



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**JANUARY 11, 2016**  
**7:00 P.M.**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. OPEN PUBLIC MEETINGS ACT STATEMENT**

**IV. APPROVAL OF MINUTES**

- DECEMBER 28, 2015 REGULAR MEETING
- DECEMBER 28, 2015 EXECUTIVE SESSION

**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. SWEARING-IN CEREMONY**

- a. NEWTON FIRE DEPARTMENT 2016 OFFICERS

**VII. COUNCIL & MANAGER REPORTS**

- a. DATES FOR BUDGET HEARINGS – SATURDAY, FEBRUARY 6<sup>TH</sup> AND THURSDAY, FEBRUARY 11<sup>TH</sup>
- b. DATE FOR ANNUAL JOINT TC/BOE MEETING – TUESDAY, FEBRUARY 23<sup>RD</sup> AT 6:00PM AT BOE

**VIII. ORDINANCES**

- a. 2<sup>ND</sup> READING AND PUBLIC HEARING

ORDINANCE 2015-38

AN ORDINANCE TO REVISE THE CODE OF THE TOWN OF NEWTON TO DELETE THE PROVISION REQUIRING AN ANNUAL OR BIENNIAL DOG CANVASS

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

ORDINANCE 2015-39

AN ORDINANCE ADOPTING AMENDMENTS TO THE PATERSON AVENUE REDEVELOPMENT PLAN

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

**IX. OLD BUSINESS**

## X. 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.

- |           |                      |  |
|-----------|----------------------|--|
| <b>a.</b> | RESOLUTION #1-2016*  | RESOLUTION TO ACCEPT THE CERTIFIED LIST OF QUALIFYING 2015 NEWTON FIRE DEPARTMENT LOSAP PARTICIPANTS   |
| <b>b.</b> | RESOLUTION #2-2016*  | FINAL ACCEPTANCE OF THE 85 SPARTA, LLC PROJECT   |
| <b>c.</b> | RESOLUTION #3-2016*  | ADOPTION OF THE TEMPORARY OPERATING BUDGET AND TEMPORARY WATER AND SEWER BUDGET FOR THE TOWN OF NEWTON FOR 2016  |
| <b>d.</b> | RESOLUTION #4-2016*  | RESOLUTION APPOINTING A HEARING OFFICER AND ALTERNATE PURSUANT TO CHAPTER 231, ARTICLE III OF THE CODE OF THE TOWN OF NEWTON RELATED TO HOLDING CERTAIN LANDLORDS RESPONSIBLE FOR DISORDERLY TENANT BEHAVIOR |
| <b>e.</b> | RESOLUTION #5-2016*  | RECOMMENDING SUBMISSION OF THE TOWN OF NEWTON'S HOUSING ELEMENT AND FAIR SHARE PLAN DATED DECEMBER 2015, PREPARED BY J. CALDWELL & ASSOCIATES, LLC, TO THE SUPERIOR COURT OF NEW JERSEY                      |
| <b>f.</b> | RESOLUTION #6-2016*  | APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB OWNER'S LICENSE FOR LUIS I. ARRAZOLA T/A CHAMPION LIMO SERVICE CORP.   |
| <b>g.</b> | RESOLUTION #7-2016*  | APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER'S LICENSE FOR LUIS I. ARRAZOLA  |
| <b>h.</b> | RESOLUTION #8-2016*  | APPROVAL OF AN INITIAL APPLICATION FOR TAXICAB DRIVER'S LICENSE FOR CARMEN MEDRANO   |
| <b>i.</b> | RESOLUTION #9-2016*  | ACCEPT THE PROPOSED IMPROVEMENTS TO SPRING STREET PROJECT AS FINAL AND COMPLETE  |
| <b>j.</b> | RESOLUTION #10-2016* | ACCEPT THE MILLING AND PAVING OF TRINITY STREET PROJECT AS FINAL AND COMPLETE  |
| <b>k.</b> | RESOLUTION #11-2016* | APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALERS LICENSE FOR GEORGE'S SALVAGE COMPANY  |
| <b>l.</b> | RESOLUTION #12-2016* | APPOINTMENT OF ADP AS PAYROLL COMPANY  |
| <b>m.</b> | RESOLUTION #13-2016* | AWARDING CONTRACT TO LYONS ENVIRONMENTAL SERVICES, LLC AS T-3 WATER SYSTEM OPERATOR THROUGH JUNE 30, 2016  |
| <b>n.</b> | RESOLUTION #14-2016* | APPROVE BILLS AND VOUCHERS FOR PAYMENT   |

**o. APPLICATIONS\***

A MEMBERSHIP APPLICATION FROM JOSE GUILLERMO URENA, 127 HIGH STREET, NEWTON, INTO THE NEWTON FIRE DEPARTMENT

A MEMBERSHIP APPLICATION FROM THOMAS E. BRAHS, 336 LONGVIEW ACRES COURT, NEWTON, INTO THE NEWTON FIRE DEPARTMENT

A MEMBERSHIP APPLICATION FROM JAMES J. FINAN, 52 DOGWOOD DRIVE, NEWTON, INTO THE NEWTON FIRE DEPARTMENT

**XI. INTERMISSION**

**XII. DISCUSSION**

**a.** FEES AND COSTS – DRAFT ORDINANCE

**b.** PROPERTY MAINTENANCE BOARD OF APPEALS – DRAFT PROCEDURES

**XIII. OPEN TO THE PUBLIC**

**XIV. COUNCIL & MANAGER COMMENTS**

**XV. ADJOURNMENT**

# TOWN OF NEWTON

## AN ORDINANCE TO REVISE THE CODE OF THE TOWN OF NEWTON TO DELETE THE PROVISION REQUIRING AN ANNUAL OR BIENNIAL DOG CANVASS

### ORDINANCE #2015-38

**WHEREAS**, pursuant to the New Jersey Division of Local Government Services Modernization and Local Mandate Relief Act of 2015, the statutory provision requiring a municipality to canvass all dogs within the municipality (N.J.S.A. 4:19-15.15) was repealed; and

**WHEREAS**, Section 57-17 of the Newton Code requires an annual or biennial dog canvass, as was required by N.J.S.A. 4:19-15.15; and

**WHEREAS**, the Town Council of the Town of Newton desires to eliminate the dog canvass requirement from its Code, in accordance with State law;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton, County of Sussex, and State of New Jersey, that Chapter 57, "Animals", of the Code of the Town of Newton is hereby amended as follows:

**Section 1.** Existing §57-17 "Dog Canvass" is hereby deleted in its entirety, and the following is inserted in its place:

57-17. Dog Canvass. To be conducted if and as required by applicable State law.

