, Town of Newton,
Sussex County
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UPC Code:103330
Contract ID No.:15-18029

- (17) The intention of this Agreement is that facilities which are removed, relocated, or disrupted will be replaced in such a manner that shall result in services being restored to the status and degree of use as existed prior to said changes. The Utility and the State agree to jointly use their best efforts to relocate, adjust and/or abandon the existing facilities and construct any new facilities without detrimentally affecting or interrupting services to the Utility's customers. In the event during construction of the Project it is necessary to detrimentally affect or interrupt services, the Utility shall be notified at least 48 hours in advance, unless the particular circumstances dictate less notice.
- (18) The design of utility facilities intended to be constructed by the State for the Utility shall be approved by the Utility before the State includes such facilities in the State's contract documents before the Project is advertised.
- (19) In no case will the State pay for betterment of facilities nor will the State pay any costs for work performed for the sole benefit or convenience of the Utility, the State's contractor, or the Utility's contractor.
- (20) Utility facilities constructed under the terms of this Agreement shall become the sole property of the Utility and the Utility shall be solely responsible for their operation, repair, and maintenance.
- (21) The State will obtain and bear the cost of all permits, environmental or otherwise, relating to the construction of new, and/or the protection, relocation and/or rearrangement of existing facilities, as necessitated by the Project, whether the necessary utility work is within or outside of the highway right-of-way. However, should the Utility choose to install facilities that constitute betterment, then it is the sole responsibility of the Utility to obtain the permits necessary for said betterment. It is further understood that should the Utility desire to install additional facilities, at a future date within the highway right-of-way, the Utility shall obtain the appropriate Utility Permit from the authority having jurisdiction over the highway. This Agreement is the Utility Permit for the work authorized herein.
- (22) Subject to provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-et seq., the State will be responsible for personal injuries and property damage caused by the actions of the State, its employees or agents which arises out of this Agreement. Any claim for such personal injury or property damage must be filed in accordance with N.J.S.A. 59:8-1 et seq.
- (23) Subject to the provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et. Seq., the Utility will be responsible for personal injuries and property damage caused by the actions of the Utility, its employees or agents which arises out of this Agreement. Any claim for such personal injury or property damage must be filed in accordance with N.J.S.A. 59:8-1 et seq.

Work done by State's Contractor

Route 206
Andover Boro, Town of Newton,
Sussex County
Newton Water and Sewer
UECA-5-206Pines-103330
UPC Code:103330
Contract ID No.:15-18029

- (24) The State has estimated the Utility's engineering costs for the Project and will adjust these costs to reflect the actual costs incurred by the Utility by issuing the appropriate Utility Agreement Modification.
- (25) The Utility's engineering costs incurred for the Project are eligible for reimbursement as of October 8, 2014, and are estimated to be \$14,000.00.

Work done by State's Contractor

Route 206
Andover Boro, Town of Newton,
Sussex County
Newton Water and Sewer
UECA-5-206Pines-103330
UPC Code:103330
Contract ID No.:15-18029

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed the date and year first written above.

ATTEST:

MUNICIPAL UTILITY'S NAME

Name:
Title:

By: _____
Name:
Title:

ATTEST:

STATE OF NEW JERSEY
DEPARTMENT OF TRANSPORTATION

Jacqueline Trausi, Dept. Secretary
Department of Transportation

By: _____
Richard Jaffe, Director
Capital Program Support

Date: _____

This aforementioned Agreement has been reviewed and approved as to form.

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF
NEW JERSEY

Recommended: Rashmin Patel P.E.

Date:

By: _____
Deputy Attorney General

Rashmin Patel, Project Manager P.E.

Date: _____



TOWN OF NEWTON

RESOLUTION #11-2015

January 12, 2015 "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 2014 and 2015 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 12, 2015.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #12-2015

January 12, 2015

“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) Potential Litigation
- (2) Contract Negotiations

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on January 12, 2015, that an Executive Session closed to the public shall be held on January 12, 2015, at _____ PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific item designated above.

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a public meeting of said Governing Body conducted on Monday, January 12, 2015.

