



AGENDA
NEWTON TOWN COUNCIL
FEBRUARY 11, 2015
7:00 P.M.

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

- JANUARY 28, 2015 SPECIAL MEETING
- JANUARY 28, 2015 REGULAR MEETING
- JANUARY 28, 2015 EXECUTIVE MEETING

V. OPEN TO THE PUBLIC

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

VI. COUNCIL & MANAGER REPORTS

VII. ORDINANCES

- a. 2ND READING AND PUBLIC HEARING

ORDINANCE 2015-2

AN ORDINANCE AMENDING CHAPTER 213 ENTITLED "PROPERTY MAINTENANCE" REGARDING HAZARDOUS TREES, REVISIONS TO THE CODE ADOPTED, AND REQUIRING CREDITORS IN FORECLOSURE ACTIONS TO CARE FOR AND MAINTAIN THE EXTERIOR OF VACANT AND ABANDONED PROPERTIES

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

ORDINANCE 2015-3

AN ORDINANCE AMENDING CHAPTER 200 "PARKS AND RECREATION AREAS"

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

VIII. OLD BUSINESS

IX. CONSENT AGENDA

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

- a. RESOLUTION #20-2015* USE A THREE – YEAR AVERAGE COLLECTION RATE FOR THE 2015 BUDGET RESERVE FOR UNCOLLECTED TAXES
- b. RESOLUTION #21-2015* AUTHORIZE RECEIPT OF BIDS TO LEASE SPACE ON THE HIGH STREET WATER TANK FOR THE INSTALLATION OF CELLULAR COMMUNICATION EQUIPMENT
- c. RESOLUTION #22-2015* APPOINTMENT OF JEAN BOND TO THE ADVISORY RECREATION COMMISSION
- d. RESOLUTION #23-2015* APPOINTMENT OF RAYMOND MORRIS TO THE ADVISORY RECREATION COMMISSION
- e. RESOLUTION #24-2015* AWARD BID FOR ROOF REPLACEMENT & RELATED WORK AT THE NEWTON WASTEWATER TREATMENT PLANT
- f. RESOLUTION #25-2015* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- g. RESOLUTION #26-2015* RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY DIRECTING THE TOWN PLANNING BOARD TO REVIEW PROPOSED AMENDMENTS TO THE MERRIAM GATEWAY REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW
- h. RESOLUTION #27-2015* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 4.02, LOT 23
- i. RESOLUTION #28-2015* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 7.01, LOT 1

X. DISCUSSION

- a. ZONING ORDINANCE – JESSICA CALDWELL
- b. SHADE TREE COMMISSION RECOMMENDATIONS

XI. OPEN TO THE PUBLIC

XII. COUNCIL & MANAGER COMMENTS

XIII. ADJOURNMENT

Office of the Mayor

Newton, New Jersey

Proclamation

Dennis & Mary Harrington

WHEREAS, Dennis & Mary were instrumental in the formation of the Sussex County St. Patrick's Day Committee which brings Irish Culture and Irish History into Sussex County every year with a parade down Spring Street; and

WHEREAS, Dennis & Mary have a long Irish ancestry line, with Mary being born in Dublin, Ireland; and

WHEREAS, Dennis & Mary Harrington exemplify the spirit the Sussex County St. Patrick's Day Committee upholds; and

WHEREAS, Dennis & Mary are proud of their Irish heritage, and have been elected to serve as Grand Marshals of the 2015 Sussex County St. Patrick's Day Parade, which will feature nearly 100 units, including state, county and local dignitaries, bands, floats just to name a few attractions;

NOW, THEREFORE, We, the Mayor and Town Council of the Town of Newton hereby proclaim our appreciation and gratitude to Dennis & Mary Harrington for their dedication to their Irish heritage and to Sussex County, and in recognition of their volunteer efforts, we congratulate Dennis & Mary on being named:

"Sussex County's Grand Marshals for the 2015 St. Patrick's Day Parade"

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

Attest: _____

Date: _____ February 9, 2015 _____

TOWN OF NEWTON

ORDINANCE 2015-2

**AN ORDINANCE AMENDING CHAPTER 213 ENTITLED
“PROPERTY MAINTENANCE” REGARDING
HAZARDOUS TREES, REVISIONS TO THE CODE
ADOPTED, 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 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.
- 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. §213-8 of the Code of the Town of Newton shall be and is hereby deleted in its entirety and replaced as follows:

§213-8. Adoption of standards by reference.

A certain document, three copies of which are on file in the office of the Municipal Clerk and Code Enforcement Director of the Town of Newton, being marked and designated as the International Property Maintenance Code, published by the International Code Council, and which shall be amended by the International Code Council, be and is hereby adopted, as may be amended, as the Property Maintenance Code of the Town of Newton, in the State of New Jersey: for regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things

and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees thereof; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Town of Newton are hereby referred to, adopted and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in §213-9 of this article.

Section 3. §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 4. 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 5. 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 6. 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 Wednesday, January 28, 2015, and was adopted after public hearing at a regular meeting of the Mayor and Town Council held on Wednesday, February 11, 2015, at 7:00 p.m. in the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE 2015-3

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 exceptions are: the use of parks by organized athletics on fields with lighting; approved events at the Newton Town Pool; or other activities, events, or programs approved by the Newton Town Manager or his designee. 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 Wednesday, January 28, 2015. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00 p.m. on Wednesday, February 11, 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 #20-2015

February 11, 2015 **"Use a Three-Year Average Collection Rate for
the 2015 Budget Reserve for Uncollected Taxes"**

WHEREAS, according to NJSA 40A:4-40 et seq., a town may utilize a three-year average tax collection rate to calculate a line item appropriation known as Reserve for Uncollected Taxes; and

WHEREAS, prior Town of Newton tax collection rates for the calendar years 2014, 2013, and 2012 were 97.73%, 98.00%, and 98.31% respectively; and

WHEREAS, the average of these aforementioned collection rates is 98.01%;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton that it hereby requests that it utilize a tax collection rate of 98.01% when calculating the line item appropriation Reserve for Uncollected Taxes in its calendar year 2015 Municipal 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 Wednesday, February 11, 2015.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #21-2015

February 11, 2015

"Authorize Receipt of Bids to Lease Space on the High Street Water Tank for the Installation of Cellular Communication Equipment"

WHEREAS, the Town Council of the Town of Newton desires to offer a lease for a term of five (5) years with three (3) five (5) year renewal options for the installation of cellular communication equipment on the Town of Newton's Water Tank located on Block 4.05, Lot 3, 150 High Street, State Highway Route 94, Newton, New Jersey; and

WHEREAS, the Town of Newton intends to award the lease to the bidder whose proposal contains the highest rental amount to be paid to the Town of Newton for the initial term of the lease; and

