



AGENDA
NEWTON TOWN COUNCIL
SEPTEMBER 28, 2015
7:00 P.M.

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

- SEPTEMBER 16, 2015 REGULAR MEETING

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. BEST PRACTICES WORKSHEET – DAWN BABCOCK, CFO

VII. ORDINANCES

- a. INTRODUCTION

ORDINANCE 2015-26	AN ORDINANCE AMENDING CHAPTER 200 ENTITLED "PARKS AND RECREATION AREAS" OF THE CODE OF THE TOWN OF NEWTON TO REVISE PROHIBITED ACTIVITIES IN PARKS AND RECREATION AREAS IN THE TOWN OF NEWTON
ORDINANCE 2015-27	AN ORDINANCE AMENDING SECTION 320-30 OF THE CODE OF THE TOWN OF NEWTON, ENTITLED "WIRELESS COMMUNICATION FACILITIES", AND SECTION 100-23 ZONING FEES, REGARDING COLLOCATION REQUIREMENTS
ORDINANCE 2015-28	AN ORDINANCE TO AMEND CHAPTER 307 "VEHICLES AND TRAFFIC" OF THE CODE BOOK OF THE TOWN OF NEWTON
ORDINANCE 2015-29	AN ORDINANCE TO AMEND CHAPTER 307-48 SCHEDULE I "NO PARKING" OF THE CODE OF THE TOWN OF NEWTON

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 #160-2015* RESOLUTION APPROVING VACATION AND SICK LEAVE PAYOUT FOR DANIEL SMITH
- b. RESOLUTION #161-2015* A RESOLUTION OF THE GOVERNING BODY OF THE TOWN OF NEWTON AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS WATER FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE
- c. RESOLUTION #162-2015* APPROVE PURCHASE OF NEW HEAVY DUTY ROLL-OFF DUMPSTERS FOR THE RECYCLING CENTER
- d. RESOLUTION #163-2015* GRANT AGREEMENT BETWEEN THE TOWN OF NEWTON AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
- e. RESOLUTION #164-2015* RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AUTHORIZING AN ESCROW AGREEMENT WITH KROGH'S BREWING COMPANY
- f. RESOLUTION #165-2015* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- g. APPLICATIONS*
 - AN APPLICATION FOR AN ON-PREMISE RAFFLE (TRICKY TRAY) FROM THE CATHOLIC ACADEMY OF SUSSEX COUNTY, TO BE HELD ON OCTOBER 23, 2015 FROM 5:00 PM TO 11:00 PM AT 20 JEFFERSON STREET, NEWTON
 - AN APPLICATION FOR AN ON-PREMISE RAFFLE (50-50) FROM THE CATHOLIC ACADEMY OF SUSSEX COUNTY, TO BE HELD ON OCTOBER 23, 2015 FROM 5:00 PM TO 11:00 PM AT 20 JEFFERSON STREET, NEWTON
 - AN APPLICATION FOR AN ON-PREMISE BINGO FROM THE NEWTON PRIDE FOUNDATION, TO BE HELD ON DECEMBER 4, 2015 AT 6:00 PM TO 11:00 PM AT 44 RYERSON AVENUE, NEWTON
 - AN APPLICATION FOR AN ON-PREMISE RAFFLE (50-50) FROM THE NEWTON PRIDE FOUNDATION, TO BE HELD ON DECEMBER 4, 2015 AT 6:00 PM TO 11:00 PM AT 44 RYERSON AVENUE, NEWTON

AN APPLICATION FOR AN ON-PREMISE RAFFLE (MERCHANDISE) FROM THE NEWTON PRIDE FOUNDATION, TO BE HELD ON DECEMBER 4, 2015 AT 6:00 PM TO 11:00 PM AT 44 RYERSON AVENUE, NEWTON

X. INTERMISSION

XI. DISCUSSION

- a. POLICE HIRING - RESIDENCY REQUIREMENT CHANGE - DSGT. COPPOLELLA
- b. ORDINANCE DRAFT - ALARM - SGT. KING

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. ADJOURNMENT

TOWN OF NEWTON

ORDINANCE #2015-26

AN ORDINANCE AMENDING CHAPTER 200 ENTITLED "PARKS AND RECREATION AREAS" OF THE CODE OF THE TOWN OF NEWTON TO REVISE PROHIBITED ACTIVITIES IN PARKS AND RECREATION AREAS IN THE TOWN OF NEWTON

WHEREAS, the Town Council recently reviewed prohibited activities in Town public parks and recreational areas, and has determined that §200-2.B(4) is in need of a revision to permit animals under certain conditions.

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

Section 1. §200-2.B.(4) is hereby deleted in its entirety; and the following language shall be inserted in its place:

4) Have animal(s) in any public park or recreational area within the Town, unless animal waste is immediately picked up and properly disposed of and the animal is accompanied by a person over the age of 12 years and is securely confined and controlled by an adequate leash not more than six feet long.

Section 2. 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 3. 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 4. Effective Date. This Ordinance will take effect after publication and passage according to 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, September 28, 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 Wednesday, October 14, 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 #2015-27**

**AN ORDINANCE AMENDING SECTION 320-30 OF THE CODE OF THE
TOWN OF NEWTON, ENTITLED “WIRELESS COMMUNICATION
FACILITIES”, AND SECTION 100-23, ZONING FEES, REGARDING
COLLOCATION REQUIREMENTS**

WHEREAS, the Town of Newton has reviewed Section 320-30 of the Town Code, entitled “Wireless Communication Facilities”, and has determined this section must be revised in order to comply with recent law and regulations; and

WHEREAS, the current Code provisions regarding cellular antennas is insufficient to protect the Town and its residents, particularly concerning wireless collocation applications; and

WHEREAS, on October 21, 2014, the Federal Communications Commission issued a Report and Order which sweepingly overrides and preempts State and local land use law with respect to wireless collocation applications: and

WHEREAS, under §6409(a) of the *Spectrum Act*, federal law provides that governments may not deny, and shall approve, eligible facilities’ request for modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. §6409(a) of the *Middle Class Tax Relief and Job Creation Act of 2012*, Pub.L. 112-96, §6409 (2012); and

WHEREAS, a local government may continue to enforce and condition approval on compliance with general applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety and allows municipalities to have discretion over a modification application if it: entails any excavation or deployment outside the current site of the tower or base station; would defeat the existing concealment elements of the structure; or does not comply with conditions associated with the prior approval of the structure, subject to certain exceptions such as non-substantial increase in height; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-46.2, holds that an application for development to collocate wireless communications equipment on a wireless communications support structure or an existing equipment compound shall not be subject to site plan review, subject to certain requirements: the wireless communications structures was previously granted all necessary approvals; the proposed collocation shall not increase the overall height of the wireless communications support structure by more than ten (10%) percent of the original height, the width of the wireless communications support structure, or the square footage of the existing equipment compound to an area greater than 2,500 square feet; and the proposed collocation complies with the final approval of the wireless communications support structure and all conditions attached thereto and does not create a condition for which variance would be required;

NOW, THEREFORE, BE IT ORDAINED by the by the Town Council of the Town of Newton that Chapter 320 of the Town Code, known as “Zoning”, specifically Section 30, entitled “Wireless Communication Facilities” shall be and is hereby amended as follows:

Section 1. §320-30.A “**Purpose**” shall be and is hereby amended to add the following subsection (9):

- (9) Provide requirements for Eligible Facilities Requests for modifications to existing towers that do not constitute a substantial change.

Section 2. §320-30.B “**Definitions**” shall be and is hereby amended to add the following definitions:

ELIGIBLE FACILITIES REQUEST

A request for modification of an existing wireless tower or base station that does not constitute a substantial change (as defined herein) and involves collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment.

SUBSTANTIAL CHANGE

A modification that substantially changes the physical dimensions of an eligible support structure, as defined by 47 CFR 1.50001(c), as may be amended, but which currently provides the following criteria:

- i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater¹;
- ii. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

¹ Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings’ rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act. 47 CFR §1.40001(b)(7)(i)(A).

- iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- iv. It entails any excavation or deployment outside the current site;
- v. It would defeat the concealment elements of the eligible support structure; or
- vi. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (i) – (iv) of this section.

Section 3. §320-30.D shall be deleted in its entirety and revised as follows:

D. Collocation on an Existing Structure; Eligible Facilities Request.

- (1) Application. All applicants shall submit the information necessary for the Town to consider whether an application is an Eligible Facilities Request, as set forth in 320-30. J, below. The applicant will not be required to demonstrate a need or business case for the proposed modification.
- (2) Type of Review. Upon receipt of an application for an Eligible Facilities Request pursuant to this Chapter, the Planning Board Engineer shall review such application to determine whether the application so qualifies.
- (3) Timeframe for Review. Within 60 days of the date on which an applicant submits an application seeking approval under this Chapter, the Town of Newton shall approve the application unless it determines that the application is not covered by this Chapter.
- (4) Tolling of the Timeframe for Review. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the Town of Newton and the applicant, or in cases where the Planning Board Engineer determines that the application is incomplete.
 - i. To toll the timeframe for incompleteness, the Planning Board Engineer must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.
 - ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Planning Board Engineer's notice of incompleteness.

iii. Following a supplemental submission, the Planning Board Engineer will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(5) If the Planning Board Engineer determines that the applicant's request for collocation is a substantial change to collocation on an existing structure as defined in this Ordinance, the presumptively reasonable timeframe, as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the Planning Board Engineer's decision that the application is not a covered request. To the extent such information is necessary the Planning Board Engineer may request additional information from the applicant to evaluate the application. When the Planning Board Engineer determines that such an application constitutes a substantial change, applicable portions of this Chapter and the Newton Town ordinances must be complied with.

(6) Failure to Act. In the event the Planning Board Engineer fails to approve or deny a request seeking approval under this Chapter within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Town of Newton in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(7) Remedies. Applicants and the Town of Newton or its agents may bring claims related to this Chapter to any court of competent jurisdiction.

Section 4. §320-30.G shall be revised to amend only the following title to subsection G, as follows:

G. Site plan submission and approval requirements for new wireless facilities and substantial changes with collocation on an existing tower.

Section 5. A new §320-30.J shall be and is hereby enacted, as follows:

J. Eligible Facilities Request Application requirements. An Eligible Facilities Request Application shall include the following:

1. Applicant's certification that they have the legal authority to collocate/modify support structure which may include approvals from the jurisdiction authorizing the initial placement of transmission equipment on the tower or other structure.
2. The identity of the owner of the parcel.

3. Detailed site information. Except where the facility will be located entirely within an existing structure or an existing building, detailed site plan information shall show:
 - a. Existing and proposed improvements. The location and dimensions of the existing facility and the maximum height above ground of the facility (also identified in height above sea level).
 - b. Elevation. The benchmarks and datum used for elevations.
 - c. Design. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of applicant's existing and proposed antennas and other equipment. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.
 - d. Setbacks. All existing setbacks.
 - e. Location of accessways. The location of all existing accessways and the location and design of all proposed accessways.
4. All applications for cellular towers, including collocation and Eligible Facilities Requests, shall comply with any and all general applicable building, structural, electrical, and safety codes, as well as any others deemed by the Town to be related to health and safety.
5. Further, all such applications shall also comply with the requirements of the Historic Preservation District, as applicable, and any concerns or comments made by the Commission thereto.

Section 6. Section 100-23, Zoning Fees, shall be revised to add a new review fee as follows, as a new Section 100-23.C(5):

(5) Collocation on Existing Cellular Tower Structure/Eligible Facilities Request Review Fee, pursuant to 320-30.D and J.

Application
\$300

Section 7. 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 8. 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 9. Effective Date. This Ordinance will take effect after publication and passage according to law.

Section 10. 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 Sussex County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Town Clerk is further directed to refer this Ordinance to the Town Land Use Board, pursuant to N.J.S.A. 40:55D-64. 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.

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, September 28, 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 Wednesday, October 14, 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



Memorandum

To: Town Council

Cc: Jessica Caldwell
David Simmons
David Soloway
Planning Board

FROM: Kathy Citterbart, Planning Board Secretary

DATE: September 24, 2015

RE: "Wireless Communications Facilities"

At their regular meeting of the Newton Planning Board held on September 23, 2015, the Planning Board found that the proposed ordinance amending Section 320-30 of the Code of the Town of Newton, entitled "Wireless Communication Facilities", to include collocation requirements is not inconsistent with the Master Plan.

TOWN OF NEWTON
ORDINANCE #2015-28

AN ORDINANCE TO AMEND CHAPTER 307 “VEHICLES AND TRAFFIC” OF THE CODE BOOK OF THE TOWN OF NEWTON

WHEREAS, Newton’s Court Administrator, Lucy M. DeLoreto, has recommended amending certain parking fines in §307-69 *Schedule XIX, Local Supplemental Violations Bureau Schedule* of Code Book of the Town of Newton; and

WHEREAS, the State Administrative Office of the Court, Assignment Judge, the Hon. Andrew M. Wubbenhorst, AJSC of the Superior Court of Morristown, has reviewed the proposed changes to the *Local Supplemental Violations Bureau Schedule* and has granted approval for said changes to be made by the Newton Governing Body;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, that §307-69 *Schedule XIX, Local Supplemental Violations Bureau Schedule* of the Code Book of the Town of Newton be amended to include the following:

§ 307-69. Schedule XIX: Local Supplemental violations Bureau Schedule.

Code Section	Short Description	Proposed
§307-27A	Vehicles must park in designated areas between lines.	\$35

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, September 28, 2015. It will be considered for adoption, after final reading and public hearing thereon, at a meeting of the Newton Governing Body to be conducted at 7:00 pm on Wednesday, October 14, 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 #2015-29

AN ORDINANCE TO AMEND CHAPTER 307-48 SCHEDULE I “NO PARKING” OF THE CODE OF THE TOWN OF NEWTON

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Newton that Chapter 307-48, Schedule I entitled “No Parking” of the Code of the Town of Newton be hereby amended to include the following:

Section 1. 307-48 Schedule I: No Parking

Jefferson Street	East Side	Beginning at southeast corner of Jefferson Street and Halsted Street and extending 173 feet north on Jefferson Street.
Jefferson Street	West Side	Beginning 76 feet north from northwest corner of Jefferson Street and Halsted Street and extending 158 feet north on Jefferson Street.

Section 2. 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 3. 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 4. Effective Date. This Ordinance will take effect after publication and passage according to 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, September 28, 2015. It will be considered for adoption after final reading and public hearing thereon, at a meeting of the Newton Governing Body to be conducted at 7:00pm on Wednesday, October 14, 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 #160-2015

September 28, 2015 "Resolution Approving Vacation and Sick Leave Payout for Daniel Smith"

WHEREAS, Daniel Smith, Police Officer with the Newton Police Department retired effective September 1, 2015, and as such is entitled to a payout for his unused and accrued vacation and sick leave, pursuant to applicable law, Town ordinances and the Town of Newton Personnel Policies and Procedures Manual and Employee Handbook;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Council authorizes the following estimated payment for unused and accrued vacation and sick leave to Daniel Smith, who has retired effective September 1, 2015:

<u>Employee</u>	<u>Retirement date</u>	<u>Estimated payout total</u>
Daniel Smith	09/01/2015	\$16,801.51

BE IT FURTHER RESOLVED, that appropriate Town employees are hereby authorized to make the estimated payments as set forth above, with any required revisions to the payout amounts.

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, September 28, 2015.