Lorraine A. Read, RMC
Municipal Clerk

**BILL LIST
2014
PREPAID**

<u>CHECK #</u>	<u>VENDER</u>	<u>DECRPTION</u>	<u>TOTAL</u>
Electronic Fee -Tax			
141337	CURRENT	2014 INTEREST	\$ 3.58
Cashier			
141436	CURRENT	2014 INTEREST	\$ 908.34
Tax Lien Trust			
141602	CURRENT	2014 INTEREST	\$ 14.16
Tax Lien Premium			
141601	CURRENT	2014 INTEREST	\$ 162.58
P/R Agency			
148233	CURRENT	2014 INTEREST	\$ 18.17
148234	CURRENT	2013 RETRO	\$ 38.79
Payroll			
148186	CURRENT	2014 INTEREST	\$ 57.80
Housing Rehab Revolving Trust			
147401	CURRENT	2014 INTEREST	\$ 16.34
Health FSA			
148507	CURRENT	2014 INTEREST	\$.10
Grant			
141112	CURRENT	2014 INTEREST	\$ 41.65
Dog			
142102	CURRENT	2014 INTEREST	\$ 27.55
Capital			
143004	CURRENT	2014 INTEREST	\$ 2,082.14
Trust			
147125	CURRENT	2014 INTEREST	\$ 4,981.23
Developer's Escrow			
147201	CURRENT	2014 INTEREST	\$ 22.07
 W/S			
W/S Utility Trust Assessment			
146403	W/S OPERATING	2014 INTEREST	\$ 4.44
W/S Electronic Fee			
1463142	W/S OPERATING	2014 INTEREST	\$ 3.90
W/S Capital			
146103	W/S OPERATING	2014 INTEREST	\$ 2,176.96

TOTAL

\$ 10,559.80

**List of Bills - (100001) CASH - CURRENT - LAKELAND #434
CURRENT FUND**

Check#	Vendor	Description	Payment	Check Total
34570	113 - JCP&L	PO 45383 NOV/DEC ELECTRIC	5,964.74	5,964.74
34571	1158 - VISION SERVICE PLAN	PO 43931 MNTHLY VISION PLANT DEC	696.79	696.79
34572	1500 - WALMART	SUPP'S DPW OFFICE	214.82	
		PO 45330 Paper Product for Holiday Celebrati	51.24	
		PO 45358 (2) LAPTOPS TRAINING	874.00	1,140.06
	TOTAL			7,801.59

Total to be paid from Fund 10 CURRENT FUND

7,801.59

7,801.59

List of Bills - (300001) CASH - CAPITAL - LAKELAND #450 CAPITAL

Check#	Vendor	Description	Payment	Check Total
8387	3588 - VMG GROUP, INC.	PO 44710 FIRE MUSEUM ROOF	4,653.02	4,653.02
	TOTAL			----- 4,653.02

Total to be paid from Fund 30 CAPITAL

4,653.02

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4,653.02

**List of Bills - (600001) CASH - W/S OPERATING-LAKELAND #426
WATER/SEWER UTILITY**

Check#	Vendor	Description	Payment	Check Total
14656	113 - JCP&L	PO 45383 NOV/DEC ELECTRIC	5,288.83	5,288.83
14657	227 - ALLIED METER SERVICE INC.	PO 45328 METER TEST 48 TRINITY STREET	30.00	30.00
14658	1158 - VISION SERVICE PLAN	PO 43931 MNTHLY VISION PLANT DEC	211.90	211.90
14659	2713 - WILLIAM GRENNILLE, LLC.	PO 45386 NOV/DEC CONSULTING	3,275.00	3,275.00
14660	3148 - NJ DEPT OF ENVIRONMENTAL PROTECTION	PO 45290 PHYSICAL CONNECTION PERMIT	200.00	200.00
14661	3531 - WATERWARE CORPORATION	PO 45371 A/P - Improve Morris Lk/Glen Lake P	36,244.32	36,244.32
	TOTAL			45,250.05

Total to be paid from Fund 60 WATER/SEWER UTILITY

45,250.05

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45,250.05

AGENDA ITEMS

For January 12, 2015 Council Meeting

Minutes: - December 22, 2014 – Special Meeting
December 22, 2014 – Regular Meeting

An application for an off-premise raffle (50-50) from the Sussex County Community College Foundation to be held on April 16, 2015 at 9:00 p.m. at One College Hill Road, Newton.

Town of Newton Code Enforcement

Nanette Crift
Code Enforcement Director

Mission

The members of the Newton Code Enforcement Department aspire to perform these challenging tasks in a fair, professional, and courteous manner. Reasonable time extensions are granted as a balance to satisfy compliance.

Our mission is to develop community pride for a better Newton.

Code Enforcement Team Members

Nanette Crift

Code Enforcement Director

Hours: 24 per week

Part-time: 4-5 days 8:30am-
2:30pm

973-383-3521 ext. 256

ncrift@newtontownhall.com

Gary Govier

Code Enforcement Officer Trainee

Hours: 15 per week

Part-time: Tues, Wed, Thurs

9:30am-2:30pm

973-383-3521 ext. 231

ggovier@newtontownhall.com

Jeff Schiffner

Deputy Code Enforcement Officer

Part-time: Certificates of Compliance

jschiffner@newtontownhall.com

Development of the International Property Maintenance Code

- The first edition of the International Property Maintenance Code (1998) was the culmination of an effort initiated in 1996 by a code development committee appointed by ICC and consisting of representatives of the three statutory members of the International Code Council at that time, including: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI).
- The committee drafted a comprehensive set of regulations for existing buildings that was consistent with the existing model property maintenance codes at the time.
- The 2006 edition presents the code as originally issued, with changes reflected through the previous 2003 editions and further changes developed through the ICC Code Development Process through 2005. A new edition of the code is promulgated every three years.