WHEREAS, the Town Attorney prepared the bid specification package, and the Town Council desires to authorize the bids and the receipt of bids in accordance with the New Jersey Local Lands and Building Law, N.J.S.A. 40A:12-14; and

WHEREAS, the anticipated bid receipt date is March 4, 2015, at the Newton Municipal Building, at 10:00 a.m;

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

1. The Town Council of the Town of Newton authorizes the receipt of sealed bids in order to lease for space for installation of cellular communication equipment on the Town of Newton's High Street Water Tank at a minimum rental amount of \$4,500 per month (\$54,000 per year) for the first year of the lease term, with the rent to be increased by the greater of the change in CPI during the course of each year of the lease or three (3) percent. The lease also includes the option to extend the lease term for three (3) five (5) year renewal periods.
2. The Town Council intends to award the bid at the second Council meeting after the bid opening date as required by N.J.S.A. 40A:12-14.
3. The Town Council reserves the right, upon completion of the bidding process, to accept the highest bid or reject all bids.
4. The Town's Qualified Purchasing Agent is authorized to receive bids for the lease.
5. This Resolution shall take effect immediately.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, February 11, 2015.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #22-2015

February 11, 2015 "Appointment of Jean Bond to the Advisory
Recreation Commission"

WHEREAS, there is currently a vacancy for a Regular Member of the Advisory Recreation Commission; and

WHEREAS, Mrs. Jean Bond has expressed interest in serving on the Commission;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mrs. Jean Bond is hereby appointed to an unexpired five-year term on the Advisory Recreation Commission, 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 Wednesday, February 11, 2015.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #23-2015

February 11, 2015

"Appointment of Raymond Morris to the Advisory Recreation Commission"

WHEREAS, there is currently a vacancy for a Regular Member of the Advisory Recreation Commission; and

WHEREAS, Mr. Raymond Morris has expressed interest in serving on the Commission;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Raymond Morris is hereby appointed to an unexpired five-year term on the Advisory Recreation Commission, effective immediately with said term continuing to December 31, 2019.

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 Wednesday, February 11, 2015.

Lorraine A. Read, RMC
Municipal Clerk



**TOWN OF NEWTON
RESOLUTION #24-2015**

February 11, 2015

**"Award Bid for Roof Replacement & Related Work
at the Newton Wastewater Treatment Plant"**

WHEREAS, the Town of Newton publicly accepted and opened bids for the Roof Replacement and related work at the Newton Wastewater Treatment Plant on Tuesday, December 9, 2014 at 10:00 a.m. as follows:

<u>Name and Address of Bidder</u>	A	B	C	D
P. Cipollini, Inc. 171 E. Blackwell Street Dover, NJ 07801	\$216,000.00	\$207,000.00	\$190,000.00	\$115,000.00
NJK Contractors, Inc. 50 Bay 7 th Street Brooklyn, NY 11228	\$247,500.00	\$229,500.00	\$213,500.00	\$129,500.00
Arch Construction, Inc. 351 West Clinton Street Haledon, NJ 07508	\$262,000.00	\$244,000.00	\$222,000.00	\$138,000.00
Oleni Constructing Corp. 1104 62 nd Street Brooklyn, NY 11219	\$387,716.00	\$324,980.00	\$288,880.00	\$183,957.00

WHEREAS, based on review of the bid documents, John Scheri of Hatch Mott MacDonald recommends award of the Roof Replacement and related work at the Newton Wastewater Treatment Plant as stated in his letter of recommendation dated December 15, 2014, to P. Cipollini, Inc., in the amount of \$207,000; and

WHEREAS, the Chief Financial Officer has certified funds are available based on the attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the contract for the Roof Replacement and related work at the Newton Wastewater Treatment Plant is awarded to P. Cipollini, Inc., Dover, New Jersey in the amount of \$207,000.00. A copy of this resolution and the proposed Contract is to be forwarded to P. Cipollini, Inc., for execution.

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, February 11, 2015.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

CERTIFICATION OF THE AVAILABILITY OF FUNDS
(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq)

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 24 -2015

APPROVING: P. CIPOLLINI, INC.

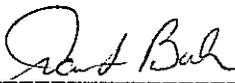
FOR THE PURPOSE OF: ROOF REPLACEMENT & RELATED WORK AT
WASTEWATER TREATMENT PLANT

IN THE AMOUNT OF: \$207,000.00

APPROPRIATED BY:

WATER SEWER CAPITAL FUND -ORD.#2014-28	WASTE WATER TREATMENT
PLANT ROOFS #6191428	\$105,000.00
2014 WATER SEWER UTILITY - CAPITAL IMPROVEMENT FUND -	
#6089328A	\$102,000.00

DATED THIS 11TH DAY OF FEBRUARY, 2015

BY 

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #25-2015

February 11, 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 Wednesday, February 11, 2015.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #26-2015

February 11, 2015

"Resolution of the Town of Newton, in the County of Sussex, New Jersey Directing the Town Planning Board to Review Proposed Amendments to the Merriam Gateway Redevelopment Plan Pursuant to the Local Redevelopment and Housing Law"

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

WHEREAS, on April 23, 2007, the Town of Newton (the "Town"), designated certain properties within its borders as an area in need of rehabilitation in accordance with the Act (the "Rehabilitation Area"); and

WHEREAS, in November 2010, after review and comment by the Town's Planning Board in accordance with the Act, the Town implemented a redevelopment plan (as thereafter amended from time to time, the "Redevelopment Plan") for a portion of the Rehabilitation Area then identified on the official tax map of the Town as: Block 18.03, Lot 10 (then Block 1104, Lot 22); Block 22.02, Lots 8, 9 and 10 (then Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (then Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5 (portion), 13, 14 and 15 (then Block 1308, Lots 1 (portion), 1.01, 1.02, 10, 11, 12, 13 and 14), together with the public streets and rights-of-way adjacent thereto (collectively, the "Plan Area"); and

WHEREAS, the Town wishes to amend the Redevelopment Plan to permit single-use commercial buildings and certain other amendments as further detailed in the Redevelopment Plan; and

WHEREAS, in accordance with the Act, the Town has prepared a proposed amendment to the Redevelopment Plan, which is attached hereto as Exhibit A (the "Proposed Amendment"); and

WHEREAS, the Town Council desires to utilize the Planning Board's expertise and experience in considering the Proposed Amendment;

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

I. **GENERAL**

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

II. **PLANNING BOARD DIRECTED TO REVIEW PROPOSED AMENDMENT**

The Town Council hereby authorizes and directs the Planning Board to review the Proposed Amendment attached hereto as Exhibit A, and to transmit its comments to the Town Council within 45 days, as required by N.J.S.A. 40A:12A-7(e).

III. **SEVERABILITY**

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

IV. **AVAILABILITY OF THE RESOLUTION**

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

V. **EFFECTIVE DATE**

This Resolution shall take effect upon final passage.