**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 December 28, 2015. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on January 11, 2016 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk

**TOWN OF NEWTON  
ORDINANCE 2015-39**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE PATERSON AVENUE  
REDEVELOPMENT PLAN**

**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 December 10, 2007, the Town of Newton (the “Town”), designated Block 12.02, Lots 2 and 2.01 together with the public rights-of-way along Paterson Avenue, Stratford Lane and Jersey Place as an area in need of redevelopment in accordance with the Act (hereinafter, the “Redevelopment Area”); and

**WHEREAS**, on November 10, 2008, after review and comment by the Town’s Planning Board in accordance with the Act, the Town implemented the Paterson Avenue Redevelopment Plan (as thereafter amended from time to time, the “Redevelopment Plan”); and

**WHEREAS**, by Ordinance 2011-18 adopted on August 22, 2011, the Town has previously amended the Redevelopment Plan; and

**WHEREAS**, the Town wishes to further amend the Redevelopment Plan to encourage the rehabilitation and expansion of the existing industrial buildings on the, and improve the appearance and compatibility of the industrial uses with the surrounding residential neighborhood by providing for a greater variety of light industrial uses than previously proposed, specifically food and beverage production and microbreweries with accessory taproom, retail sales, tours and special events (the “Proposed Amendment”); and

**WHEREAS**, the Town Council by Resolution No. 185-2015 adopted on November 9, 2015, referred the Proposed Amendment to the Planning Board for its review and comment in accordance with *N.J.S.A. 40A:12A-7(e)* of the Act; and

**WHEREAS**, at a duly noticed and constituted public meeting of the Planning Board held on December 16, 2015, Jessica Caldwell, P.P., A.I.C.P. (the “Planning Consultant”) presented the Proposed Amendment and further addressed any questions and comments presented by the Planning Board; and

**WHEREAS**, after due consideration of the Proposed Amendment, testimony regarding the Proposed Amendment, and discussion of the foregoing, the Planning Board by Resolution dated December 16, 2015, recommended certain changes to the Proposed Amendment, found that the Proposed Amendment (both with and without such recommendations) is consistent with the Town's Master Plan, and that the Town adopt the Proposed Amendment, as revised, as an amendment to the Redevelopment Plan; and

**WHEREAS**, the Town wishes to adopt the Proposed Amendment with the recommended changes contained in the Planning Board Resolution and has incorporated the Planning Board's recommended changes into the Proposed Amendment (the "Amended Redevelopment Plan" attached hereto as **Exhibit A**);

**NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, AS FOLLOWS:**

Section 1. The Town concurs with the Planning Board's determination that the Proposed Amendment, including as modified by the revisions requested by the Planning Board, is consistent with the Master Plan. The Amended Redevelopment Plan as filed in the Office of the Town Clerk, and attached hereto as **Exhibit A**, is hereby approved.

Section 2. The zoning map of the Town of Newton is hereby amended to incorporate the provisions of the Amended Redevelopment Plan.

Section 3. This Ordinance shall take effect as provided in 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 December 28, 2015. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on January 11, 2016 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk

**EXHIBIT A**

AMENDED REDEVELOPMENT PLAN

# PATERSON AVENUE REDEVELOPMENT PLAN AMENDMENT

TOWN OF NEWTON  
SUSSEX COUNTY, NEW JERSEY



December 28, 2015

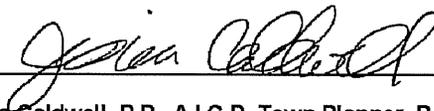
 **J Caldwell**  
& ASSOCIATES LLC  
PLANNING CONSULTING SERVICES

**PATERSON AVENUE REDEVELOPMENT PLAN AMENDMENT**

**TOWN OF NEWTON  
SUSSEX COUNTY, NEW JERSEY**

**Table of Contents**

PLAN CONSISTENCY REVIEW..... 3  
    **BACKGROUND** ..... 3  
    **AMENDMENTS TO THE REDEVELOPMENT PLAN**..... 4  
PATERSON AVENUE REDEVELOPMENT PLAN AMENDMENT..... 6



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

## **PLAN CONSISTENCY REVIEW**

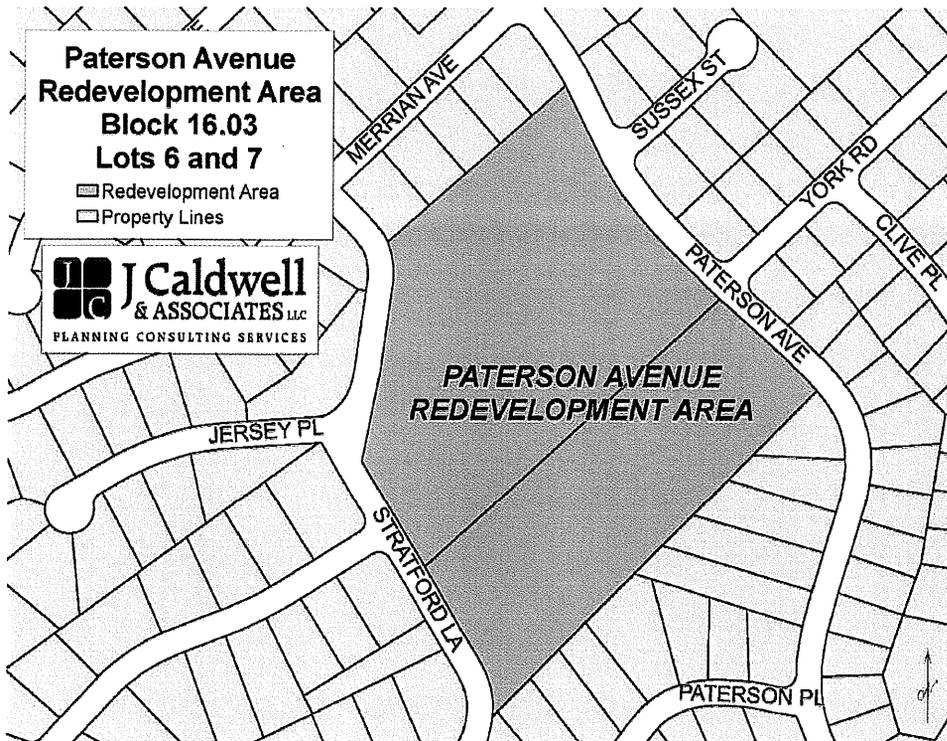
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### **BACKGROUND**

The Paterson Avenue Redevelopment Plan (the “Plan”) governs the Paterson Avenue Redevelopment Area, designated by the Town of Newton on December 10, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”). The Plan was adopted by the Town Council on November 10, 2008 and amended on August 22, 2011 to permit the continuation of Light Industrial, Offices and Research and Development on the site.

The Plan Area consists of Block 16.03, Lots 6 and 7 (former Block 1201.02, Lots 2 and 2.01), along with the adjacent public rights-of-way along Paterson Avenue, Stratford Lane and Jersey Place as shown in the map below. The Plan Area covers 12.57 acres.

The purpose of this Plan Amendment is to provide for a greater variety of Light Industrial uses than previously proposed, specifically Food and Beverage Production with accessory Sampling Rooms, Retail Sales and Special Events, Craft Breweries with accessory Tasting Room, Retail Sales, Tours and Special Events and Craft Distilleries with accessory Tasting Room, Retail Sales, Tours and Special Events. The Plan Amendment will encourage the rehabilitation of the existing industrial buildings on the site, and improve the appearance and compatibility of the industrial uses with the surrounding residential neighborhood.



**AMENDMENTS TO THE REDEVELOPMENT PLAN**

The Redevelopment Plan contemplates the potential for amendments to the Plan. Section 9.1 of the Redevelopment Plan states the following: “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 development opportunities including rehabilitation of the existing buildings on the site to permit certain Light Industrial uses, namely Food and Beverage Production with accessory Sampling Rooms, Retail Sales and Special Events and Craft Distilleries and Craft Breweries, both with accessory Tasting Room, Retail Sales, Tours and Special Events.

The redevelopment goals as stated in the Plan focus on creating positive development opportunities within the Plan Area. The Plan Amendment seeks to further support the redevelopment goals by providing opportunity for rehabilitation of existing structures in addition to new development. 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 by encouraging high-quality development.
2. To maximize the participation of private developers while minimizing the participation of the public sector.
3. To enhance the positive visual character and safety of the Area and surrounding neighborhood through building placement and design, landscaping and streetscape improvements.