Lorraine A. Read, RMC
Municipal Clerk

LOAN RESOLUTION #161-2015
(Public Bodies)

A RESOLUTION OF THE Governing Body

OF THE Town of Newton

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Water

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Newton, Town of

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Eight Hundred Thirty-Nine Thousand & 00/100

pursuant to the provisions of N.J.S.A. 40A:62-1 et. seq.; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

- 11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
- 12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
- 13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
- 14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
- 15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
- 16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
- 17. To accept a grant in an amount not to exceed \$ 361,000.00

under the terms offered by the Government; that the the Mayor

and Town Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas _____ Nays _____ Absent _____

IN WITNESS WHEREOF, the Governing Body of the

Town of Newton has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this _____, _____ day of _____

(SEAL) _____ By _____

Attest: _____ Title _____

Title _____

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as _____ of the Newton, Town of _____

hereby certify that the _____ of such Association is composed of

_____ members, of whom , _____ constituting a quorum, were present at a meeting thereof duly called and

held on the _____ day of _____ ; and that the foregoing resolution was adopted at such meeting

by the vote shown above, I further certify that as of _____ ,
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been
rescinded or amended in any way.

Dated, this _____ day of _____

Title _____



TOWN OF NEWTON

RESOLUTION #162-2015

September 28, 2015 "Approve Purchase of New Heavy Duty Roll-Off Dumpsters for the Recycling Center"

WHEREAS, Custom Container Solutions, LLC, has provided a quote in the amount of \$21,500 for the purchase of:

Quantity	Size	Type	Amount
One	15 cubic-yard	Industry Standard Container	\$2,950.00
Two	20 cubic-yard	Heavy duty containers	\$4,475.00 each
Two	30 cubic-yard	Heavy duty containers	\$4,625.00 each
		Delivery Fee	<u>\$350.00</u>
Total			\$21,500.00

WHEREAS, the Purchasing Agent and the DPW Supervisor obtained two other quotes, one from Omaha Standard Inc, in the amount of \$22,395.00 and the other from Thompson Fabricating, Inc., in the amount of \$25,335.00 and therefore recommend the purchase of the heavy duty roll-off dumpsters from Custom Container Solutions, LLC., in the amount of \$21,500.00; and

WHEREAS, the Chief Financial Officer has certified funds are available to support this project as per attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the new heavy duty roll-off dumpsters be purchased from Custom Container Solutions, LLC, Lewisburg, P.A. in the amount of \$21,500.00.

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, September 28, 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 #: 162-2015

APPROVING: CUSTOM CONTAINER SOLUTION, LLC

FOR THE PURPOSE OF: RECYCLING CENTER DUMPSTERS (5)

IN THE AMOUNT OF: \$21,500.00

APPROPRIATED BY:

GRANT

APPROPRIATED RESERVES - RECYCLING GRANT #111218 \$21,500.00

DATED THIS 28TH DAY OF SEPTEMBER 2015

BY

DAWN L. BABCOCK

CHIEF FINANCIAL OFFICER

Resolution #163-2015

**GRANT AGREEMENT
BETWEEN
TOWN OF NEWTON
AND
THE STATE OF NEW JERSEY
BY AND FOR
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

GRANT IDENTIFIER: FS16-109

GOVERNING BODY RESOLUTION

The governing body of Town of Newton desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000.00 to fund the following project:

**Green Communities Grant
Community Forestry Management Plan**

Therefore, the governing body resolves that Daniel G.

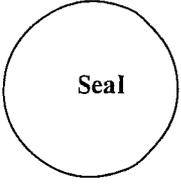
Flynn or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$3,000.00 and not more than \$3,000.00, and (c) to execute any amendments thereto any amendments thereto which do not increase the Grantee's obligations.

The Town of Newton Town Council authorizes and hereby agrees to match 50 % of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 100 % of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Introduced and passed _____, _____.

Ayes: _____
Noes: _____
Absent: _____



* The portion of this form between the asterisks should only be completed if matching funds are required under the terms of the agreement. Where in-kind services are allowed and are stipulated by the Grantee, an attachment must be provided and appended hereto, breaking out the in-kind services to be provided by the Grantee.

CERTIFICATION*

I, Lorraine A. Read, municipal clerk county clerk utilities Authority Clerk (Other, specify:
of Town of Newton certify that this resolution was duly adopted by Town of Newton Town Council at a meeting
duly held on the ____ day of _____, _____; that this resolution has not been amended or repealed; and that it remains
in full force and effect on the date I have subscribed my signature. **

(signature) *

Lorraine A. Read

Municipal Clerk

Date: _____ **

* Certification must be signed by an official other than the individual authorized to execute the agreement.

** This date must be no more than sixty (60) days prior to the Grantee's execution of the agreement. If the original certification expires prior to the Grantee's execution, Grantee must submit a currently certified copy of this Attachment C when it returns the executed agreement to the Department.



TOWN OF NEWTON

RESOLUTION #164-2015

September 28, 2015 "RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AUTHORIZING AN ESCROW AGREEMENT WITH KROGH'S BREWING COMPANY"

WHEREAS, Krogh's Brewing Company (the "**Entity**") is a tenant of certain real property located at 56 Paterson Avenue, Newton, New Jersey (the "**Property**"); and

WHEREAS, the Property has been designated by the municipality as an area in need of redevelopment pursuant to Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the "**Redevelopment Law**"), and a redevelopment plan has been adopted for the Property; and

WHEREAS, the Entity and the Town desire to explore the potential for the redevelopment of the Property, and the Entity recognizes the Town will incur costs and expenses in connection therewith, and is willing to defray those costs, with no assurance of a particular result from the Town; and

WHEREAS, the Entity has agreed to deposit funds with the Town to be administered in accordance with the terms of the form of escrow agreement set forth at Exhibit A hereto,

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Town hereby authorizes the execution of the Agreement in substantially the form attached hereto as Exhibit A and by this reference incorporated herein. The Mayor is hereby authorized to execute the Agreement in substantially the form attached hereto.

Section 3. 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.

Section 4. A copy of this resolution shall be available for public inspection at the offices of the Town Clerk.

Section 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 Monday, September 28, 2015.

Lorraine A. Read, RMC
Municipal Clerk

EXHIBIT A

FORM OF ESCROW AGREEMENT

ESCROW AGREEMENT

THIS ESCROW AGREEMENT ("Agreement") is made as of the ____ day of September, 2015 by and between **KROGH'S BREWING COMPANY** (the "**Entity**"), with an address at 56 Paterson Avenue, Newton, NJ 07860 and **THE TOWN OF NEWTON**, a municipal corporation of the State of New Jersey (the "**Town**" and together with the Entity, the "**Parties**"), with an address at 39 Trinity Street, Newton, New Jersey 07860.

WITNESSETH:

WHEREAS, the Entity is about to be a tenant of certain real property located at 56 Paterson Avenue, Newton, New Jersey (**the "Property"**); and

WHEREAS, the Property has been designated by the municipality as an area in need of redevelopment pursuant to Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**"), and a redevelopment plan has been adopted for the Property; and

WHEREAS, the Parties desire to explore the potential for the redevelopment of the Property, and the Entity recognizes that the Town will incur costs and expenses in connection therewith, and is willing to defray those costs, with no assurance of a particular result from the Town; and

WHEREAS, the Entity has agreed to deposit with the Town the amount of **EIGHT THOUSAND, FIVE HUNDRED and 00/100 (\$8,500.00) DOLLARS** (the "**Escrow Deposit**"), to be deposited in an escrow account and disbursed in accordance with the provisions of this Agreement to defray certain costs and expenses incurred by or on behalf of the Town arising out of or in connection with, among other things, consideration of the Entity's proposed development plans and concepts and alternatives thereto, including but not limited to, if and as appropriate, the development and adoption of amendments to the redevelopment plan for the Property and the negotiation and preparation of related agreements, if any (collectively, the "**Municipal Undertakings**"),

NOW THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, and intending to be legally bound hereby, the Parties hereto agree as follows:

- 1. Escrow Deposit.** The Escrow Deposit is separate from and in addition to all other application fees and escrow deposits that may be required by the Town pursuant to the Municipal Land Use Law, *N.J.S.A. 40:55D-1 et seq.*, as and to the extent applicable.
- 2. Scope of Reimbursable Services.** (a) The Town shall be entitled to be reimbursed for all professional charges incurred in connection with the Municipal Undertakings defined above, the preparation and review of all related documents and materials, including but not limited to correspondence, meetings and all communications

(including by telephone and e-mail) with the Entity, the Entity's professionals, Town staff or retained professional(s) with respect to the Municipal Undertakings (collectively, the "**Reimbursable Activities**"). **Reimbursement may include charges incurred in connection with Reimbursable Activities prior to the date of this Agreement, and is not contingent upon the outcome of any negotiations between the Parties.**

(b) Properly reimbursable professional charges shall be reasonable and necessary and shall relate to Reimbursable Activities performed by outside consultants and professionals. Annexed hereto as **Schedule 1** is a schedule of rates to be charged by outside professionals and consultants retained by the Town as of the date of this Agreement.