CERTIFICATION

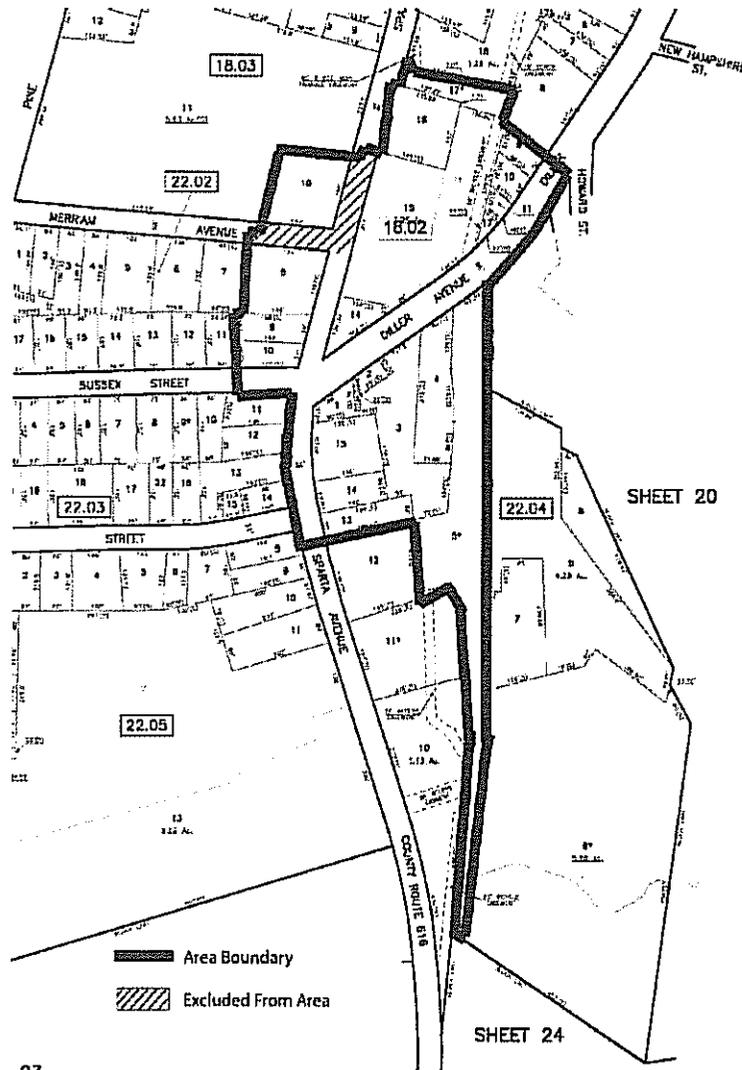
THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, February 11, 2015.

Lorraine A. Read, RMC
Municipal Clerk

EXHIBIT A

PROPOSED AMENDMENT

MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT TOWN OF NEWTON



February 2015

J C Caldwell
& ASSOCIATES LLC
PLANNING CONSULTING SERVICES

**MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT
TOWN OF NEWTON, SUSSEX COUNTY**

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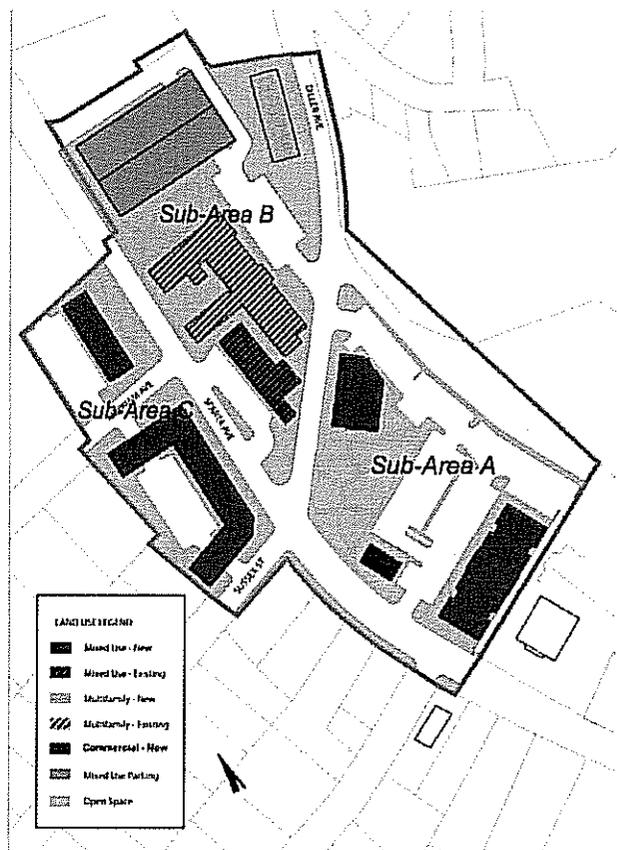
Jessica Caldwell, P.P., A.I.C.P, Town Planner, P.P. # 5944

PLAN CONSISTENCY REVIEW

BACKGROUND

The Merriam Gateway Redevelopment Plan (the “Plan”) governs a portion of the Town of Newton Rehabilitation Area, designated by the Town of Newton on April 23, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), including parcels, public streets and Rights-of-Way adjacent to and including Sparta Avenue and Diller Avenue (the “Plan Area”). The Plan was adopted by the Town Council in November 2010 and amended in September 2012.

The Plan Area includes 20 tax lots on portions of four tax blocks, as well as the adjacent street rights-of-way of portions of Sparta Avenue, Diller Avenue, Sussex Street, and Railroad Place. The Town of Newton has updated tax lot numbers since the adoption of the original Merriam Gateway Redevelopment Plan. The new lot and block numbers for the parcels located in the Plan Area are: Block 18.03, Lot 10 (former Block 1104, Lot 22); Block 22.02, Lots 8, 9, and 10 (former Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (former Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5, 13, 14 and 15 (former Block 1308, Lots 1, 1.01, 1.02, 10, 11, 12, 13 and 14). The Plan Area covers 10.18 acres. The Plan divides the Plan Area into three (3) sub-areas: A, B and C. The parcels within Block 22.04 (former Block 1308) comprise Sub-Area A, the parcels within Block 18.02 (former Block 1301) comprise Sub-Area B, and the parcels within Blocks 18.03 and 22.02 (former Blocks 1104 and 1209 respectively) comprise Sub-Area C. The figure to the right shows the Sub-Areas along with the originally proposed conceptual layout for the area.



The purpose of this Plan Amendment is to provide for a greater variety of building types and uses than originally proposed. Currently the only commercial use permitted is mixed-use within a mixed-use structure. This means that structures must contain two or more usable stories and include at least two distinct uses. The Plan Amendment seeks to provide for single use and single story structures, provided they have a two story façade and to provide for additional commercial uses. Additionally, permitted uses are further clarified. As has been the case in the Town’s other redevelopment plans, this Plan Amendment makes the water use reduction and stormwater re-use optional. The result will provide for a greater variety of development options within the Plan Area.