Adopted:

International Property Maintenance Code

- Adopted by the Town of Newton in 2006.
- The intent of these codes is to adequately protect public health, safety, and welfare.
- These are the defining tools as to what a violation is and what is not. They coincide with town ordinances that apply to property maintenance.
- The Newton Code Enforcement Department reviews and monitors **exterior** property maintenance issues.

Function

The function of the Code Enforcement Department is to carry out exterior property maintenance ordinances. It is frequently mistaken with the Zoning and Construction Departments.

- *The Zoning Department* is responsible for changes and improvements to property with the issuance of zoning permits, as well as, land use (i.e. signs, sheds, dumpsters). Examples of a Zoning violation would be prohibited parking, overfilled and uncovered dumpsters.
- *The Construction Department* is beginning- to-end review of building construction and alterations. Issuance of permits, as well as inspections. Code enforcement may bring a building safety concern to the Construction Official.

Levels of Violations

Basic:

- Overgrown grass and weeds
- Debris and inappropriate disposal
- Sanitation
- Premises identification

Moderate:

- Hand rails and guards
- Protective treatment
- Stairways, decks, and porches
- Roofs and drainage

Complex:

- Foreclosures
- Retaining walls
- Unearthed/abandoned fuel tanks
- Open excavations
- Sidewalks
- Vacant structures

The following photos provide examples:

Overgrown Grass and Weeds



Debris and Inappropriate Disposal



Sanitation



Handrails and Guards



Stairways, Decks & Porches



Foreclosures



Retaining Walls



Vacant Structures



Most Common Violations

The three most common violations are:

1. Duty to remove – 25%
2. Accumulation of rubbish – 13%
3. Weeds – 11%

280 violations cited in 2014.

191 violations cited in 2013.

Note there are 2,005 residential properties and 294 commercial properties in Newton.

The Process

- Complaints are received via email, phone, letter or on-site inspections by this office.
- An inspection is made of the subject property by a member of the Code Enforcement Department.
- If there is a violation of the Town ordinance/IPMC, a notice of violation is sent with photo and an abatement timeframe of 7, 10, or 30 days given.
- In the case of foreclosures, weeks or months can be added to that timeframe.
- If compliance is not achieved, a final notice is sent with a provision of 7 or 10 days to comply.
- If compliance is still not achieved, a summons with mandatory court appearance is served.
- Typically a court appearance is scheduled within 3 weeks. Often times they are scheduled and rescheduled. Code Enforcement staff members participate in court hearings as needed.
- The entire process from complaint to adjudication can typically take 1 to 3 months.
- A monthly report of all code enforcement activities is provided to the Town Manager for dissemination to the governing body.

Seasonal Adjustments:

- Door tags
- Target zones

Proposed Ordinance Modifications

- Currently we are unable to hold the creditor accountable on foreclosed properties that have property maintenance violations.
- Along with the Town Manager and Town Attorney, our department is recommending a change to Chapter 213 which will be discussed this evening.
- The modification is to enable the Town to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the enforcement officer determines that the creditor has violated the Ordinance by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property.
- Other changes relate to the Duty to Remove Section 213-1.

Conclusion

- The Code Enforcement Department staff welcomes feedback from residents and business owners both on process and problem properties that need to be addressed.
- Though staff hours are limited, the Department strives to review both commercial and residential property areas on a constant and consistent basis.
- The Department takes great pride in working with property owners on improvements, knowing that improving the quality of life in Town is critical to the long-term success of the community.
- Thank you for your time and attention.

TOWN OF NEWTON

ORDINANCE 2014-_____

**AN ORDINANCE AMENDING CHAPTER 213 ENTITLED
“PROPERTY MAINTENANCE” REGARDING HAZARDOUS
TRESS, AND REQUIRING CREDITORS IN FORECLOSURE
ACTIONS TO CARE FOR AND MAINTAIN THE EXTERIOR
OF VACANT AND ABANDONED PROPERTIES.**

BE IT ORDAINED by the Town Council of the Town of Newton, County of Sussex, and State of New Jersey that Chapter 213 of the Code of the Town of Newton entitled “Property Maintenance” is hereby amended as follows:

Section 1. §213-1 of the Code of the Town of Newton shall be and is hereby deleted in its entirety and replaced as follows:

§ 213-1. Duty to Remove.