3. Deposit and Administration of Escrow Funds. The Escrow Deposit and all additions thereto shall be held by the Town in a banking institution or savings and loan association in the State of New Jersey insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the State of New Jersey, in a segregated, non-interest bearing account (the "**Escrow Account**") referenced to this Agreement.

4. Payments from the Escrow Funds. (a) The Town shall use such funds to pay reimbursable professional charges.

(b) Professional charges paid out of the Escrow Account shall include professional charges in connection with the Reimbursable Activities. The Entity shall not be charged for any costs and expenses not associated with the Reimbursable Activities. The only costs that shall be added shall be actual out-of-pocket expenses of such professionals or outside consultants, including normal and typical expenses incurred in connection with such Reimbursable Activities.

(c) Each payment for professional services charged to the Escrow Account shall be pursuant to a voucher from the professional, identifying the personnel performing the Reimbursable Activities, each date the services were performed, the hours spent in not greater than one-tenth hour increments, the hourly rate, and specifying properly reimbursable expenses. All professionals shall submit the required vouchers or statements to the Town on a monthly basis in accordance with the schedule and procedures established by the Town. The professional shall simultaneously send an informational copy of each voucher or statement submitted to the Town to the Entity.

5. Accounting and Additional Deposits. As reasonably requested by the Entity, the Town shall prepare and send to the Entity a statement which shall include an accounting of funds listing all deposits, interest earnings, disbursements and the cumulative balance of the Escrow Account.

- 6. Close Out Procedures.** Upon termination of negotiations, including but not limited to termination of negotiations by the Entity because the Entity and Property Owner have been unable to agree upon lease terms, the Entity may send written notice by certified mail to the Town, the Town Manager, the Town's Chief Financial Officer and to the relevant municipal professional(s), requesting that the remaining balance of the Escrow Deposit be refunded, or otherwise transferred to another escrow account if and as appropriate under the circumstances. After receipt of such notice, the professional(s) shall render a final bill to the Town within 30 days, and shall send a copy simultaneously to the Entity. Within 30 days of receipt of the final bill the Town shall pay all outstanding bills and render a written final accounting to the Entity detailing the uses to which the escrow funds were put. The Entity will not be responsible for any additional charges once the final accounting has been rendered by the Town in accordance with this section.
- 7. Disputed Charges.** (a) The Entity may dispute the propriety or reasonableness of professional charges paid out of the Escrow Deposit by written notice to the Town. A copy of such notice shall be sent simultaneously to the professional(s) whose charges or estimated costs are the subject of the dispute. Such written notice of a disputed charge shall be given within 45 days from the Entity's receipt of the informational copy of the professional's voucher, except that if the professional has not supplied the Entity with an informational copy of the voucher, then the Entity shall send notice within 60 days from receipt of the first statement of activity against the escrow account containing the disputed charge. Failure to dispute a charge in writing within the prescribed time shall constitute the Entity's acceptance of the charge and a waiver by the Entity of all objections to the charge and to payment thereof out of the escrow account.
- (b) During the pendency of a dispute the Town may continue to pay undisputed charges out of the Escrow Account. If a dispute over a charge is resolved in the Entity's favor after having been paid, the Town shall reimburse the Escrow Account in the amount determined to be properly disputed.
- 8. Governing Law.** This Escrow Agreement shall be governed, construed and enforced according to the laws of the State of New Jersey, without regard to its conflicts of laws principles. Any action hereunder shall be brought exclusively in a court of the State of New Jersey sitting in Sussex County, New Jersey or in a United States Court having jurisdiction in the District of New Jersey, sitting in Essex County, New Jersey, and the Entity hereby waives all objections to such venue.
- 9. Successors and Assigns.** This Escrow Agreement shall be binding upon, and inure to the benefit of, the parties hereto and upon each party's successors and assigns.

10. Entire Agreement; No Modification Unless in Writing. This Escrow Agreement contains the entire agreement of the parties relative to the subject matter hereof. Any amendment hereto or modification or variation hereof shall be ineffective unless in writing signed by each of the parties hereto.

11. Effective Date. This Agreement shall not become effective unless and until the Escrow Deposit is made.

IN WITNESS WHEREOF, the parties have executed this Agreement the date and year first above written.

Witness or Attest:

TOWN OF NEWTON

By: _____

KROGH'S BREWING COMPANY

By: _____

Schedule 1

1. **McManimon, Scotland & Baumann, LLC:** Redevelopment Counsel. \$325 per hour.
2. **J. Caldwell Associates:** Town Planner. \$118 per hour.
3. **Harold Pellow and Associates:** Town Engineer. \$125 per hour.



TOWN OF NEWTON

RESOLUTION #165-2015

September 28, 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, September 28, 2015.