AMENDMENTS TO THE REDEVELOPMENT PLAN

The Redevelopment Plan contemplates the potential for amendments to the Plan. At Section 8.0 of the Redevelopment Plan, it states, “As development occurs within the Area, development priorities and market demands may change. This Plan should have the ability to meet the changing needs of market demand, the Town of Newton and its citizens. Amendments may be required in order to accommodate these changes.” As noted previously, the amendments proposed are being developed to provide for greater commercial development opportunities including single-use commercial, office and light industrial buildings within the Plan Area.

The Redevelopment Goals stated in the Plan focus on creating positive development, rehabilitation and redevelopment within the Plan Area. The focus of these goals is met by creating greater opportunities to redevelop and rehabilitate uses within the Area. Some specific Redevelopment Goals furthered by this Plan Amendment are as follows:

1. To allow more efficient use of land and to expand the Town’s tax base.
2. To enhance the positive visual character and safety of the Area and surrounding neighborhood through building placement and design, landscaping and streetscape improvements.
3. To provide flexibility of design, while incorporating modern technologies and reflecting the architectural design vocabulary (design characteristics) of the surrounding neighborhood and the Town of Newton, and respecting the historic character of Newton.

The proposal is consistent with the Town of Newton Master Plan because the land use plan for this area also proposes single use buildings, office and industrial uses. The proposal is also consistent with the State Development and Redevelopment Plan which designates the Town of Newton as a Regional Center, which provides a variety of commercial and residential uses in a compact development pattern. For these reasons, the proposed Plan Amendments continue to further the stated goals of the Plan, the goals of the Town of Newton Master Plan and the State Development and Redevelopment Plan.

The proposed Plan Amendments do not impact the zoning plans of any adjacent municipalities as it does not vary in a significant way from the proposed uses for this area in the Town’s Master Plan, which was reviewed and determined to not have any impacts to the zone plans of adjacent municipalities.

Based upon the foregoing, it is recommended that the following amendments be made to the Merriam Gateway Redevelopment Plan.

MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT

At Section 3.0 Definitions, add the following:

Single-use: A building or structure which contains a single principal use.

At Section 4.1 Land Use Regulations, Permitted Uses, amend Item 1 and add Items 5 and 6 as follows:

1. **Mixed Use Commercial:** Ground floor Commercial Retail Services or Business/Office/Professional Uses with Commercial Retail Services, Business/Office/Professional or Light Industrial Uses on floors above. Structures shall comply with the bulk and dimensional standards in the Building Regulation Plan found further in this Plan. Permitted Uses shall be as per the Commercial Retail Services, Business/Office/Professional and Light Industrial Uses permitted in the T-5 Transect Zone of Section 320-2.C Permitted Uses in the Town's Form-Based Zoning Code.

5. **Single-Use Commercial:** Encompasses buildings with a single-use including Commercial Retail Services, Business/Office/Professional Uses or Light Industrial Uses. Structures shall comply with the bulk and dimensional standards in the Building Regulation Plan found further in this Plan. Permitted Uses shall be as per the Commercial Retail Services, Business/Office/Professional and Light Industrial Uses permitted in the T-5 Transect Zone of Section 320-2.C Permitted Uses in the Town's Form-Based Zoning Code.

6. **Accessory Uses:** Accessory uses to the permitted uses in this section shall include: parking, accessory storage of products or for maintenance of the property, sidewalk cafes and outdoor displays (March 1-Dec. 1 provided snow and ice are not present), and drive-through facilities.

At Section 4.2 Land Use Plan add the following discussion following the first paragraph:

The Land Use Plan below shows one of the many available options for redevelopment within the Plan Area. Other options encompassing permitted uses not shown in the Land Use Plan below may be developed on a lot by lot basis or by a combination of lots within the Area.

At Section 6.2, Building Envelope, Bulk & Setback Regulations add the following:

Setbacks: Setbacks are the distance between the property line and the outer edge of the building wall, expressed in feet. The setbacks below apply to principal structures. Accessory structures are not permitted in the front yard setback and must have a minimum 5' side and rear yard setback. The principal building setbacks below are delineated by building type. For descriptions of the varying building types, see page 46 of the Plan.

Sub-Area A (Block 22.04)

Front yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	0' min.

Side yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	5' min.

Rear yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	10' min.

Sub-Area B (Block 18.02)

Front yard setback:

Multi-family:	10' min.
Mixed-use:	5' min.
Single-use:	5' min.
Landmark:	0' min.

Side yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	5' min.
Landmark:	5' min.

Rear yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	10' min.

Sub-Area C (Blocks 18.03 & 22.02)

Front yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	5' min.

Side yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	5' min.

Rear yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	10' min.

At Section 6.3 Building Height Regulations, add the following:

Single-use

Minimum 1.0 floor (must have 2 story façade)

Maximum 5.0 floors or 65 feet (measured from the mean front elevation to the highest point of the roof).

Single-use structures may be constructed with one floor of usable space; however the exterior façade should exhibit at least a 2 story façade. The overall massing of the structure should be in keeping with the design standards, buildable area and height standards of this Plan.

At Section 6.9 Green Building Standards, revise and supplement this section as follows:

7. Wastewater: Reduction of potable water use for building sewage conveyance by 50% is encouraged through the use of water-conserving fixtures or non-potable water, recycled greywater, and on-site or municipally treated wastewater.

8. Water Reduction: A reduction of 20% water use from the baseline calculated for the building (not including irrigation) is encouraged through the use of water-conserving fixtures and other methods such as re-use of greywater or stormwater.



TOWN OF NEWTON

RESOLUTION #27-2015

February 11, 2015 "Authorize Refund of Redemption Monies to
Outside Lien Holder for Block 4.02, Lot 23"

WHEREAS, at the Municipal Tax Sale held on October 25, 2012, a lien was sold on Block 4.02, Lot 23, also known as 123 High Street, for 2011 delinquent water and sewer charges; and

WHEREAS, this lien, which is known as Tax Sale Certificate #1374, was sold to US Bank Cust for Pro Capital I LLC for 0% redemption fee with a premium of \$300.00; and

WHEREAS, Ocwen Financial Corporation, the mortgage holder for the owner, has effected redemption of Tax Sale Certificate #1374 in the amount of \$2,016.11;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust for Pro Capital I LLC is entitled to the redemption in the amount of \$2,016.11 along with the premium in the amount of \$300.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$2,016.11 for the redemption of Certificate #1374 as well as a check in the amount of \$300.00 for the return of premium payable to US Bank Cust for Pro Capital I LLC, 50 So. 16th Street, Suite 1950, Philadelphia, PA 19102.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, February 11, 2015.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #28-2015

February 11, 2015 "Authorize Refund of Redemption Monies to
Outside Lien Holder for Block 7.01, Lot 1"

WHEREAS, at the Municipal Tax Sale held on November 5, 2014, a lien was sold on Block 7.01, Lot 1, also known as 48 West End Avenue, for 2013 delinquent water and sewer charges; and

WHEREAS, this lien, which is known as Tax Sale Certificate #1394, was sold to Another Lien LLC for 0% redemption fee; and

WHEREAS, Ocwen Financial Corporation the mortgage holder for the owner, has effected redemption of Certificate #1394 in the amount of \$290.46;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Another Lien LLC is entitled to the redemption in the amount of \$290.46; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$290.46 for the redemption of Certificate #1394 payable to Another Lien LLC, 1 Vista Drive, Sparta, NJ 07871

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, February 11, 2015.