The proposal is also consistent with the Town of Newton Master Plan. In particular, the proposed amendment furthers the following goals:

1. To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all the citizens of Newton.
2. To encourage Light Industrial development subject to performance standards that would be compatible with the "Regional Center" development concept of Newton.

The proposal is also consistent with the New Jersey State Development and Redevelopment Plan (SRDP) which designates the Town of Newton as a Regional Center. Regional Centers should provide 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 the proposed use changes do not vary in a significant way from the existing uses for this area, which include other types of light industrial and function without negative impacts to adjacent municipalities' zone plans. In addition to the foregoing, the findings, analyses and elements required by N.J.S.A. 40A:12A-7 in the existing Plan are not affected by this Amendment and are incorporated herein by reference.

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

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## PATERSON AVENUE REDEVELOPMENT PLAN AMENDMENT

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**Generally:**

Notwithstanding any other provision of this Redevelopment Plan to the contrary, graphics included in this Redevelopment Plan which represent residential and home office uses, including but not necessarily limited to Section 1.8, Development Axonometric Section 1.9 Illustrative Site Plan; and Section 4.1 Land Use Plan shall continue to apply to residential and home office uses permitted under this Redevelopment Plan and shall not be construed to prohibit Offices, Light Industrial, Research and Development, Warehouses, Craft Breweries, Craft Distilleries, Food and Beverage Production and other related accessory uses that are permitted in accordance with Section 4.1 of this Redevelopment Plan.

**At Section 1.7, Goals of the Plan, under Redevelopment Goals, revise Goal #3 as follows:**

To ensure that to the extent that Light Industrial and similar uses are developed within the Paterson Avenue Redevelopment Area, they are developed in a manner that does not create a nuisance to the surrounding residential neighborhood.

**At Section 1.7, Goals of the Plan, under Redevelopment Objectives, revise Objective #2 as follows:**

Rehabilitation or clearance of all dilapidated and underutilized structures.

**At Section 2.1, Existing Zoning, revise the first paragraph as follows:**

The Redevelopment Area is located in the T-3 Neighborhood Residential District.

**At Section 3.0, Definitions, add the following:**

**Craft Brewery:** An establishment primarily engaged in the production and distribution of beer, ale, or other malt beverages which may include accessory uses such as a Tasting Room, Retail Sales, Tours and Special Events. A Craft Brewery may manufacture up to 50,000 barrels of malt beverages per year for wholesale distribution, sale to retail establishments and directly to the consumer, with appropriate state and federal licenses.

**Craft Distillery:** An establishment primarily engaged in the production and distribution of distilled spirits which may include accessory uses such as a Tasting Room, Retail Sales, Tours and Special Events. A Craft Distillery may manufacture up to 20,000 gallons of distilled spirits per year for wholesale distribution, sale to retail establishments and directly to the consumer, with appropriate state and federal licenses.

**Food and Beverage Production:** The production of food or beverage products from raw goods and/or farm products, such as salsa from vegetables, cheese from milk, jams and pies from fruit, juice from fruits or vegetables, etc. (syn. value added food production). Food and beverage production facilities may include accessory uses such as a Sampling Room, Retail Sales and Special Events.

**Silo:** An exterior structure for the storage of bulk malt, grain and/or other dry ingredients for use in the production of food or beverages, and is accessory to a Craft Brewery, Craft Distillery or Food and Beverage Production facility.

**Special Events:** A single-day outdoor public gathering permitted as an accessory use to a Craft Brewery, Craft Distillery or Food and Beverage Production facility.

**At Section 4.1, Land Use Regulations add the following to list of “Permitted Uses:”**

Craft Breweries.

Craft Distilleries.

Food and Beverage Production.

**At Section 4.1, Land Use Regulations amend the title of “Accessory Uses” to “Accessory Uses and Structures” and add the following to the list of “Accessory Uses and Structures”:**

Silos.

Outdoor Seating Areas for Tasting/Sampling Rooms Associated with a Permitted Use.

Special Events, as an accessory use to Craft Breweries, Craft Distilleries or Food and Beverage Production, subject to the following use standards:

- 1) A maximum of one event per month or 12 Special Events annually per facility.
- 2) All Special Events shall end no later than 10:00 p.m.
- 3) Sound amplification shall be in accordance with local, county and state noise standards.
- 4) Outside vendors are permitted to sell food, beverages and merchandise during special events.

- 5) Tenants shall be responsible for parking management, outdoor security and trash pick-up.
- 6) Special Events must comply with all applicable municipal codes including, but not limited to the zoning code, health code, building code, alcoholic beverage code, and police department and fire department requirements.

**At Section 6.2, Setback Regulations add “Craft Brewery”, “Craft Distillery” and “Food and Beverage Production” to the list of non-residential uses under bulk requirements as follows:**

Bulk Requirements: Offices, Light Industrial, Research and Development, Warehouses, Craft Brewery, Craft Distillery and Food and Beverage Production.

**At Section 6.3, Minimum and Maximum Height Regulations add “Craft Brewery (including Silos)” “Craft Distilleries (including Silos)” and “Food and Beverage Production” to the list of non-residential uses under height regulations as follows:**

Office/Light Industrial/Research and Development/Warehouses/Craft Brewery (including Silos)/Craft Distilleries (including Silos)/Food and Beverage Production: Maximum structure height of 35 feet - composed of one or more stories. Notwithstanding any other provision of this Redevelopment Plan to the contrary, this Redevelopment Plan does not impose a minimum or maximum floor-to-ceiling height for Office, Light Industrial, Research and Development, Warehouse, Craft Brewery (including Silos), Craft Distillery (including Silos), Food and Beverage Production uses. Exhaust stacks may exceed height restrictions.

**At Section 6.11, Building Signage and Lighting Standards add “Craft Brewery”, “Craft Distillery” and “Food and Beverage Production” to the list of sign requirements as follows:**

5. Signs for Offices, Light Industrial, Research and Development and Warehouses. One (1) ground-mounted sign is permitted per lot with a maximum size of 40 square feet and a minimum setback of 10 feet is required.
6. Signs for Craft Breweries (including Tasting Room and Retail Sales), Craft Distilleries (including Tasting Room and Retail Sales) and Food and Beverage Production (including Sampling Room and Retail Sales).
  - a. Wall signs. Two (2) wall, awning/canopy or projecting/blade/hanging signs are permitted per road frontage and one (1) additional per non-frontage side per establishment. Wall signs may be one (1) square foot per lineal foot of façade. Awning/canopy signs may be four (4) square feet in area. Projection/blade/hanging sign may be eight (8) square feet in area.

- b. Directional signs. One (1) directional sign is permitted per ingress and egress. Directional signs may be four (4) square feet in area.
- c. Temporary signs. One (1) temporary sign/banner is permitted per establishment.
- d. Any signage standard not specified in this Redevelopment Plan shall be in accordance with the Town of Newton Sign Ordinance contained in §320-25, Sign standards.