- A. Property maintenance. The owner, occupant, tenant and person in possession of any land within the Town shall keep such land free of brush, weeds, hazardous tress, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris where removal of the same is necessary and expedient for the preservation of the public health, safety, general welfare and/or for the elimination of a fire hazard.
- B. Street maintenance. The owner, occupant, tenant and person in possession of any land within the Town that borders upon or abuts a public street in the Town shall keep that part of the street bordering or abutting said land free of brush, weeds, hazardous trees, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris, where removal of the same is necessary and expedient for the preservation of the public health, safety, general welfare and/or for the elimination of a fire hazard.

Section 2. §213-10 of the Code of the Town of Newton shall be and is hereby deleted in its entirety and replaced as follows:

§ 213-10. Violations, Penalties, and Responsibilities of Creditors

- A. Any person who shall violate a provision of this Article or shall fail to comply therewith or with any other requirements thereto shall be prosecuted within the limits provided by State and local statutes and shall pay a fine in an amount not to exceed \$1,250.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense. In the event that said fine shall, in total, be greater than \$1,250.00 upon an owner or person or persons responsible, such owner or persons shall have 30 days from the sending of the notice of violation pursuant to N.J.S.A. 40:49-5 and the Property Maintenance Code referred to in § 213-8 to cure and abate the condition and shall also be

afforded an opportunity for a hearing before the Municipal Court for an independent determination of whether such violation occurred and what the amount of the fine should be. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250.00 may be imposed if the Court has not determined otherwise or, upon re-inspection of the property, it is determined that the abatement has not been substantially completed.

B. Responsibilities of Creditors, Violations and Fines.

1. Pursuant to the provisions of N.J.S.A. 40:48-2.12s, the creditor filing the summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential property. This obligation applies whether the determination that the property is vacant and abandoned is made or otherwise.
2. If the creditor is located out-of-State, the creditor shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor.
3. An out-of-State creditor shall include the full name and contact information of the in-State representative or agent in the notice required to be provided to the municipal clerk pursuant to N.J.S.A. 46:10B-51(a)(1).
4. An out-of-State creditor found by any court of competent jurisdiction to be in violation of §213-10.B(2) shall be subject to a fine of \$2, 500.00 for each day of the violation, commencing on the day after the 10-day period set forth in N.J.S.A. 46:10B-51(a)(1) for providing notice to the municipal clerk that a summons and complaint in action to foreclose has been served.
5. The Property Maintenance Code Official, an enforcement officer appointed pursuant to N.J.S.A. 40:48-2.3 et seq., or any enforcement officer authorized to enforce the Property Maintenance Code shall be authorized to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the enforcement officer determines that the creditor has violated this Ordinance by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. The notice shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of this notice shall constitute proof that a property is “vacant and abandoned” for purposes of N.J.S.A. 2A:50-73.
6. A creditor found by any court of competent jurisdiction to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Ordinance shall be subject to a fine of \$1,500.00 for each day of the violation, commencing 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such

provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

Section 4. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect after publication and passage according to law.

NOTICE

TAKE NOTICE that the above entitled Ordinance was introduced at a regular meeting of the Mayor and Town Council of the Town of Newton, County of Sussex, New Jersey, held on _____, 2014, and will be considered for final passage after public hearing at a regular meeting of the Mayor and Town Council to be held on _____, 2014, at 7:00 p.m. in the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey. During the preceding week, copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

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

TOWN OF NEWTON

ORDINANCE 2014-__

AN ORDINANCE AMENDING CHAPTER 200 “PARKS AND RECREATION AREAS”

WHEREAS, the Town of Newton has determined that Chapter 200 of the Code of the Town of Newton, entitled “Parks and Recreation Areas” requires certain revisions.

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 1. Section 200-1 “Jurisdiction” shall be and is hereby revised to add a new paragraph to read as follows:

E. Pine Street Park situated at the end of Pine Street.

SECTION 2. Section 200-2.A shall be and is hereby revised to read as follows:

A. No person shall enter or remain in any portion of the public parks and recreational areas and, where applicable, other lands owned or controlled by the Town and devoted to public recreation use or purpose *from dusk to dawn. The only exception is the use of parks by organized athletics on fields with lighting.* This subsection is not intended to restrict any municipal employee from conducting official business in those areas as part of his respective employment responsibilities established pursuant to §200-4 of this chapter.

SECTION 3. Section 200-2.B.(11) shall be and is hereby revised to read as follows:

(11) Swim, bathe or wade in any waters or waterways in or adjacent to any park.

SECTION 4. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 5. 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.

SECTION 5. Effective Date. This Ordinance shall take effect after adoption and publication in accordance with law.

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, _____, 2014. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00 p.m. on Monday, _____, 2014 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

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