Lorraine A. Read, RMC
Municipal Clerk

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

Check#	Vendor	Description	Payment	Check Total
34655	39 - QUILL CORPORATION	PO 45385 REFRIGERATOR COURT CUST #C152130	144.99	
		PO 45471 CODE ENFORCEMENT SUPPLIES	31.06	
		PO 45547 Office Supplies for 2nd Floor ACCT	168.02	344.07
34656	64 - PELLOW, HAROLD & ASSO, INC.	PO 45621 COUNCIL BUSINESS DEC	3,627.75	3,627.75
34657	65 - MUNICIPAL SOFTWARE, INC.	PO 45403 2015 ANNUAL SUPPORT & MAINT	6,425.40	6,425.40
34658	84 - ABCODE SECURITY INC.	PO 45415 ALARM MONITORING QTRLY	177.00	177.00
34659	110 - G & G DIESEL SERVICE INC	PO 45534 TRK #4 Battery	258.69	258.69
34660	113 - JCP&L	PO 45616 JAN ELECTRIC	12,627.39	12,627.39
34661	116 - NEW JERSEY HERALD, INC.	PO 45614 DEC/JAN ADVERTISING	236.40	236.40
34662	126 - SCMUA	PO 45591 SOLID WASTE DISPOSAL JAN	706.18	706.18
34663	133 - TEETS, MICHAEL D	PO 45339 FINGER PRINTING	10.70	10.70
34664	167 - ROWE & COMPANY INC.	PO 45556 DPW SNOW STOCK	917.95	917.95
34665	192 - CAMPBELL'S SMALL ENGINE INC.	PO 45467 MOWER MAINT	169.07	
		PO 45557 HOSE/CLAMP SNOW BLOWERS	10.05	179.12
34666	199 - NEOPOST LEASING, INC.	PO 45404 POSTAGE MACH RENTAL CUST #089936	504.00	504.00
34667	219 - TRI-STATE RENTALS, INC.	PO 45450 MOWER MAINT	206.19	206.19
34668	225 - FEDERAL EXPRESS	PO 45606 1/7 EXPRESS MAIL ACCT #1344-0525-2	51.36	51.36
34669	229 - SUSSEX COUNTY ECONOMIC	PO 45409 2015 EDP INVESTMENT ACCT #1156	250.00	250.00
34670	282 - WILLCO, INC.	PO 45316 FIRE #2 CIRCULATOR REPAIR CUST #150	2,585.00	
		PO 45546 COMPRESSOR REPAIR TH CUST #1508	450.00	3,035.00
34671	283 - VITAL COMPUTER RESOURCES, INC.	PO 44733 2015 TAX BINDERS	119.40	119.40
34672	311 - NJLM	PO 45446 T RUSSO 100TH ANNIVERSARY	65.00	65.00
34673	367 - TREASURER, STATE OF NEW JERSEY	PO 45538 MARRIAGE LICENSES 4TH QTR 2014	300.00	300.00
34674	371 - T.A. MOUNTFORD COMPANY, INC.	PO 45400 2ND FLR COPIER CONTRACT 2015 CUST #	2,070.00	
		PO 45401 GRND FLR COPIER CONTRACT CUST #NE01	540.00	
		PO 45593 POLICE COPIER CONTRACT ACCT #NE0172	700.00	3,310.00
34675	418 - SUSSEX COUNTY DETECTIVES ASSOC.	PO 45434 DETECTIVE MEMBERSHIP	125.00	125.00
34676	496 - MICROSYSTEMS-NJ COM, LLC.	PO 45512 2015 SOFTWARE MAINTENANCE	1,500.00	1,500.00
34677	611 - SEBRING AUTO PARTS, INC.	PO 45577 SPEEDY DRI	41.24	41.24
34678	656 - ZEE MEDICAL, INC.	PO 45597 DPW FIRST AID SUPPLIES CUST #10242	147.50	147.50
34679	921 - AIRGAS EAST	PO 45590 CARBON DIOXIDE POOL ACCT #2558306	166.76	166.76
34680	966 - L-3 COMM. MOBILE-VISION	PO 45428 BATTERY	54.95	54.95
34681	1029 - SUSSEX COUNTY CLERK'S ASSN	PO 45558 2015 CLERK ASSOC DUES	120.00	120.00
34682	1132 - BOONTON TIRE SUPPLY INC.	PO 45405 POLICE VEH MAINT -BLANKET	221.80	221.80
34683	1151 - TREASURER, STATE OF NEW JERSEY	PO 45552 SITE REMEDIATION PERMIT FEE DPW PRO	165.00	165.00
34684	1158 - VISION SERVICE PLAN	PO 45617 BLANKET: VISION INS -JAN	739.19	739.19
34685	1280 - VERIZON WIRELESS, INC.	PO 45493 BLANKET: 1X AIRCARDS ACCT #201 M15-	192.68	192.68
34686	1392 - MEDTRONIC PHYSIO-CONTRL CORP	PO 45420 REPLACEMENT BATTERY ACCT #14489401	315.00	315.00
34687	1846 - ADVANCE AUTO PARTS	PO 44162 BLANKET: SUPPLIES VEH MAINT RD/PARK	104.95	
		PO 45583 SPLASH ACCT #6271030269	29.88	134.83
34688	1866 - HOME DEPOT, INC.	PO 44026 MERRIAM AVE BASIN REPAIR & HANDSOAP	78.13	
		PO 45364 Snow Suppl/TH Repairs	154.19	
		PO 45619 DPW PORTABLE HEATER & JAN SUPP'S	767.98	1,000.30
34689	1903 - FAIRCLOUGH FUEL	PO 45453 FUEL ACCT #52917	22.00	22.00
34690	2121 - POSTER COMPLIANCE CENTER	PO 45394 2015 RENEWAL LABOR COMPLIANCE CUST	172.50	172.50
34691	2257 - STAPLES BUSINESS ADVANTAGE, INC.	PO 45548 Office Supplies for 2nd floor	45.12	
		PO 45592 APC BACK UP DPW	99.99	
		PO 45578 BLANKET: POLICE OFFICE SUPP'S (JAN-	247.29	392.40
34692	2278 - LANGUAGE LINE SERVICES, INC.	PO 45545 SPANISH INTERPRETATION POLICE ACCT	17.00	17.00
34693	2387 - NESTLE WATERS, INC.	PO 43907 WATER -DEC	70.76	70.76
34694	2409 - THE EMBLEM AUTHORITY	PO 45013 PD BASEBALL CAPS	22.64	22.64
34695	2476 - TREASURER, STATE OF NJ -BURIAL	PO 45539 BURIAL PERMITS 4TH QTR 2014	5.00	5.00
34696	2478 - RACHLES/MICHELE'S OIL COMPANY, INC.	PO 45426 BLANKET: GAS ACCT #40382	3,055.48	3,055.48
34697	2479 - TAYLOR OIL CO., INC.	PO 45425 BLANKET: DIESEL ACCT #62714 JAN	3,489.38	
		PO 45598 INV CORRECTION MAY 14' PO#43959	1,574.37	5,063.75
34698	2697 - CIVIC PLUS INC	PO 45406 2015 ANNUAL FEE (HOSTING/SUPPORT/WE	3,297.58	3,297.58
34699	2741 - JERSEY CENTRAL POWER & LIGHT, INC.	PO 43564 DEC ELECTRIC PARK N RIDE ACCT #10	847.15	847.15
34700	2757 - ATLANTIC TACTICAL INC.	PO 45067 AMMUNITION acct #203375	7,602.44	7,602.44
34701	2788 - PENTELEDATA	PO 45492 BLANKET: INTERNET ACCT #1871584 (JA	658.73	658.73
34702	2835 - NJMEBF	PO 45620 JAN MEDICAL/DENTAL	145,571.00	145,571.00
34703	2974 - MORRIS CNTY POLICE CHIEF ASSOC.	PO 45431 RISK MGMT COURSE FOR LIEUTENANT	125.00	125.00
34704	3035 - WHENTOWORK INC	PO 45497 12 MONTH SCHEDULING SYSTEM	315.00	315.00