**At Section 6.12, Building Parking Standards, revise the list of parking requirements for non-residential uses to include “Craft Brewery”, “Craft Distillery” and “Food and Beverage Production” as follows:**

- 6. Parking Requirements: Offices, Light Industrial, Research and Development, Warehouses, Craft Brewery, Craft Distillery and Food and Beverage Production: Notwithstanding any other provisions of this Redevelopment Plan to the contrary, parking requirements for Office, Light Industrial, Research and Development, Warehouses, Craft Breweries, Craft Distilleries and Food and Beverage Production shall be as follows:
  - a. Office, Light Industrial and Research and Development: One (1) space for 1,100 sq. ft. of floor area.
  - b. Warehouses: One (1) space per 2,500 sq. ft. of floor area.
  - c. Craft Brewery/Craft Distillery: One (1) space for 1,100 sq. ft. of floor area or one (1) for every two (2) customers allowed based on number of seats in the Tasting Room, whichever is greater, plus one (1) space per employee.
  - d. Food and Beverage Production: One (1) space for 1,100 sq. ft. of floor area or one (1) for every two (2) customers allowed based on number of seats in the Sampling Room, whichever is greater, plus one (1) space per employee.

**At Section 7.10 Landscaping and Buffering – Offices, Light Industrial, Research and Development and Warehouses, revise the first paragraph of the landscaping and buffering standards to include “Craft Breweries (including Silos)”, Craft Distilleries (including Silos) and “Food and Beverage Production” as follows:**

Notwithstanding any other provisions of this Redevelopment Plan to the contrary, the landscaping and buffering requirements with respect to landscaping and buffering for Offices, Light Industrial, Research and Development, Warehouses, Craft Breweries (including Silos), Craft Distilleries (including Silos) and Food and Beverage Production shall be as follows:



## TOWN OF NEWTON

### RESOLUTION #1-2016

January 11, 2016

### “Resolution to Accept the Certified List of Qualifying 2015 Newton Fire Department LOSAP Participants”

**WHEREAS**, the Length of Service Awards Program (LOSAP) for the Newton Volunteer Fire Department was approved by the Mayor and Council through the passage of Ordinance #2003-12 on August 11, 2003, confirmed by Resolution #104-2003, and approved by Newton voters as a public question at the General Election on November 4, 2003; and

**WHEREAS**, the Newton Volunteer Fire Department has certified a list of members who are eligible, in accordance with guidelines outlined in Ordinance 2003-12, to receive an amount between \$115.00 and \$1,150.00 based on points credited for volunteer services rendered in 2015 as per the 2015 LOSAP LIST attached; and

**WHEREAS**, the total number of qualifying volunteers for the Fire Department is 32, for a total contribution of \$27,772.50; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2015 to cover the cost of this contract;

**NOW, THEREFORE BE IT RESOLVED**, the Mayor and Council do hereby accept the certified list from the Newton Fire Department dated January 11, 2016.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 11, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk

<b>Name</b>	<b>Contribution</b>
Michael Alavarez	\$1,150.00
Bill Bailey	\$1,150.00
Michael Bencivenga	\$862.50
Chris Blakely	\$1,150.00
Jean Card	\$575.00
Josh LeMasson	\$1,150.00
Richard Dayermanjian	\$1,150.00
Gary Cooper	\$115.00
Bill Demerest	\$575.00
Jeff Diener	\$1,150.00
Steven Estler	\$287.50
Dan Finkle	\$1,150.00
Brian Fox	\$862.50
Thomas Fox	\$287.50
Kieran Gill	\$1,150.00
Joseph Inga	\$1,150.00
Mike Hayes	\$115.00
Eugene McCarty	\$1,150.00
Jason Miller	\$1,150.00
Jay Phlegar	\$1,150.00
Anthony Perigo	\$1,150.00
Anthony Razzano	\$1,150.00
Michael Razzano	\$1,150.00
Justin Rossano	\$115.00
Jeff Schiffner	\$575.00
Mike Streeter	575.00
Michael Teets	\$1,150.00
Chris Perigo	\$1,150.00
Steven Velastegui	\$115.00
Scott Verkon	\$1,150.00
Charles Weber	\$862.50
Derek Wechtler	\$1,150.00
<b>Total Town of Newton 2015 LOSAP Contribution</b>	<b>\$27,772.50</b>
1/11/2016	
Prepared by: Joseph C. Inga, Newton Fire Department	
Certified by: Dawn L. Babcock, Chief Financial Officer	



## TOWN OF NEWTON

### RESOLUTION #2-2016

January 11, 2016

**"Final Acceptance of the 85 Sparta, LLC Project"**

**WHEREAS**, the Town of Newton had easements and water transmission mains that cross property in the Township of Sparta shown as Lot 16, Block 35 on the Sparta Township Tax Map with a street address of 85 Sparta Avenue (the "Property"); and

**WHEREAS**, on May 28, 2014 by way of adoption of Resolution #87-2014, the Newton Town Council entered into an agreement to restate the existing Newton easement and relocate the Newton easements and waterline; and

**WHEREAS**, in a memo to the Deputy Town Manager dated December 22, 2015, Town Water Engineer, David B. Simmons, Jr., P.E., L.S., C.M.E., of Harold E. Pellow & Associates, Inc., states that said project has been completed and recommends the project be accepted as final and complete;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby concurs with the Town Water Engineer's recommendation and accepts the project to relocate the 10" and 16" water transmission at 85 Sparta Avenue, Sparta, NJ as final and complete so that final paperwork can be started and a two (2) year Maintenance Bond secured by 85 Sparta, LLC.; and

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be forwarded to 85 Sparta, LLC. and the Town Water Engineer.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 11, 2016.

---

Lorraine A. Read, RMC  
Municipal Clerk



RECEIVED  
DEC 28 2015

**HAROLD E. PELLOW & ASSOCIATES, INC.**

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS

Established 1969

BY: .....

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

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

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

CORY L. STONER, *EXEC. VICE PRESIDENT*  
NJ - P.E., NJ - C.M.E.,  
PA - P.E.

MATTHEW J. MORRIS  
NJ - L.L.A., NJ - P.P.

THOMAS G. KNUTELSKY, *ASSOCIATE*  
NJ - P.E.

December 22, 2015

**FAX: (973) 383-8961**

**MEMORANDUM TO:** Mrs. Debra Millikin, Newton Deputy Town Manager

**FROM:** David B. Simmons, Jr., P.E., L.S., C.M.E.

**SUBJECT:** RECOMMENDATION TO ACCEPT PROJECT

85 Sparta, LLC  
Block 35, Tax Lot 16  
Located on NJSH Route 181 & Sussex County Route 517  
Sparta Township, Sussex County  
HPA No. 12-258

Dear Mrs. Millikin:

The 10" and 16" Newton water transmission mains have been relocated at the above captioned site by the developer, 85 Sparta, LLC, and I recommend that the relocated water transmission mains be accepted by the Town Council.

Upon acceptance by the Town Council, the following will take place:

1. Recording of the Amended and Restated Waterline Easement Agreement to the Sussex County Clerk's Office (agreement clause #3ic).
2. Payment of all costs incurred by Newton associated with the new waterlines, including Water Department labor and related expenses, engineering, and legal fees (agreement clause #3id).
3. Posting of a maintenance bond to run for a period of two (2) years from the acceptance of the new waterline work by Newton (agreement clause #3ie).
4. 85 Sparta to provide Newton a current title report disclosing all mortgages or liens against the property, and deliver to Newton, in recordable form, an agreement of each mortgagee or lienholder subordinating its mortgage or lien to the amended and restated waterline easement (agreement clause #5).