Lorraine A. Read, RMC
Municipal Clerk

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

Check#	Vendor	Description	Payment	Check Total
35660	39 - QUILL CORPORATION	PO 45870 BLANKET: POLICE/CENCOM SUPPLIES AC	56.77	56.77
35661	53 - MONTAGUE TOOL & SUPPLY, INC.	PO 46089 BLANKET: REPAIR EQUIP RD/MACH/SNOW	463.19	463.19
35662	64 - PELLOW, HAROLD & ASSO, INC.	PO 46900 PB CONSULT-AUG 2015	31.25	
		PO 46927 AUG ENGINEERING	734.25	
		PO 46933 PB CONSULT-AUG 2015	31.25	796.75
35663	106 - ELIZABETHTOWN GAS	PO 46204 BLANKET: NAT GAS USAGE (APR-DEC)	134.95	134.95
35664	113 - JCP&L	PO 46205 BLANKET: ELECTRIC TOWN @\$5000/ST @\$	13,013.08	13,013.08
35665	116 - NEW JERSEY HERALD, INC.	PO 46828 AUG ADVERTISING	292.80	292.80
35666	126 - SCMUA	PO 46195 BLANKET: TRASH/BRUSH/STREET SWEEPIN	871.59	871.59
35667	133 - TEETS, MICHAEL D	PO 46079 2015 MILEAGE REIMB (200 miles \$112	112.00	112.00
35668	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 46110 BLANKET: LONG DISTANCE (APR-DEC @\$2	285.30	285.30
35669	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 46944 LOCAL PHONE SVC AUG	3,641.15	3,641.15
35670	192 - CAMPBELL'S SMALL ENGINE INC.	PO 45481 BLANKET: PARKS EQUIP/MAINT	813.45	813.45
35671	206 - LOCK & KEY WORLD	PO 46191 BLANKET: LOCK & KEYS B&G	104.00	104.00
35672	219 - TRI-STATE RENTALS, INC.	PO 46837 KUBOTA TRACTOR PARTS	487.59	487.59
35673	240 - NEWTON FIRST AID SQUAD	PO 46121 2015 CONTRIBUTION \$6043.50 Qtr	6,043.50	6,043.50
35674	272 - HOLZHAUER, SCOTT	PO 46080 2015 MILEAGE REIMB (200 miles \$112	112.00	112.00
35675	311 - NJLM	PO 46878 MAYOR'S BOX LUNCHEON 11/18 D FLYNN	25.00	25.00
35676	327 - MITCHELL AGENCY, INC.	PO 46931 FIRE ACCIDENT INS. VSP-4231-8172D-0	3,332.00	3,332.00
35677	365 - KITHCART, BROCK	PO 45475 2015 QTRLY PHONE STIPEND	37.50	37.50
35678	373 - GALLS INCORPORATED	PO 46727 S/O UNIFORM PANTS/SHOES ACCT #4794	169.10	
		PO 46876 CROSSING GUARD GLOVES	50.00	219.10
35679	473 - BANK OF NEW YORK	PO 46942 ADMIN FEE MCIA 2009 -9/1-8/31/16 A	1,650.00	1,650.00
35680	611 - SEBRING AUTO PARTS, INC.	PO 46100 BLANKET: AUTO PARTS & SUPP'S ACCT	208.51	208.51
35681	643 - SHERWIN-WILLIAMS, INC.	PO 46911 PAINT CROSSWALKS ACCT #5122-3815-5	429.28	429.28
35682	768 - DEMPSEY UNIFORM & SUPPLY INC	PO 46084 BLANKET: UNIFORM/MAT RENTALS	1,282.54	1,282.54
35683	874 - MILLIKIN,DEBRA	PO 46077 2015 MILEAGE REIMB (250 MILES \$140	140.00	140.00
35684	921 - AIRGAS EAST	PO 45975 BLANKET: CARBON DIOXIDE POOL	172.79	
		PO 46163 BLANKET: ACETYLENE/ARGON/OXYGEN REN	7.34	180.13
35685	1132 - BOONTON TIRE SUPPLY INC.	PO 46161 BLANKET: POLICE VEHICLE REPAIR	335.47	
		PO 46893 OEM REFURBISH	1,638.50	
		PO 46894 FIRE CHEIF BRAKES & ROTORS	614.99	
		PO 46907 AMBULANCE OIL CHG & FILTER	122.60	2,711.56
35686	1141 - MCGUIRE, INC.	PO 46099 BLANKET: DPW TRK REPAIRS CUST #22	28.95	28.95
35687	1280 - VERIZON WIRELESS, INC.	PO 46108 BLANKET: CELL PHONES (Apr-Dec @\$150	1,388.22	1,388.22
35688	1305 - ACCURATE DOOR, INC.	PO 46908 FIRE #1 8/26 GARAGE DOOR REPAIR	165.00	165.00
35689	1500 - WALMART	PO 46683 TV for Bulletin Board in Lobby	331.00	
		PO 46785 SUPPLIES 8/20 FLICK & FLOAT	78.20	409.20
35690	1528 - MR. JOHN, INC.	PO 46103 BLANKET: RECYCLING CNTR PORT A JOHN	73.33	73.33
35691	1608 - GOLD TYPE BUSINESS MACHINES	PO 46810 SCANNER CABLE INSTALLTION	469.40	469.40
35692	1751 - TERESA ANN OSWIN	PO 45473 2015 QTRLY PHONE STIPEND	37.50	37.50
35693	1819 - VOGEL,CHAIT,COLLINS,SCHNEIDER, PC,	PO 46906 PB CONSULT-AUG 2015	870.00	870.00
35694	2048 - DANIELSON, DEBORAH	PO 46882 2015 MILEAGE REIMB (150 miles \$84 p	84.00	84.00
35695	2257 - STAPLES BUSINESS ADVANTAGE, INC.	PO 46151 BLANKET: PD/CENCOM OFFICE SUPPLIES	529.79	
		PO 46940 GROUND SHIPPING M ZAPPA	48.68	
		PO 46935 FINANCE BINDERS & PADS YR END	117.99	696.46
35696	2312 - SPECTRUM COMMUNICATIONS, INC.	PO 43057 INSTALL MDTs	4.73	4.73
35697	2387 - NESTLE WATERS, INC.	PO 46114 BLANKET: 2015 WATER	64.82	64.82
35698	2450 - PINNACLE WIRELESS FBO UNITEK GLOBAL	PO 46438 MTR 3000 VHF BASE STATION CUST #30	5,550.00	5,550.00
35699	2478 - RACHLES/MICHELE'S OIL COMPANY, INC.	PO 46160 BLANKET: GAS (APR-SEPT \$4000)ACCT #	1,115.55	1,115.55
35700	2479 - TAYLOR OIL CO., INC.	PO 46159 BLANKET: DIESEL (APR -SEPT\$5000) AC	1,602.49	1,602.49
35701	2504 - PowerDMS, Inc.	PO 46790 ANNUAL POLICY SUBSCRIPTION/LICENSE	2,609.24	2,609.24
35702	2525 - FIREFIGHTER ONE, LLC.	PO 46872 ELEVATOR KEY SET TOOL BAG	713.02	
		PO 46873 HOSE REPLACEMENT	911.76	1,624.78
35703	2532 - LADDEY, CLARK & RYAN, LLP	PO 46038 2015 PROSECUTOR (ann \$27,000/\$2,250	2,458.33	2,458.33
35704	2561 - SUSSEX COUNTY CHAMBER OF COMMERCE	PO 46871 MEMBERSHIP (10/1/15-9/30/16) ACCT	301.00	301.00
35705	2626 - GENERAL CODE, LLC	PO 46861 CODE BOOK UPDATE #9 CUST #NE2921	2,717.03	2,717.03
35706	2651 - B & M AQUATIC GARDENS & KO	PO 46877 Munic Pond Pump	390.99	390.99
35707	2741 - JERSEY CENTRAL POWER & LIGHT, INC.	PO 46107 BLANKET: ELEC PARK N RIDE ACCT #100	593.09	593.09
35708	2788 - PENTELEDATA	PO 46123 BLANKET: INTERNET ACCT #1871584 (AP	689.70	689.70
35709	2938 - WOODRUFF ENERGY US, INC.	PO 46115 BLANKET: NAT GAS USAGE (APR-DEC)	144.19	144.19
35710	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 46831 COUNCIL BUSINESS JULY	413.00	

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

Check#	Vendor	Description	Payment	Check Total
		PO 46864 COUNCIL BUSINESS AUG	590.00	1,003.00
35711	3245 - MOVIES IN MOTION	PO 46740 FLICK N FLOAT MOVIE SCREEN & AUDIO	300.00	300.00
35712	3246 - Recreation Supply Company, Inc.	PO 46891 DRIVE BELT KIT POOL CUST #V26304	167.90	167.90
35713	3249 - TRI-STATE RENTALS/PARTY WORLD INC	PO 46844 RAFFLE TICKETS BALLOONS FLICK N FLO	46.95	
		PO 46845 SUPPLIES POOL LUAU 6/25	124.30	171.25
35714	3369 - UNITED TELEPHONE/CENTURY LINK	PO 46203 BLANKET: DIGITAL DATA CIRCUIT (39 T	126.37	126.37
35715	3467 - FIREFLOW SERVICES, LLC.	PO 46874 HOSE/LADDER/PUMP TESTING	4,142.50	4,142.50
35716	3616 - V.E. RALPH & SON, INC.	PO 46813 NARCAN SUPPLIES CUST #205774	50.71	50.71
35717	3629 - TRANSACTION PUBLISHERS	PO 46612 DEVELOPMENT DEFINITIONS 4TH EDITION	120.50	120.50
35718	3644 - JOHNNY ON THE SPOT, LLC.	PO 46162 BLANKET: PORT A JOHNS (APR-NOV) Par	475.00	475.00
35719	3660 - SCHENCK, PRICE, SMITH, & KING, LLP	PO 46759 JULY TAX APPEALS	867.20	867.20
35720	3679 - REISINGER OXYGEN SERVICE, INC.	PO 46812 OXYGEN REFILLS POLICE CUST #5587	54.44	54.44
35721	3715 - JOHN MULHERN	PO 46558 JUDGE 7/15-12/15 \$35,000/12=\$2916.6	3,791.67	3,791.67
35722	3723 - NEWTON MEDICAL CENTER	PO 46674 DRUG SCREEN 6/11 FIRE TRK	2,162.00	2,162.00
35723	3732 - WALTER M. LUERS, ESQ.	PO 46842 CONSENT ORDER SHAWN HOPKINS VS SUSS	300.00	300.00
TOTAL				75,264.28

Total to be paid from Fund 10 CURRENT FUND 75,264.28

75,264.28

Checks Previously Disbursed

151057	PAYROLL ACCOUNT	9/24 CURRENT PAYROLL	192,383.01	9/24/2015
35659	MALL CHEVROLET	PO# 46358 2015 CHEVY TAHOE PPV	336.00	9/14/2015

			192,719.01	

Total paid from Fund 10 CURRENT FUND 192,719.01

192,719.01

Total for this Bills List: 267,983.29

List of Bills - (110001) CASH FEDERAL/STATE GRANTS

Check#	Vendor	Description	Payment	Check Total
1284	2136 - DRAGER SAFETY DIAGNOSTICS, INC.	PO 46820 ALCOTEST SUPPLIES CUST #150046892	206.50	206.50
1285	3606 - NJ FENCE LLC	PO 46792 RECYCLING FENCE \$10T	4,347.00	4,347.00
1286	3729 - AJ Images, Inc.	PO 46799 MATERIALS FOR STREET SMART CAMPAIGN	2,975.00	2,975.00
TOTAL				7,528.50

Total to be paid from Fund 11 FEDERAL/STATE GRANTS	7,528.50
	7,528.50

Checks Previously Disbursed

151107	PAYROLL ACCOUNT	9/24 GRANT P/R	1,260.58	9/24/2015
				1,260.58

Total paid from Fund 11 FEDERAL/STATE GRANTS	1,260.58
	1,260.58

Total for this Bills List: **8,789.08**

**List of Bills - (30001) CASH - CAPITAL - LAKELAND #450
CAPITAL**

Check#	Vendor	Description	Payment	Check Total
8462	64 - PELLOW, HAROLD & ASSO, INC.	PO 46927 AUG ENGINEERING	16,841.71	
		PO 46932 SPRING ST LIGHTING AUG	1,069.00	17,910.71
8463	219 - TRI-STATE RENTALS, INC.	PO 46832 JACKHAMMER RENTAL (8/29) SPRING ST	95.00	95.00
8464	2312 - SPECTRUM COMMUNICATIONS, INC.	PO 43057 INSTALL MDTs	5,045.27	5,045.27
8465	2313 - GRAVITY DESIGN WORKS, INC.	PO 46919 Town Hall Lobby Directory Board	597.50	597.50
8466	2744 - FKA ARCHITECTS INC.	PO 41252 ARCHITECTURAL FIRE MUSEUM	108.74	108.74
8467	3406 - BLUE RIDGE LUMBER, INC.	PO 46853 SHEETROCK 1ST FLR TH ACCT #32390	455.76	455.76
	TOTAL			24,212.98

Total to be paid from Fund 30 CAPITAL 24,212.98
24,212.98

Checks Previously Disbursed

8461	MALL CHEVROLET	PO# 46358 2015 CHEVY TAHOE PPV	40,000.00	9/14/2015
			40,000.00	
	Total paid from Fund 30 CAPITAL		40,000.00	
			40,000.00	

Total for this Bills List: 64,212.98

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

Check#	Vendor	Description	Payment	Check Total
15203	64 - PELLOW, HAROLD & ASSO, INC.	PO 46927 AUG ENGINEERING	5,104.25	5,104.25
15204	70 - HACH COMPANY	PO 46800 LAB SUPPLIES ACCT #9410	112.00	112.00
15205	110 - G & G DIESEL SERVICE INC	PO 46890 FLUSHER CHECK ENG LIGHT	182.96	182.96
15206	113 - JCP&L	PO 46939 AUG ELECT W/S	12,389.56	12,389.56
15207	116 - NEW JERSEY HERALD, INC.	PO 45628 ADVERTISING TOWN OF NEWTON 2015 (2/	365.00	365.00
15208	121 - PUMPING SERVICES, INC.	PO 46156 BLANKET: STP \$8000/WTP \$2000 REPAIR	200.00	
		PO 46246 MORRIS LAKE REPLACE VFDS CUST #685	9,691.00	9,691.00
15209	126 - SCMUA	PO 46195 BLANKET: TRASH/BRUSH/STREET SWEEPIN	477.08	477.08
15210	155 - COYNE CHEMICAL CORP., INC.	PO 46165 BID: CES PACL @ \$4.597 (\$100,000 x	8,766.48	
		PO 46166 BID: SODA ASH -Liq sodium carbonate	3,101.04	
		PO 46949 CIRTRIC ACID & SODIUM HYPOCHLORITE	2,443.10	14,310.62
15211	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 46176 BLANKET: WOODSIDE AVE PS 9733834159	37.09	37.09
15212	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 46886 STP 383-2090 NO DIAL TONE PHONE REP	400.00	400.00
15213	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 46944 LOCAL PHONE SVC AUG	1,155.91	1,155.91
15214	330 - AMERICAN WATER WORKS ASSOC	PO 46789 WATER WORKS MEMBERSHIP RENEWALCUST	85.00	85.00
15215	371 - T.A. MOUNTFORD COMPANY, INC.	PO 46851 COPIER CONTRACT WTP (10,000 COPIES)	250.00	250.00
15216	768 - DEMPSEY UNIFORM & SUPPLY INC	PO 46084 BLANKET: UNIFORM/MAT RENTALS	296.80	296.80
15217	921 - AIRGAS EAST	PO 45495 BLANKET: CARBON DIOXIDE	22.02	22.02
15218	1132 - BOONTON TIRE SUPPLY INC.	PO 46477 REPAIR W-6 TRUCK	1,330.50	1,330.50
15219	1271 - JCI JONES CHEMICALS, INC	PO 46164 BID: CHLORINE \$.60 gal (Apr-Dec \$65	630.00	
		PO 46168 BID: LIQ SULFUR DIOXIDE @ \$.65 (\$71	585.00	1,215.00
15220	1280 - VERIZON WIRELESS, INC.	PO 46108 BLANKET: CELL PHONES (Apr-Dec @\$150	133.14	133.14
15221	1489 - SMALLEY, JOHN	PO 46039 2015 SVC'S MORRIS LAKE 9 mnths @ \$1	1,250.00	1,250.00
15222	1500 - WALMART	PO 46683 TV for Bulletin Board in Lobby	331.00	
		PO 46889 COMPUTER MONITOR MORRIS LAKE	149.98	480.98
15223	1964 - ACCESS CONTROL TECHNOLOGY INC.	PO 46840 SVC CALL 8/5 DVR ISSUE acct #40886	405.00	405.00
15224	2138 - KISTLER O'BRIEN FIRE PROTECTION, IN	PO 46786 ANNUAL FIRE INSPECTIONS WWTP & WTP	853.80	853.80
15225	2216 - PALL CORPORATION	PO 46791 VALVE REPLACEMENT	1,975.92	1,975.92
15226	2257 - STAPLES BUSINESS ADVANTAGE, INC.	PO 46936 STP OFFICE SUPPLIES	81.77	81.77
15227	2709 - ACCURATE WASTE REMOVAL INC.	PO 46177 BID: CHEMICAL WASTE REMOVAL @ \$.03	264.00	264.00
15228	2713 - WILLIAM GRENNILLE, LLC.	PO 46037 2015 LICENSED WATER OPERATOR 2ND 3R	4,000.00	4,000.00
15229	2788 - PENTELEDATA	PO 46123 BLANKET: INTERNET ACCT #1871584 (AP	259.90	259.90
15230	2854 - DUSTIN MCGARRY	PO 45750 MEAL ALLOWANCE	17.00	17.00
15231	2882 - ONE CALL CONCEPTS, INC.	PO 46083 BLANKET: ONE CALL MESSAGES (APR-DEC	208.38	208.38
15232	2938 - WOODRUFF ENERGY US, INC.	PO 46115 BLANKET: NAT GAS USAGE (APR-DEC)	156.45	156.45
15233	3429 - TOYOTA MOTOR CREDIT CORP.	PO 46155 BLANKET: 2013 TOYOTA CAMRY 60 PMT @	472.08	472.08
15234	3661 - P. CIPOLLINI, INC.	PO 45735 STP ROOF REPLACEMENT	83,251.00	83,251.00