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

Check#	Vendor	Description	Payment	Check Total
34705	3079 - AMERICAN SOCIETY OF COMPOSERS,	PO 45408 2015 MUSIC LICENSE	167.50	167.50
34706	3114 - VAN METER & ASSOC'S INC.	PO 45432 SUPERVISION COURSE/DET. VanNIEUWLAN	150.00	150.00
34707	3202 - CLEAR CHANNEL RADIO, INC.	PO 45262 ADVERTISING SPRING ST MERCHANTS #80	300.00	300.00
34708	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 45596 PLANNING BOARD -DEC	431.25	431.25
34709	3369 - UNITED TELEPHONE/CENTURY LINK	PO 45494 BLANKET: DIGITAL DATA CIRCUIT 39 TR	251.32	251.32
34710	3492 - CINTAS FIRE PROTECTION	PO 44251 EST. FIRE ALARM INSPECTION CUST #1	45.85	45.85
34711	3627 - DISCOUNT SAFE OUTLET	PO 45362 COURT FILE CABINET-FIRE PROOF	2,398.00	2,398.00
34712	3640 - FBI- LEEDA	PO 45433 MEMBERSHIP DUES FOR CHIEF RICHARDS	50.00	50.00
TOTAL				----- 209,308.20

Total to be paid from Fund 10 CURRENT FUND

209,308.20

209,308.20

Checks Previously Disbursed

151006	PAYROLL ACCOUNT	1/29 CURRENT PAYROLL	188,243.37	1/29/2015

			188,243.37	

Total paid from Fund 10 CURRENT FUND

188,243.37

188,243.37

Total for this Bills List: 397,551.57

List of Bills - (210001) CASH - DOG RESERVE - LAKELAND #493
DOG RESERVE

Check#	Vendor	Description	Payment	Check Total
8547	65 - MUNICIPAL SOFTWARE, INC.	PO 45403 2015 ANNUAL SUPPORT & MAINT	408.00	408.00
8548	179 - READ, LORRAINE	PO 45540 REIMB FOOD RABIES CLINIC 1/3/15	9.78	9.78
	TOTAL			----- 417.78
Total to be paid from Fund 21 DOG RESERVE			417.78	
			<u>417.78</u>	
			417.78	

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

Check#	Vendor	Description	Payment	Check Total
8398	263 - MCMANIMON, SCOTLAND & BAUMANN, LLC	PO 45413 GEN REDEVL & ARMORY NOV	1,677.00	1,677.00
8399	3384 - EDGE PROPERTY MAINTENANCE, INC.	PO 41966 FIRE MUSEUM MASONARY RENOVATION	11,912.39	11,912.39
	TOTAL			----- 13,589.39