Very truly yours,

David B. Simmons, Jr., P.E., L.S., C.M.E. for  
**HAROLD E. PELLOW & ASSOCIATES, INC.**  
Town of Newton Engineers

DBS:mac  
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\12-258 - 85 SPARTA LLC - 7-ELEVEN\MILLIKINI.DOC

cc: William Hinkes, Esq. *Via Fax (973) 383-4922*  
J. Carr, Newton Licensed Water & Sewer Operator *Via Fax (973) 383-9054*



## TOWN OF NEWTON

### RESOLUTION #3-2016

January 11, 2016

### “Adoption of the Temporary Operating Budget and Temporary Water and Sewer Budget for the Town of Newton for 2016”

**WHEREAS**, funds are needed to operate the Municipal Government and the Water and Sewer Utility for the first ninety (90) days of calendar year 2016; and

**WHEREAS**, N.J.S.A. 40A:4-19 provides for adoption of a Temporary Budget, not to exceed twenty-six and one-quarter percent (26.25%) of the total of the appropriations made for all purposes in the budget for the preceding year excluding, in both instances, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the 2016 Temporary Operating Budget and the 2016 Temporary Water and Sewer Utility Budget be and are hereby approved, pending adoption of the 2016 Annual Municipal Budget and the 2016 Water and Sewer Utility Budget.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 11, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk

**2016 TOWN OF NEWTON TEMPORARY OPERATING BUDGET**

<b><u>BUDGETARY ACCOUNT</u></b>		<b><u>ACCOUNT NO.</u></b>	<b><u>2016 TEMPORARY BUDGET</u></b>
Town Manager's Office	S&W	1050101	\$ 32,000
	OE	1050226	30,000
Town Clerk's Office	S&W	1051101	31,000
	OE	1051201	3,000
Town Council	S&W	1052103	3,000
	OE	1052244	1,800
Human Resources	S&W	1053103	8,000
	OE	1053247	3,000
Elections	OE	1053244	3,000
Financial Administration	S&W	1054101	20,000
	OE	1054226	3,700
	AUDIT	1054300	500
Assessment of Taxes	S&W	1055103	14,000
	OE	1055216	7,000
Collection of Taxes	S&W	1056101	18,000
	OE	1056226	4,000
Legal Services and Costs	OE	1058200	35,000
Municipal Court	S&W	1059101	31,000
	OE	1059226	12,000
Engineering Services	OE	1060216	5,000
Buildings and Grounds	S&W	1061101	0
	OE	1061255	50,000
Planning	S&W	1062100	12,000
	OE	1062216	6,000
Historic Commission	OE	1063201	500
Community Development	S&W	1064101	16,000
	OE	1064216	3,500

<u>BUDGETARY ACCOUNT</u>		<u>ACCOUNT NO.</u>	<b>2016 TEMPORARY BUDGET</b>
Industrial Commission	OE	1065200	0
Shade Tree Commission	OE	1065300	500
Economic Dev. Commission	OE	1065400	800
Employee Group Insurance	OE	1066200	400,000
Health Benefit Waiver	OE	1066300	5,000
Workers' Compensation Ins.	OE	1067200	45,000
Surety Bond Premiums	OE	1068200	0
Liability and Other Insurance	OE	1069200	70,000
Fire	OE	1070212	6,000
Aid to Volunteer Fire Cos.	OE	1072200	0
Police	S&W	1074111	930,000
	OE	1074223	25,000
Communications Center	OE	1074326	35,000
Parking Meter Maintenance	S&W	1075100	1
	OE	1075271	0
First Aid Organization	OE	1076200	7,000
Inspection of Buildings	S&W	1077101	9,000
	OE	1077247	1,000
Code Enforcement	S & W	1077403	10,000
	OE	10775247	1,000
Emergency Management	S&W	1078100	2,700
	OE	1078246	2,000
Road Repair & Maintenance	S&W	1080101	150,000
	OE	1080259	30,000
Snow Removal	S&W	1081101	45,000
	OE	1081239	50,000
Stormwater/Flood	OE	1082216	4,000

<u>BUDGETARY ACCOUNT</u>		<u>ACCOUNT NO.</u>	<b>2016 TEMPORARY BUDGET</b>
Recycling/Sanitation	S&W	1083101	600
	OE	1083269	10,000
Vehicle Maintenance	OE	1083380	31,000
Board of Health	OE	1084252	500
Occupational Health(PEOSHA)	S&W	1085100	2,500
	OE	1085200	1,500
Recreation	SW	1087100	5,000
	OE	1087200	6,000
Utilities/Bulk Purchases	OE	1089225	100,000
Swimming Pool	S&W	1090100	1,000
	OE	1090207	5,000
Parks and Playgrounds	S&W	1091101	22,000
	OE	1091218	10,000
Celebration of Public Events	OE	1092200	4,000
Senior Citizen Programs	S&W	1093100	9,000
	OE	1093272	500
Spring Street Contribution	OE	1094300	0
Length of Service Awards	OE	1094500	0
Aid to Dennis Mem. Library	OE	1094200	0
Recycling Tax O/S Cap	OE	1094550	200
Interlocal Parking Authority	S&W	1094710	5,000
Interlocal Green Court	S&W	1094798	10,000
Public Employee Retire. Sys.	OE	1098296	128,885
Police & Fire Retirement Sys.	OE	1098297	0
Def. Contrib. Retire System	OE	1098294	5,131
Social Security System	OE	1098298	64,500
Unemployment	OE	1098299	500
<b>TOTAL 2016 TEMPORARY OPERATING BUDGET</b>			<b>\$ 2,604,817</b>
(Subject to 26.25% increase)			

**APPROPRIATIONS NOT SUBJECT TO 26.25% INCREASE**

Public & Private Programs			
Offset by Revenues:			
Recycling	SW	1094851	6,000
Capital Improvements	OE	1095200	100,000
Debt Service	OE	1096200	500,000

**2016 TEMPORARY BUDGET CALCULATION**

\$12,045,000.	Total 2015 Budget
1,950,885.	Less: Debt (principal & interest)
-0-	Less: Public Assistance
<u>171,000.</u>	Less: Capital Improvements
\$9,923,115.	Amount on which % is applied
x <u>.2625</u>	Percentage increase allowed by state
\$ 2,604,817.	Allowable 2016 Temporary Budget

**2016 TEMPORARY WATER AND SEWER BUDGET**

	<u><b>2015 BUDGET</b></u>	<b>2016 TEMPORARY BUDGET</b>
Salaries and Wages	\$ 799,310	\$ 234,000
Other Expenses	1,899,890	480,000
Deferred Charges	70,000	
Public Employee Retirement System	14,500	15,500
Unemployment	4,200	500
Social Security System	<u>61,100</u>	<u>17,862</u>
	\$ 2,849,000	\$ 747,862
	x <u>.2625</u>	
	\$ 747,862	
<b>TOTAL 2016 TEMPORARY WATER &amp; SEWER BUDGET</b>		\$ 747,862
<b>TOTAL 2016 TEMPORARY W&amp;S CAPITAL IMPR BUDGET</b>		\$ 410,000
<b>TOTAL 2016 TEMPORARY W&amp;S DEBT SERVICE BUDGET</b>		\$ 300,000



## TOWN OF NEWTON

### RESOLUTION #4-2016

January 11, 2016

**“Resolution Appointing a Hearing Officer and Alternate Pursuant to Chapter 213, Article III of the Code of the Town of Newton Related to Holding Certain Landlords Responsible for Disorderly Tenant Behavior”**

**WHEREAS**, Chapter 213, Article III of the Code of the Town of Newton, “Holding Certain Landlords Responsible for Disorderly Tenant Behavior”, provides that a Hearing Officer, who is a New Jersey licensed attorney who does not own or lease any property within the Town of Newton or hold any interest in the assets or profits arising from the ownership or lease of such property within the Town of Newton, shall be appointed by the Town Council; and