	TOTAL			141,434.21

Total to be paid from Fund 60 WATER/SEWER UTILITY

141,434.21

141,434.21

Checks Previously Disbursed

156029	PAYROLL ACCOUNT	9/24 W/S PAYROLL	32,709.04	9/24/2015

			32,709.04	

Total paid from Fund 60 WATER/SEWER UTILITY

32,709.04

32,709.04

Total for this Bills List: 174,143.25

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

Check#	Vendor	Description	Payment	Check Total
2402	64 - BELLOW, HAROLD & ASSO, INC.	PO 42159 FOX HOLLOW WATERMAIN REPLACE	\$92, 1,081.88	1,081.88
	TOTAL			----- 1,081.88

Total to be paid from Fund 61 WATER/SEWER CAPITAL

1,081.88

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1,081.88

List of Bills - (710001) CASH - TRUST - LAKELAND #469 TRUST

Check#	Vendor	Description	Payment	Check Total
3408	64 - PELLOW, HAROLD & ASSO, INC.	PO 46901 CAMP ILIFF-AUG ESCROW	281.25	
		PO 46902 NEWTON DUNKIN DONUTS-AUG ESCROW	250.00	
		PO 46903 PUNCT EQUILIBRIUM-AUG ESCROW	187.50	
		PO 46905 NEWTON NURSING HOME-AUG ESCROW	62.50	
		PO 46927 AUG ENGINEERING	398.25	
		PO 46930 85 SPARTA AVE WTR TRANSMISSION MAIN	2,250.00	
		PO 46938 NEWTON DONUTS MAY/JULY	2,193.75	5,623.25
3409	285 - SLOAN, JAMES PPC.	PO 46880 2015 PUBLIC DEFENDER SEPT	1,229.17	1,229.17
3410	1819 - VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	PO 46895 NEWTON DUNKIN DONUTS-AUG ESCROW	30.00	
		PO 46896 PUNCT EQUILIBRIUM-AUG ESCROW	75.00	
		PO 46898 NEWTON NURSING HOME-AUG ESCROW	330.00	435.00
3411	2532 - LADDEY, CLARK & RYAN, LLP	PO 46920 CAMP ILIFF-AUG ESCROW	48.00	48.00
3412	3606 - NJ FENCE LLC	PO 46792 RECYCLING FENCE \$10T	5,653.00	5,653.00
3413	3735 - RICHARD LANCE	PO 46937 REFUND ESCROW BALANCE	1,038.25	1,038.25
	TOTAL			14,026.67

Total to be paid from Fund 71 TRUST 14,026.67
14,026.67

Checks Previously Disbursed

157120	PAYROLL ACCOUNT	9/24 TRUST PAYROLL	1,405.02	9/24/2015
			1,405.02	

Total paid from Fund 71 TRUST 1,405.02
1,405.02

Total for this Bills List: 15,431.69

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

Check#	Vendor	Description	Payment	Check Total
1244	64 - BELLOW, HAROLD & ASSO, INC.	PO 46904 TACO BELL-AUG ESCROW	1,170.25	
		PO 46910 ILIFF REALTY-AUG ESCROW	1,249.00	2,419.25
1245	1819 - VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	PO 46897 TACO BELL-AUG ESCROW	195.00	
		PO 46899 ILIFF REALTY-AUG ESCROW	285.00	480.00
	TOTAL			----- 2,899.25

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

2,899.25

2,899.25

TOWN OF NEWTON

ORDINANCE 2015-

AN ORDINANCE REVISING CHAPTER 45, "ALARMS"

WHEREAS, the Town Council of the Town of Newton reviewed its current ordinances regarding "Alarms", Chapter 45 of the Code of the Town of Newton; and

WHEREAS, the Town Council found that Chapter 45 needs to be revised for clarification and simplicity;

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. Chapter 45, "Alarms" is deleted in its entirety and replaced by the following:

Chapter 45. Alarms

§ 45-1. Purpose.

The purpose of this Chapter is to provide minimum standards and regulations for the use of privately installed emergency alarm systems, to establish permit and registration procedures, establish a system of administration, and establish fees and penalties for violations. The provisions of this Chapter shall apply to any person who operates, maintains or owns any alarm system in the Town of Newton.

§ 45-2. Definitions.

As used in this Chapter:

ALARM SYSTEM

The installation in one or more buildings, residential or otherwise, of one or more alarms to provide visual or audible warnings, or both, of an emergency, such as unauthorized intrusion, fire, smoke, flood or similar hazard requiring urgent attention, which are intended to summon law enforcement response. Alarm system shall not include:

- A. An alarm installed on or in a vehicle, unless the vehicle is permanently located at a site; nor
- B. An alarm designed to alert only the inhabitants of a single-family residential premises or residential unit and not designed to be seen, heard or communicated to a third person outside of the particular premises or unit.

CHIEF

The Chief of Police of the Town of Newton or his or her designee.

DIAL ALARM

Alarm equipment that employs an automatic dialing system programmed to connect with the police headquarters telephone and emit a prerecorded voice message. Such dial alarms are NOT permitted in the Town.

FALSE ALARM

An alarm actuated for which there is no evidence of an attempted unauthorized entry or for which there exists evidence of an equipment failure or evidence of inadvertence on the part of any permittee, agents, servants and employees requiring a response by police, fire or other municipal agency. False alarms shall include actuations caused by malfunctioning of the alarm or other relevant equipment but shall not include alarm actuations caused by natural forces or other extraordinary circumstances not subject to control by the permittee.

OCCUPANT

A person in possession of premises in or upon which an alarm system has been installed.

PERMITTEE

A person to which a permit has been issued to install, operate or maintain an alarm system.

PERSON

An individual, corporation, partnership, association, organization or similar entity.

§ 45-3. Permit Required.

- A. No person shall install, maintain, operate, use or cause to be operated or used any alarm system within the Town unless an annual permit has been issued by the Chief in accordance with the provisions of this section.
- B. Every permit issued for an alarm system shall expire on December 31 of the year in which it is issued. No person shall use an alarm system during any period when the permit has expired or is suspended.
- C. With each permit, the applicant must provide a list of two (2) persons to be contacted in the event of an actuation. This contact person(s) must respond within 20 minutes of contact.
- D. Dial alarm systems, as defined in §45-2, are prohibited.
- E. All alarm systems shall be installed in accordance with the requirements of N.J.A.C. 5:23-1.1, et seq., the New Jersey Uniform Construction Code. All fire alarms shall be installed with the approval of the fire official and in accordance with N.J.A.C. 5:70-4.1, et seq., the New Jersey Uniform Fire Code.

§ 45-4. Fees.

- A. Fees for alarm system permits shall be \$25.00 for residential alarm systems and \$50.00 for commercial alarm systems.
- B. The renewal fee for residential and commercial alarm system permits shall be \$25.00.
- C. The fee shall not be prorated by reason of the date upon which an application is filed, but the fee shall be refunded to the applicant in the event that a permit is not issued.
- D. Any person who fails to obtain a permit on or before January 31 of each year shall pay a surcharge of \$25.00. Such person shall also remain liable for the penalties.