Total to be paid from Fund 30 CAPITAL

13,589.39

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13,589.39

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

Check#	Vendor	Description	Payment	Check Total
14712	51 - E S C ENTERPRISES	PO 45580 PUMP TESTING	420.00	420.00
14713	55 - SCHMIDT'S WHOLESALE, INC	PO 45535 METER GASKETS	37.47	37.47
14714	64 - PELLOW, HAROLD & ASSO, INC.	PO 45372 A/P - 12/31/14 Water allocation \$70	62.50	
		PO 45621 COUNCIL BUSINESS DEC	687.50	750.00
14715	65 - MUNICIPAL SOFTWARE, INC.	PO 45403 2015 ANNUAL SUPPORT & MAINT	5,273.40	5,273.40
14716	98 - AURORA ELECTRICAL SUPPLY, LLC.	PO 45601 EMERGENCY LIGHTS BATTERY MORRIS LAK	98.67	98.67
14717	113 - JCP&L	PO 45616 JAN ELECTRIC	10,158.64	10,158.64
14718	116 - NEW JERSEY HERALD, INC.	PO 45614 DEC/JAN ADVERTISING	14.70	14.70
14719	121 - PUMPING SERVICES, INC.	PO 45533 HIGH ST PUMP STATION & STP SANDFILT	2,717.66	2,717.66
14720	126 - SCMJA	PO 45591 SOLID WASTE DISPOSAL JAN	326.60	326.60
14721	130 - SUSSEX COUNTY P & H, INC.	PO 45484 BLANKET: PLUMBING SUPPLIES	136.65	136.65
14722	282 - WILLCO, INC.	PO 45579 REPAIR 3 UNITS HIGH ST PUMP STATION	508.94	508.94
14723	311 - NJLM	PO 45446 T RUSSO 100TH ANNIVERSARY	65.00	65.00
14724	611 - SEBRING AUTO PARTS, INC.	PO 45595 BLANKET: W/S PARTS	5.86	5.86
14725	1151 - TREASURER, STATE OF NEW JERSEY	PO 45541 2015 ANNUAL PHYSICAL CONNECTION PER	200.00	200.00
14726	1158 - VISION SERVICE PLAN	PO 45617 BLANKET: VISION INS -JAN	169.50	169.50
14727	1407 - PASSAIC VALLEY SEWERAGE COMM.	PO 43954 LIQUID WASTE ACCEPTANCE DEC	5,440.00	5,440.00
14728	1632 - COOPER ELECTRIC SUPPLY CO.	PO 45536 W/S HEAT PART ACCT #25779	12.90	12.90
14729	1866 - HOME DEPOT, INC.	PO 45478 NEW LADDERS WTP	256.00	
		PO 45483 BLANKET W/S MATERIALS & SUPPLIES	48.85	304.85
14730	2056 - SUBURBAN PROPANE, LP.	PO 45554 PROPANE WTP MORRIS LAKE ACCT #2232-	2,068.32	2,068.32
14731	2121 - POSTER COMPLIANCE CENTER	PO 45394 2015 RENEWAL LABOR COMPLIANCE CUST	172.50	172.50
14732	2141 - AIRMATI CCOMPRESSOR SYSTEMS, INC.	PO 45602 COMPRESSOR SERVICE ACCT #AC040822	1,674.89	1,674.89
14733	2697 - CIVIC PLUS INC	PO 45406 2015 ANNUAL FEE (HOSTING/SUPPORT/WE	1,974.58	1,974.58
14734	2713 - WILLIAM GRENNILLE, LLC.	PO 45402 2015 LICENSED WATER OPERATOR 1st	4,000.00	4,000.00
14735	2788 - PENTELEDATA	PO 45492 BLANKET: INTERNET ACCT #1871584 (JA	119.90	119.90
14736	2835 - NJMEBF	PO 45620 JAN MEDICAL/DENTAL	28,861.00	28,861.00
14737	3079 - AMERICAN SOCIETY OF COMPOSERS,	PO 45408 2015 MUSIC LICENSE	167.50	167.50
14738	3166 - HATCH MOTT MACDONALD	PO 44372 ENGINEER -ROOF REPLACEMENT STP NOV	2,077.48	
		PO 45553 2014 SEWER CONSULTING ENGINEERING D	769.93	2,847.41
14739	3641 - HANNA INSTRUMENTS, UNITED STATES, I	PO 45430 AMMONIA METER	655.00	655.00
	TOTAL			69,181.94

Total to be paid from Fund 60 WATER/SEWER UTILITY 69,181.94
69,181.94

Checks Previously Disbursed

156002	PAYROLL ACCOUNT	1/29 W/S PAYROLL	30,494.17	1/29/2015

			30,494.17	

Total paid from Fund 60 WATER/SEWER UTILITY 30,494.17
30,494.17

Total for this Bills List: **99,676.11**

**List of Bills - (610001) CASH - W/S CAPITAL - LAKELAND #442
WATER/SEWER CAPITAL**

Check#	Vendor	Description	Payment	Check Total
2374	116 - NEW JERSEY HERALD, INC.	PO 45614 DEC/JAN ADVERTISING	18.60	18.60
2375	3166 - HATCH MOTT MACDONALD	PO 44371 ENGINEER -REPLACE PRIMARY SETTLING	8,882.33	8,882.33
	TOTAL			8,900.93

Total to be paid from Fund 61 WATER/SEWER CAPITAL

8,900.93

8,900.93

**List of Bills - (720001) CASH - DEV ESCROW - LAKELAND #515
DEVELOPERS ESCROW (Fund 72)**

Check#	Vendor	Description	Payment	Check Total
1217	64 - PELLOW, HAROLD & ASSO, INC.	PO 45565 VERIZON/CELLCO-OCT. 2014 ESCROW	436.25	436.25
1218	1334 - DOLAN & DOLAN, INC.	PO 45560 VERIZON/CELLCO-DEC ESCROW	100.80	100.80
1219	3166 - HATCH MOTT MACDONALD	PO 45532 MARTORANA-DEC ESCROW	2,458.13	2,458.13
	TOTAL			----- 2,995.18

Total to be paid from Fund 72 DEVELOPERS ESCROW (Fund 72)

2,995.18

2,995.18

January 15, 2015

Thomas S. Russo, Jr., Town Manager
Town of Newton
39 Trinity Street
Newton, NJ 07860

RE: Tree Protection Ordinance and Tree Bank Ordinance Proposal from Shade Tree Commission

Dear Mr. Russo:

I met with the Town's Shade Tree Commission on January 14, 2015 to collect their comments and feedback on the various tree protection ordinance proposals presented to the Town. I asked for their input on the key points that I felt are outstanding as follows:

1. What size of tree should be identified for preservation? (minimum caliper)
2. Is there a list of "weed" or "invasive" trees that could be removed by a homeowner or developer without regulation?
3. Should individual lots or major subdivisions be regulated? (Site plans are currently regulated.)
4. Is the price per dbh previously proposed for the tree bank sufficient? (\$50 per caliper inch)

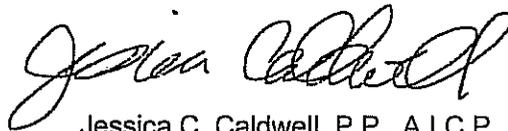
We reviewed aerial photos of the Town and prior proposed tree protection and tree bank ordinances. The following recommendations were made by the Commission:

1. The minimum caliper which should be counted for tree protection should be six (6) inches. Trees under six (6) inches in dbh would not be regulated.
2. The NJDEP has a list of invasive tree species that should be included in the ordinance as exempt from regulation and could be removed by a property owner at any time.
3. Individual lots and subdivisions should be regulated for tree protection in areas outside of the building envelope, easements and driveway areas. This would retain buffer areas around new residences. Further, no trees should be removed prior to obtaining building and zoning permits from the Town in order to eliminate unnecessary tree removal if permits are not obtained.

4. The prior proposed tree bank ordinance should be adopted by the Town providing a \$50 per caliper inch cost for any trees which cannot be replanted on the site and creating a bank for money to be deposited in.

Other elements of the existing tree protection ordinance in the site plan regulations were acknowledged and determined to be acceptable, such as the 50 percent reduction in removal versus replacement and the exemption for any hazardous, dead or dying trees. Please contact me with any questions or concerns you may have.

Very Truly Yours,



Jessica C. Caldwell, P.P., A.I.C.P.
Newton Town Planner

cc: Debbie Danielson, DPW



Town of Newton, NJ
Friday, January 23, 2015

Chapter 320. ZONING: FORM-BASED CODE

§ 320-25. Sign standards.

- A. Sign standards. The sign standards section is intended to encourage signage which is compatible with the character of the building's architectural design and other signs and buildings within the vicinity of the business. These standards encourage efficient use of signage and minimization of visual clutter. Creativity and unique designs are encouraged that develop distinctive images using high-quality craftsmanship and materials.