**WHEREAS**, said legal services are needed for calendar year 2016, which professional services are awarded under non-fair and open contracts pursuant to N.J.S.A. 40A:11-5;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that the Town Council authorizes the Mayor and Municipal Clerk to execute an agreement reappointing Kellen F. Murphy, Esq. of Riker, Danzig, Scherer, Hyland, Perretti, as the Hearing Officer pursuant to Section 213-11, et seq. of the Newton Town Code; and Glenn T. Gavan, Esq. of the Law Offices of Criscuoli & Gavan, LLC as the alternate Hearing Officer pursuant to Section 213-11, et seq. of the Newton Town Code; and

**BE IT FURTHER RESOLVED**, that this Resolution and a copy of each agreement is to be provided to each attorney and shall be advertised and is on file and available for public inspection in the office of the Municipal Clerk.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 11, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #5-2016

January 11, 2016

**“Recommending Submission of the Town of Newton’s Housing Element and Fair Share Plan dated December 2015, prepared by J. Caldwell & Associates, LLC, to the Superior Court of New Jersey”**

**WHEREAS**, the Town of Newton, County of Sussex, State of New Jersey, filed a declaratory judgment action in the Superior Court of New Jersey, Docket No. SSX-L-418-15, seeking, *inter alia*, judicial approval of its affordable housing plan and immunity from builder’s remedies suits; and

**WHEREAS**, the Town Council finds it is prudent to submit to the Court the Town’s December 2015 draft Housing Element and Fair Share Plan for approval; and

**WHEREAS**, the Planning Board of the Town of Newton has reviewed the December 2015 Housing Element and Fair Share Plan, prepared by Jessica Caldwell & Associates, LLC and believes the Plan is consistent with the goals and objectives of the Town of Newton 2008 Master Plan and adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare; and

**WHEREAS**, upon Court approval of the Town’s Housing Element and Fair Share Plan, the Planning Board shall hold a noticed public hearing to adopt such Plan;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton, County of Sussex, Sate of New Jersey, hereby approves of submission of the December 2015 Housing Element and Fair Share Plan for approval by the Superior Court of New Jersey.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 11, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #6-2016

January 11, 2016

**“Approval of a Renewal Application for Taxicab Owner’s License for Luis I. Arrazola t/a Champion Limo Service Corp.”**

**WHEREAS**, the Code of the Town of Newton requires under **§283.2, License Required**, “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to the expiration to the Chief of Police”; and

**WHEREAS**, the Police Department has completed the necessary investigation and submitted a letter advising the renewal Taxicab Owner’s License application is complete and accurate; and

**WHEREAS**, in accordance with **§283.6, Inspection of Vehicles**, “Before a vehicle is used as a taxicab within the Town it shall be inspected.....to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law”;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner’s License application submitted by Luis I. Arrazola t/a Champion Limo Service Corp., 6 Paulinskill Lake Road, Fredon, NJ 07822 which shall expire December 8, 2016; and

**BE IT FURTHER RESOLVED**, that the applicant must remain in compliance with all aspects of **Chapter 283**, of the Code of the Town of Newton, as well as, the provisions of N.J.R.S. 46:16.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 11, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #7-2016

January 11, 2016

**“Approval of a Renewal Application for Taxicab Driver’s License for Luis I. Arrazola”**

**WHEREAS**, the Code of the Town of Newton requires under **§283.2, License Required**. “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

**WHEREAS**, the Newton Police Department has completed the necessary investigation and submitted a letter advising the renewal Taxicab Driver’s license application is complete and accurate;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver’s License submitted by Luis I. Arrazola, 43 Clinton Street, Newton, New Jersey and represents Champion Limo Service Corp., which expires on December 8, 2016.

### 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 meeting of said Governing Body conducted on Monday, January 11, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #8-2016

January 11, 2016

### “Approval of an Initial Application for Taxicab Driver’s License for Carmen Medrano”

**WHEREAS**, the Code of the Town of Newton requires that under **§283-2, License Required**. “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”, and

**WHEREAS**, the Newton Police Department has completed the necessary investigation and submitted a letter advising the initial Taxicab Driver's license application is complete and accurate; and

**NOW THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for the initial Taxicab Driver's License submitted by Carmen Medrano, 43 Clinton Street, Newton, New Jersey and represents Champion Limo Service Corp., which expires on December 8, 2016.

### 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 meeting of said Governing Body conducted on Monday, January 11, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #9-2016

January 11, 2016

### “Accept the Proposed Improvements to Spring Street Project as Final and Complete”

**WHEREAS**, the Town Council of the Town of Newton awarded a contract for the Proposed Improvements to Spring Street to Tony's Concrete Construction Co. by Resolution #87-2015, which was adopted on June 8, 2015; and

**WHEREAS**, the Town Council approved Change Order No. 1 for said project by the adoption of Resolution #242-2015 on December 14, 2015; and

**WHEREAS**, the Town Engineer, Harold E. Pellow & Associates, Inc., recommends the project be accepted as final and complete in a memo dated January 5, 2016;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby accepts the Proposed Improvements to Spring Street Project as final and complete based on the recommendation of Harold E. Pellow and Associates and the final paperwork be processed.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 11, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #10-2016

January 11, 2016

### **“Accept the Milling and Paving of Trinity Street Project as Final and Complete”**

**WHEREAS**, the Governing Body of the Town of Newton adopted Resolution #147-2015 on August 24, 2015 awarding the contract for the Milling and Paving of Trinity Street Project to Tilcon New York, Inc., 625 Mt. Hope Road, Wharton, New Jersey through Contract #6 Road Resurfacing for District #2 in the Morris County Co-Op's portion for municipalities with regard to resurfacing of roads; and

**WHEREAS**, the Town Council approved Change Order No. 1 for the Milling and Paving of Trinity Street Project by the adoption of Resolution 187-2015 on November 9, 2015; and

**WHEREAS**, the Town Engineer, Harold E. Pellow & Associates, Inc., recommends the project be accepted as final and complete in a memo dated January 5, 2016;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby accepts the Proposed Milling & Paving of Trinity Street Project as final and complete based on the recommendation of Harold E. Pellow and Associates and the final paperwork be processed.

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 11, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #11-2016

January 11, 2016

### “Approval of a Renewal Application for a Junk Dealers License for George’s Salvage Company”

**WHEREAS**, the Newton Code under Chapter 156 “Junkyards and Junk Dealers” require that no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Council; and

**WHEREAS**, said renewal application for the Junk Dealer's License lists the business as George’s Salvage Company Inc. at 10 South Park Drive, Newton, New Jersey; and

**WHEREAS**, Section 156.8 requires that the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junkyards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 156; and

**WHEREAS**, George’s Salvage Company Inc. has been inspected and approved as required in Section 156-8; and

**WHEREAS**, George’s Salvage Company has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of retail junk dealer;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by George Miller, 10 South Park Drive, Newton, N.J which shall expire on December 31, 2016.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 11, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #12-2016

January 11, 2016

“Appointment of ADP as Payroll Company”

**WHEREAS**, the Town of Newton requires the services of a qualified Payroll Company in order to process payroll for the Town of Newton; and

**WHEREAS**, various quotes were obtained by the Human Resources Director; and

**WHEREAS**, ADP of Roseland, NJ was the most responsive quote and is recommended by the Human Resources Director and Q.P.A. for the Town to enter into a two (2) year contract with ADP based on their investment summary dated December 9, 2015;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby appoints ADP of Roseland, New Jersey, as the Town of Newton's payroll company for the next two years based on the attached contract and investment summary attached hereto; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to ADP; and

**BE IT FURTHER RESOLVED**, that notice of this action shall be published once in the New Jersey Herald.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 11, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk



**ADP, LLC  
GUARANTEED  
TWENTY-FOUR MONTH  
PRICE AGREEMENT**

**Client Information:**

Client Name: Town of Newton Effective Date: \_\_\_\_\_  
 Service Center: 0020  
 Parent Company Code: To be assigned Customer #: To be assigned Expiration Date: \_\_\_\_\_  
 Requested By: Richard Theesfeld - Sales  
 Related Company Codes: \_\_\_\_\_

**Contact Information:**

Contact: Jennifer Dodd Phone: 973-383-3524 Address: \_\_\_\_\_  
 City: Newton State: NJ Zip: 07860

ADP, LLC ("ADP") is pleased to provide Town of Newton ("Client") with a guaranteed price agree next twenty-four months, subject to the terms and conditions set forth in this agreement. This agreement encompasses all listed co be added under the above listed parent code. In consideration of the mutual agreements set forth below, ADP and Client agree as follows:

**1) Price Increase:** For the next twenty-four month period commencing with the effective date of prices per the schedule below on Payroll, HR and Benefits and ACA processing services provided to Client ("Services").

<u>Increase Date</u>	<u>Increase %</u>
4/1/2016	No Increase
4/1/2017	No Increase

**Items specifically excluded from this agreement are delivery, reverse wire fees, jurisdiction fees, year-end fees and maintenance fees.** In th price period, Client's prices will be subject to the same price increases applied to its other clients of similar size and product utilization unless a rene

**2) Guaranteed Term:** As consideration for the twenty-four month guaranteed price period, Clie maximum guaranteed term of twenty-four months commencing with the effective date, and thereafter. Client's agreement to purchase th until 3/31/2018 or cancelled by Client or ADP with thirty days prior written notice.

**3) Early Termination Fee:** If Client terminates this agreement to purchase services prior to the end of the minimum g twenty-four months, Client agrees to pay ADP a termination fee of 1 month of average monthly processing fees (last 12 months of processing prior to the date of termination).

If Client fails to pay the early termination fee or other amounts due hereunder, Client shall reimburse ADP for any expenses incurred, including inter due ADP hereunder that are not under good faith dispute by Client. The termination penalty will be waived in the event the company is sold, mergec breach of ADP's service commitment. In the event of a service breach ADP shall be notified in writing as to the specific service issue and shall be g satisfaction.



# TOWN OF NEWTON

## RESOLUTION #13-2016

January 11, 2016

### **“Awarding Contract to Lyons Environmental Services, LLC, as T-3 Water System Operator through June 30, 2016”**

**WHEREAS**, there exists a need for a T-3 licensed operator for the Town of Newton's water system through June 30, 2016; and

**WHEREAS**, the Town of Newton has provided funds in the Municipal Budget for expenditures pertaining to said municipal matters, and the funds have been certified as being available by the Chief Financial Officer; and

**WHEREAS**, Lyons Environmental Services, LLC, has indicated all such services will be rendered to the Town of Newton on the basis of a 35 hour work week consisting of five (5) days per week for the sum of \$2,625 per week for a total monthly fee of \$10,500 for said professional services; and

**WHEREAS**, N.J.S.A. 40A:11-1 et seq. the “Local Public Contracts law” permits governing bodies to contract for certain professional services without competitive bidding, and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for “professional services” without competitive bids, and the contracts themselves, must be available for public inspection;

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

1) The Agreement for Professional Services between the Town of Newton and Lyons Environmental Service, LLC is hereby approved. The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute the Agreement for Professional Services between the Town of Newton and Lyons Environmental, LLC, upon the Agreement being finalized to the satisfaction of the Town Manager and Town Attorney. A draft copy of the Agreement is attached to this Resolution.

2) This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law, because Lyons Environmental Service, LLC is a licensed water and sewer operator under the laws and regulations of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements.

3) Political Contribution Disclosure. This contract has been awarded to Lyons Environmental Services, LLC. based on the merits and abilities of Lyons Environmental Services, LLC to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44-20.4 *et seq.* As such, the undersigned does hereby attest he and all those who control in excess of 10% of the LLC in which he is a member has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A., 19:44a-8 or 19:44a-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Town of Newton, County of Sussex if a member of that political party is serving an elective public office of that Town when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Town when the contract is awarded.

4) Vendors performing work for and on behalf of the Town of Newton must conduct business according to the highest ethical standards. The Town recognizes the right of individuals to engage in outside activities that are private in nature and unrelated to municipal business. However, business dealings can create or appear to create a conflict between the individual and the Town's interests.

Prior to becoming a vendor for the Town, all vendors are required to disclose possible conflicts so the municipality may assess and prevent potential conflicts. Vendors, after being engaged by the Town, shall not engage in matters that create a conflict of interest for the Town. If a potential conflict arises, a vendor is required to promptly notify the Town Manager of the possible conflict of interest. The vendor shall not take any action that will be adverse to the Town.

5) Notice of this action shall be published once in the *New Jersey Herald*.

6) A copy of this Resolution as well as the contract shall be placed on file with the Municipal Clerk of the Town.

7) This resolution shall take effect immediately. However, it shall be void and of no effect in the event that Lyons Environmental Services, LLC does not sign the Agreement.

8) If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 11, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk



## *Interoffice Memorandum*

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**TO:** Thomas S. Russo, Jr.  
**FROM:** Debra Millikin *Debra Millikin*  
**DATE:** January 7, 2016  
**SUBJECT:** T-3 Licensed Operator

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NJDEP license requirement for the Morris Lake Water Treatment Plant is a T-3 operator be onsite for 35 hours per week. In early December Joe Carr advised that he did not pass the T-3 exam and missed passing by 5 points.

As of December 31<sup>st</sup> our contract with William Grennille, LLC was up and I had questioned if Bill would like to stay on for another six month, but he was not interested. Dave Simmons from HPA, who is our water engineer, will cover for the Town in the absence but could not commit for the 6 months at 35 hours per week. I spoke with Allison McHose in Franklin Borough to see if we could do a shared service with them for the T-3 operator. In speaking with our NJDEP Enforcement representative he was very concerned that the shared service would not meet the requirement for the 35 hours. NJDEP Enforcement provided me with the name of a retired T-3 licensed operator, Dan Pelt. However, he was not interested because he already does do some work with NJDEP. Joe Mikulka from CP Engineering I e-mailed to inquire if they had someone on staff with the T-3 license. CP could not commit to the 35 hour a week requirement. I did reach back out to NJDEP Enforcement who reiterated that the requirement is 35 hours a week. Frank Russo from Bowman Engineering I inquired with and they have no operators in house and he was concerned about 35 hours per week. Bill Rydan from Anderson & Denzler Associates I spoke with but he is not able to provide us any assistance since he already is taking care of several facilities. John Scheri from HMM I spoke with and they have no one in house with a treatment license. Andrew Holt from Suburban consulting I e-mailed but have received no response. Van Cleef Associates have also been e-mailed with no response.

The only quote I was able to obtain was from Lyons Environmental dated December 28, 2016. They have a T-3 Operator who's name is Steve Lyons. Mr. Lyons did work at the Filtration Plant back after Bill retired for a one year period under the D2L contract and is experienced with the Morris Lake Water Treatment Plant. Steve does work for Sparta



## TOWN OF NEWTON

### RESOLUTION #14-2016

January 11, 2016 "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 2015 and 2016 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

#### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 11, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk

**AGENDA ITEMS**

**For January 11, 2016 Council Meeting**

**Minutes:** - December 28, 2015 – Regular Meeting  
December 28, 2015 – Executive Meeting

A membership application from Jose Guillermo Urena, 127 High Street, Newton, into the Newton Fire Department.