§ 45-5. Investigation and Issuance of Permit.

The Chief shall issue a permit for an alarm system unless the Chief concludes that the system covered by the application does not meet the applicable standards of this Chapter. Whenever the Chief shall refuse to issue a permit, he shall advise the applicant, in writing, of the reason(s) for refusal.

§ 45-6. Registration Form.

Any person utilizing an alarm system shall complete and file with the Chief a registration form, which may be obtained from the Police Department, correctly containing the following information:

- A. Full name, address and telephone number of the applicant, including an address description which will permit the appropriate municipal department to respond to the alarm.
- B. Use of property (residential or commercial) and type of business conducted on the property.
- C. Common name of the alarm premises.
- D. Name and address of the person(s) installing, maintaining and owning the alarm system.
- E. Description of the alarm system's operation, including, not by way of limitation, activation points of the alarm system and the mechanism(s) by which the alarm system becomes activated.
- F. Name, address and telephone number of the person monitoring and initially responding to an activation of the alarm system.
- G. Name, address and telephone numbers of two (2) responsible persons other than the permittee to be contacted in case of alarm and/or malfunction.
- H. Any additional relevant information specifically requested by the Chief.
- I. Provisions relating to false alarms and testing procedures.

If there has occurred any material change in the information submitted for alarm registration, it shall be the duty of the alarm user, within ten (10) days of such material change, to file a supplemental or revised registration form containing accurate current information. Failure to comply with these provisions will be deemed a violation of this Chapter and subject the violator to the penalties contained herein.

§ 45-7. Terms and Conditions of Permit.

All permits for alarm systems shall be issued upon the following terms and conditions:

- A. A permit shall be issued for each separate improved property, building and/or facility, and no permit shall be transferred or assigned in any manner.
- B. Every permittee shall be subject to the rules and standards set forth in this Chapter.

- C. If an alarm system is disconnected, the permittee shall give written notice to the Police Department within seven (7) days of such disconnection. Any permittee who fails to give the notice required under this subchapter shall be subject to the penalties contained herein.

§ 45-8. Suspension of Permit.

Any permit issued for an alarm system may be suspended by the Chief if it appears that:

- A. The permittee has failed to comply with the terms and conditions of the permit or has failed to comply with rules or standards promulgated by the Chief concerning alarm systems, including failure to pay fines or fees assessed pursuant to this Chapter.
- B. The permittee or his agents knowingly installed or maintains a faulty alarm system.
- C. A false material statement was submitted with alarm registration.
- D. The permittee or his agents failed to comply with a request by the Chief to render necessary services to a faulty alarm system within 36 hours after such request was made or failed to disconnect such alarm system that has not been repaired. Five (5) false alarms within any calendar year shall constitute prima facie evidence that an alarm system is faulty.
- E. In the event that the Chief shall determine that a permit for an alarm system shall be suspended by reason of the provisions of this subsection, the Chief shall notify the permittee of the suspension in writing, by certified mail, to the last known address setting forth the reason or reasons for the suspension.
- F. A suspension shall be terminated by the Chief when he is satisfied that the conditions stated in the notice of suspension have been corrected.

§ 45-9. Disconnection of Unauthorized Equipment; Consent to Inspection.

Any unauthorized alarm system or equipment may be disconnected by Town personnel for noncompliance with this Chapter, and any person installing or maintaining an unauthorized alarm system equipment shall be prosecuted for violation of this Chapter, and each day such equipment is in operation shall be considered a separate violation.

§ 45-10. Appeal.

Any person aggrieved by the action of the Chief in the denial or suspension of a permit for an alarm system shall have the right of appeal to the Town Manager. The appeal shall be taken by filing with the Town Manager, within fifteen (15) calendar days after the notice of action complaint has been mailed to the person's last known address, a written statement setting forth fully the grounds for appeal. The Town Manager shall set a time and place for hearing of the appeal and notice of the hearing shall be given to the appellant by certified mail to his last known address at least five (5) calendar days prior to the date set for hearing. The decisions of the Town Manager and the reasons therefor shall be set forth in writing by the Town Manager within fifteen (15) calendar days of the hearing.

§ 45-11. False Alarms; Fees and Fines.

- A. In the case of a false alarm, any person, permittee or his agent or representative having knowledge thereof shall immediately notify the Town Police Department.
- B. Where a person, permittee or his agent or representative notifies the Town Police Department within 60 seconds of the activation of the alarm, the actuation shall not be deemed to be a false alarm for the purpose of imposing penalties upon the permittee.
- C. The Chief shall cause an investigation to be made of all false alarms and a record of such false alarms kept on file.
 - 1. For false alarms within any 12 consecutive months, the following penalties shall apply:

Number of False Alarms	If Registered	If No Current Registration
For the first 1	A written warning shall be issued.	\$100.00(each occurrence)**
For the 2 nd	\$50.00	\$200.00
For the 3 rd	\$75.00	\$300.00
For the 4 th	\$100.00	\$400.00
For the 5 th and each subsequent	\$200.00	\$500.00

** If registration is obtained within ten (10) days of the first warning, the \$100.00 penalty shall be waived.

- 2. All fines under this Chapter may be joint and several against all persons owning an alarm system, any occupant of a premises in which an alarm system is installed, and any alarm company or contractor.
- 3. All false alarms, commencing with the first, which occur while construction, alteration or renovations are occurring at the site, or when the alarm systems are being serviced, maintained or repaired, and the person conducting such work fails to notify the Town Fire and Police Departments that such work is being conducted, may be issued a summons to the individual or contractor performing the construction, alteration or renovations, and carry a penalty of \$200.00, in addition to any and all other penalties provided in this Chapter.
- D. Where the investigation of the Police Department discloses the failure of a permittee or occupant to take remedial steps to prevent false alarms, the Chief may require said permittee or occupant to disconnect the alarm system.
- E. All fines shall be issued by summonses, which are answerable to the Newton Municipal Court.

§ 45-12. Disclaimer of Responsibility.

Neither the Town nor the Police Department shall assume any responsibility whatsoever with respect to the adequacy, operation or maintenance of any alarm system. No action taken by the Town or the Police Department pursuant to the provisions of this Chapter, including disconnection of alarms, shall create any

liability upon the Town or the Police Department by reason of any failure of any alarm system, any failure to respond to any emergency or any act or omission relating to any alarm system.

§ 45-13. Indemnification.

By installing an alarm system and registering same with the Town, each alarm user agrees to indemnify and hold harmless the Town, its agents, servants and employees from and against all claims, suits, damages, costs, losses and expenses and to release the Town, its agents, servants and employees from any and all liability or damages in any way resulting from or arising out of or connected with the installation, operation or maintenance of the alarm system or any act or omission connected therewith.

§ 45-14. Additional Rules and Regulations.

The Chief may from time to time promulgate written rules and regulations supplementing this Chapter to provide for recordkeeping and efficient management of the system, provided that no such rules and regulations shall be effective until the Town Council shall first approve such rules and regulations, or any amendments thereto, by appropriate resolution.

§ 45-15. Violations, Penalties and Enforcement.

Any person found guilty in the Municipal Court of the Town for violation of the terms of this Chapter other than for violating the terms of Subsection 45-11, which provides specific penalties for violations thereof, shall be subject to a fine of not more than \$2,000.00 or imprisonment for a period not exceeding 90 days, or both. Responsibility for enforcement of the provisions of this Chapter, including but not limited to fines, disconnections, summons and permit suspensions shall be the Police Department, Construction Official or Fire Official.

SECTION 2. Section 100-24.K, "Alarm registration fees" shall be and is deleted in its entirety.

SECTION 3. 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 4. EFFECTIVE DATE

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, _____, 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, _____, 2015 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

ATTEST:

Lorraine A. Read, RMC
Municipal Clerk

DRAFT