- (1) Number of signs permitted by type.

Sign Type	Number of Signs if Permitted
Freestanding/ground-mounted	1 per building
Awning/canopy/facade/wall/projecting/blade/hanging	Choose any 2 per road frontage and 1 additional per nonfrontage side per establishment
Directional	1 per ingress/egress
Menu board	1 per business
Portable/sandwich board	1 per business
Professional/tenant identification	1 per building
Real estate	1 per building
Window	1 per business
Home/professional occupation sign	1 per building
Temporary sign/banner	1 per business for maximum of 30 days
Quick response code (QR)	1 per business
Decorative or open flags	1 per business

- (2) Types of signs permitted by zone.

Sign Type	T1/T2	T3	T4	T5	T6	SD1-9
Freestanding/ ground-mounted	NP	NP	P	P	NP	P
Awning/canopy/facade/wall/projecting/blade/hanging	NP	NP	P	P	P	P
Directional	NP	NP	P	P	P	P
Menu board	NP	NP	P	P	P	P
Portable/sandwich board	NP	NP	P	P	P	P
Professional/tenant identification	NP	NP	P	P	P	P
Real estate	P	P	P	P	P	P
Window	NP	NP	P	P	P	P

Sign Type	T1/T2	T3	T4	T5	T6	SD1-9
Home/professional occupation sign	P	P	P	P	P	P
Temporary sign/banner	NP	P	P	P	P	P
Quick response code (QR)	NP	NP	P	P	P	P
Decorative or open flags	P	P	P	P	P	P

(3) Size of signs by type.

Sign Type	Maximum Size
Freestanding/ground-mounted	40 square feet
Awning/canopy	4 square feet
Facade/wall	1 square foot per lineal foot of facade
Projecting/blade/hanging	8 square feet
Directional	4 square feet
Portable/sandwich board	8 square feet
Professional/tenant identification	12 square feet total; 3 square feet per tenant
Real estate	16 square feet
Window	6 square feet
Home/professional occupation sign	2 square feet
Temporary sign/banner	24 square feet
Quick response code (QR)/TAG code or other similar technology code sign	1 square foot
Decorative or open flags	6 square feet

B. Sign area measurement.

- (1) The areas of any sign face shall be measured as the product of the horizontal width and the largest vertical width of the lettering, illustration, display or background. Where there is no geometric frame to the sign, the sign size shall be determined by creating a four-sided box around the largest illustration or lettering in the sign.
- (2) The sign area measurement shall not include framing, trim, molding or supporting/hanging structure used to secure sign to the building.
- (3) For double faced signs, only one side is considered into the measurement.
- (4) For sign faces that are not parallel (i.e., v-shaped signs) both faces shall be considered into the computing of sign area.

C. Construction signage. During construction, one sign for each project or development phase may be displayed indicating the name of the project, developer, design professionals, general contractor, subcontractors, financing institution, and/or public agency officials (as applicable and appropriate). Construction signage must not exceed 25 square feet. Construction signage must be removed as soon as the certificate of occupancy is obtained.

D. Temporary signage and banners.

- (1) Temporary signs or banners that do not exceed the number and size as noted above may be displayed with a zoning permit for a maximum of 30 days provided that the temporary sign does not interfere with pedestrian or traffic safety.
- (2) Temporary signs for events such as elections and community events such as tricky trays, yard sales, etc., with a maximum size of three square feet may be placed in a residential zone with

consent of the property owner up to 30 days prior to the event and must be removed within 48 hours after the event. Temporary signs for events such as elections and community events, with a maximum size of 16 square feet may be placed in a mixed-use, commercial or light industrial zone with consent of the property owner up to 30 days prior to the event and must be removed within 48 hours after the event.

E. Prohibited signage:

- (1) Fluorescent-lit signage or signage with glowing paint, flashing signs, rooftop-mounted advertising signage, signage above the second floor.
- (2) Portable signs for use as permanent signage.
- (3) Feather flags.

January 23, 2015

Thomas S. Russo, Jr., Town Manager
Town of Newton
39 Trinity Street
Newton, NJ 07860

RE: Sign Ordinance Revision, Generator Ordinance and Vapor/Tobacco Stores

Dear Mr. Russo:

The Town Council has requested that the Sign Ordinance be revised based on concerns expressed by business owners in recent months. In addition, the Zoning Officer has requested a generator ordinance and review of locations to permit Vapor and Tobacco Stores. I will address each issue briefly in anticipation of my review of this project with the Town Council at their meeting on January 26, 2015.

The Sign Ordinance was revised as part of the overall Ordinance update in 2012. Permanent signs were made much more permissive, meaning sign sizes, types and numbers were all increased to provide for a variety of permitted signs for businesses in each zone. I haven't heard any complaints or concerns about permanent signs and their requirements. However, I will review those requirements as we look at the overall ordinance to recommend any areas that may benefit from a change. The bulk of the concerns appear to be surrounding temporary signs. I've reviewed several sign ordinances for signs with a focus on temporary signs. Typically temporary sign ordinances are quite restrictive. The general reasoning behind that is to prevent clutter that diminishes the visual appearance of businesses in any given municipality. Newton's sign ordinance permits one temporary sign for a period of 30 days at a size not to exceed 24 square feet. Some thoughts to consider from other ordinances are as follows:

1. Permit more than one temporary sign. Some ordinances permit up to 3 or 4 temporary signs.
2. Most temporary sign ordinances are more restrictive of temporary signs than Newton in that they are only permitted during an event, such as a sales event and can only be up for a maximum number of days or times each year, i.e. a total of seven days per year and total of 4 events. Additionally, some ordinances have a time period between each event, i.e. 30 days between each event.
3. Other types of signs to consider are banners, yard signs and window signs. Currently only one of these temporary signs is permitted on the premises.
4. Additionally, ease of permitting and enforcement is an important aspect of any changes proposed.

The generator ordinance was raised because of the desire by more homeowners to add permanent home generators. Commercial generators are regulated through site plan reviews. Private home generators that are placed in a permanent location have not been addressed with respect to where they can be located, except that they are treated as an accessory structure. I will be reviewing other ordinances on generators to be able to suggest reasonable setbacks and noise considerations for permanent home generators in residential locations.

The final issue is vapor stores and tobacco stores. Currently, neither use is permitted in our ordinance. The Town has had several zoning permit applications for vapor stores that have been denied. As a new and growing use, it makes sense for the Town to review the zones and determine if they can be permitted somewhere in the Town. Because tobacco stores are a very similar use, they would also be included in this use category.

I will be at the January 26, 2015 Town Council meeting to discuss these ordinance changes and welcome the Town Council's comments, concerns and suggestions to assist in developing draft ordinances for the Council to consider. Please let me know if you have any questions or concerns prior to the meeting.

Very Truly Yours,



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