A membership application from Thomas E. Brahs, 336 Longview Acres Court, Newton, into the Newton Fire Department. \_\_\_\_\_

A membership application from James J. Finan, 52 Dogwood Drive, Newton, into the Newton Fire Department.

## Terri Oswin

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**From:** Jason Miller  
**Sent:** Thursday, January 07, 2016 11:01 AM  
**To:** Terri Oswin  
**Subject:** Re: Fire Department Swearing In

Department Chief - Jason Miller

Deputy Chief - Michael Treets

Captain - Richard Dayermanjian

Captain - Scott Verkon

Lieutenant - Michael Razzano

Lieutenant - Derek Wechtler

Lieutenant - Thomas Fox

Lieutenant - Bryan Farence

President - Christopher Blakely

Vice President - Jeffrey Diener

Secretary - Charles Weber

Treasurer - Eugene McCarty

And our 5k is whenever newton day is. I tried finding it by my cell phone is not playing nice today.

On Jan 7, 2016 10:33 AM, "Jason Miller" <[jmillernfd812@gmail.com](mailto:jmillernfd812@gmail.com)> wrote:

K

On Jan 7, 2016 10:28 AM, "Terri Oswin" <[toswin@newtontownhall.com](mailto:toswin@newtontownhall.com)> wrote:

Can you send me the names and titles for those to be sworn in on Monday night? I need it as soon as possible please.

Thanks,

Township, too. I spoke with NJDEP Enforcement and Mr. Lyons is an acceptable operator for our T-3 facility. It is my recommendation that we utilize him since our membrane filtration plant is very unique to the water industry and based upon the difficulty in obtaining additional quotes.

# TOWN OF NEWTON

## ORDINANCE #2016-

### AN ORDINANCE TO AMEND CHAPTER 100, FEES AND COSTS OF THE CODE OF THE TOWN OF NEWTON

**WHEREAS**, department heads of the Town of Newton have reviewed current fees and have suggested that fees be revised as set forth in this Ordinance;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton, that Chapter 100, Fees and Costs, be amended with the following changes in *bold* to read as follows:

#### Section 1:

§ 100-12. Alcoholic beverage control (Chapter 49, Article III) be amended as follows:

- A. Plenary retail consumption license [§49-15D(1)]: **\$1,500 (currently \$1,300)**
- B. Plenary retail distribution license [§49-15D(1)]: **\$1,500 (currently \$1,300)**

§ 100-17. Health codes (Chapters 133; 250, Article I; and 273) be amended as follows:

- C. Retail food establishment code (§133-33):
  - (1) Annual license (less than 5,000 square feet): **\$150 (currently \$125)**
- F. Body art license (§273-2)
  - (2) Renewal license, annually (§273-E): **\$325 (currently \$300)**

§ 100-19. Utilities (Chapter 228) be amended as follows:

- R. Rental of sewer camera: \$100 per hour (new fee)**
- S. Manpower for sewer camera: \$50 per man per hour (new fee)**
- T. Truck rental for sewer camera: \$100 per truck per hour (new fee)**

§ 100-21. Property Maintenance Code (Chapter 213, Article II) be amended as follows:

- A. Fee for application for inspection and certificate of compliance:
  - (1) Request for certificate of compliance received more than 10 business days prior to change of occupant: **\$75 (currently \$50)**
  - (4) **Re-inspection Fee: \$25 (new fee)**

§ 100-24. Miscellaneous fees and charges be amended as follows:

D. Certified copies of licenses and certificates issued by the Bureau of Vital Statistics:

(1) *Marriage Certificate: \$15 first copy, \$5.00 each additional copy (currently \$15 per copy)*

(2) *Birth Certificate: \$15 first copy, \$5.00 each additional copy (currently \$15 per copy)*

(3) *Death Certificate: \$15 first copy, \$5.00 each additional copy (currently \$15 per copy)*

(4) *Correction to birth certificates, marriage certificates, or death certificates: \$25 (currently \$20)*

(6) *Civil union: \$15 first copy, \$5.00 each additional copy (currently \$15 per copy)*

**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 January 25, 2016. 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 February 8, 2016 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk

## TOWN OF NEWTON

### PROPERTY MAINTENANCE BOARD OF APPEALS PROCEDURES

Pursuant to Newton Town Code §213-8, the International Property Maintenance Code has been adopted as the Property Maintenance Code of the Town of Newton.

Section 111 of the International Property Maintenance Code provides that persons directly affected by a decision of the Code Enforcement Director or of a notice or order issued under the Property Maintenance Code shall have the right to appeal to the Property Maintenance Board of Appeals (“Board of Appeals” or “Board”), with certain rights. An application for appeal shall be based on a claim that the true intent of the Property Maintenance Code has been incorrectly interpreted, the Code provisions do not apply, or the requirements of the Code are adequately satisfied by other means.

Section 111.4.1 of the International Property Maintenance Code requires that the Board of Appeals adopt procedures under which a hearing will be conducted.

**Membership.** The Board of Appeals shall consist of three regular members and will provide for up to two alternate members, who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the Town of Newton. The Code Enforcement Director shall be an ex-officio member, but shall have no vote on any matter before the Board. The Board members shall be appointed by the Town Manager and shall serve staggered and overlapping terms; i.e. one member for a three year term; one member for a two year term and one member for a one year term, with the two alternate members being appointed for a one year term. The alternate members may participate in discussion of the proceedings but may not vote

except in the absence or disqualification of a regular member. Board members shall not be compensated.

**Chairperson.** The Board shall annually select one of its members to serve as chairperson. The Chairperson shall preside over hearings and Board meetings and assist in the scheduling of appeal hearings.

**Disqualification of Member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

**Secretary.** A qualified person shall be designated as secretary to the Board. The secretary shall process appeals, schedule hearings, serve notice of hearings, distribute written decisions, and take minutes of all proceedings before the Board, and notify parties as required.

**Fee.** A non-refundable fee of \$100.00 for an appeal to the Property Maintenance Board of Appeals shall be deposited with the Municipal Clerk at the time of application of appeal.

**Notice of Meeting.** The Board shall meet upon notice from the Chairperson, within twenty (20) days of an appeal, or at stated periodic meetings, if any.

**Open Hearing.** All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the code enforcement official(s), and any person whose interests are affected shall be given an opportunity to be heard.

**Hearing Procedure.** During appellant's case, the appellant shall explain to the Board why the appeal was taken, and that the appellant believes the conditions cited as a violation does not exist or exists but does not violate the Code, and provide evidence of such. After all evidence is considered, the Board will then discuss the case and make a decision.

**Quorum.** A quorum shall consist of a minimum of two-thirds of the Board membership.

**Procedure.** The Board mandates that only relevant information be received. Compliance with strict rules of evidence is not required. The admissibility of evidence is subject to the Board Chairperson's discretion.

**Postponed Hearing.** When the full Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

**Board Decision.** The Board shall modify or reverse the decision of the Code Enforcement Director only by a concurring vote of a majority of the total number of appointed Board members.

1. The decision of the Board shall be recorded via a written decision, including reasons for the decision. Copies shall be furnished to the appellant and to the Code Enforcement Director.
2. The Code Enforcement Director shall take immediate action in accordance with the decision of the Board.
3. Any person has the right to apply to the appropriate court for review, as set forth below.

**Court Review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the Town Manager.

**Stays of Enforcement.** Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard.