

November 23, 2009

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 p.m. Present were Mrs. Unhoch, Mrs. Becker, Mrs. Le Frois, Mr. Ricciardo, Mayor Elvidge and Town Manager, Mr. Thomas Russo, Jr.

Mayor Elvidge made the following declaration that “in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 22, 2008.”

Councilman Ricciardo led the Invocation. Mayor Elvidge led the Pledge of Allegiance to the flag. The Clerk called the roll and upon completion of same, upon motion of Mr. Ricciardo, seconded by Mrs. Unhoch and unanimously carried, that the minutes of November 9, 2009 (Regular) meeting and November 9, 2009 (Special) meeting were approved as presented.

PUBLIC

Mayor Elvidge opened the meeting to the public. There was no one from the public to be heard.

PRESENTATION

Ms. Kristina Ferriero, Sussex County Representative for NORWESCAP, read a prepared statement to raise awareness for a youth mentoring program for children in Sussex County.

“One in 40 children in America has a parent incarcerated. This can have an impact on a child’s development, self esteem, and feelings of self worth, what happens to a child who lacks of stability, and consistency in their lives?

That is why NORWESCAP has created a program for the children who reside in our communities. Break the cycle of NJ is a movement aimed to lend to the development of these children. This mentoring program seeks mentors aged 55 and older to serve in their local community. These volunteers are willing to commit to supporting, guiding and being a friend to a child for one hour a week for at least a year.

According to Public and Private Ventures of Philadelphia, children of prisoners are six times more likely than other children to be incarcerated at some point in their lives, thus following the roadmap their parent has set. While there are many programs that assist those incarcerated, very little concentration is placed on the children of inmates and the directions that their lives are taking. Without effective intervention strategies, it is estimated that at least 70% of these children will themselves become involved with the criminal justice system. A positive mentoring relationship can result in improved school performance, self-confidence and a greater hope for the future.

Our belief is that the devoted attention of an adult spending quality time with a child of an incarcerated parent will strengthen the lives of the children, their families and our local community. By reaching out to you tonight our goal is to raise awareness to this cycle of intergenerational crime and incarceration and how a positive mentoring approach can break the cycle.”

Mrs. Le Frois and Mr. Ricciardo had several questions which were addressed by Ms. Ferriero. The Town Council commended the program and asked that Ms. Ferriero return with some statistics and updates as the program progresses. Ms. Ferriero left informational pamphlets for Council’s review.

Council & Manager Reports

a. November 25th - Closing at 3:00 p.m.

Mr. Russo informed the governing body that the Municipal Building will be closing at 3:00 p.m. on Wednesday, November 25, 2009.

b. 2010 Town Council Meeting Schedule

Mr. Russo reviewed the 2010 Town Council Meeting schedule with the governing body.

c. Christmas Tree Lighting & House Decorating Contest

Mr. Russo noted that the Christmas Tree Lighting will take place on Monday, December 14th at 6:00 p.m. followed by the regular Council Meeting at 7:00 p.m. The house decorating contest is being judged by our senior citizens and the winner will be announced at the Monday, December 28th Council Meeting.

Mr. Russo reviewed correspondence from Mr. Daniel G.P. Marchese, Esq., inquiring whether the Town would like to purchase 52 Paterson Avenue, Newton, at a cost of \$2.6 million. It was noted that the Town appraised this property at \$3.6 million. Mr. Russo indicated that even though the offer is quite generous, the Town has more pressing capital needs and is not in a financial position to consider this offer at this time. The Council agreed with Mr. Russo’s position and a letter of thanks will be forwarded to Mr. Marchese, Esq.

Mr. Russo readdressed the event request from the Boy Scouts of America, which was submitted at the last Council meeting, to be held on Monday, February 8, 2010. Mr. Russo outlined the lengthy updated information surrounding the request of celebrating the Boy Scouts 100th Anniversary, with a candle-lit ritual on Spring Street. It was noted that the County gave permission to hold the event at the County Park and the group is looking for permission to close

the street to allow approximately 500 people, Boy Scouts and parents, to get to the park.

After a lengthy discussion, Council gave three alternate suggestions, in lieu of closing down Spring Street and Route 206 around the square. Mr. Russo will reach out to Ms. Tina Kepler to discuss the alternate avenues available for this event.

Mr. Russo updated Council on some employee changes. Mrs. Sandy Yurga, Water/Sewer Clerk, is retiring and her last day is Wednesday, December 9, 2009.

Mr. Russo indicated that a new employee, Ms. Amanda Tomasello, will start on Thursday, December 3, 2009 and she will replace Sandy Yurga.

Ms. Sheila Dailey, Community Development/Planning/Zoning Secretary, has secured new full-time employment and will be leaving Town Hall on Friday, December 11, 2009.

Mr. Russo indicated that he will be attending the County Freeholder Meeting tomorrow morning at 9 a.m. to discuss the request of for Recovery Zone Bonds for ThorLabs.

Mr. Russo reminded Council that the GNCC Holiday Parade will be held on Saturday, November 28, 2009 at 10:00 a.m. with lineup to begin at 9:00 a.m.

Mr. Russo wished everyone a Happy Thanksgiving.

ORDINANCES

Mayor Elvidge directed the Clerk to read aloud the following Ordinance relative to final adoption.

ORDINANCE # 2009-27

AN ORDINANCE TO AMEND CHAPTER 20 OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF NEWTON

WHEREAS, it is the desire of the Town Council of the Town of Newton to amend Chapter 20 to provide standards on internally illuminated signs, wayfinding and design guidelines for signs within the Historic District; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton that Chapter 20, Section 21.3 be amended to read as follows:

20-21.3 Historic District Signage.

a. Findings and purpose. The town council finds that enhancement and improvement of the town's historic district area is in the best interest of the town, its residents and commercial business owners. Improvements to buildings located in the locally designated historic districts will enhance the appearance of not only the central business district area, but also the adjacent residential areas and thereby help to foster the economic vitality of not only the businesses in the historic districts by attracting more customers to the downtown area, but to the town as a whole. This ordinance is intended to compliment Chapter 20A of the revised general ordinances of the Town of Newton, known as the historic preservation chapter.

b. Definitions.

Abandoned sign shall mean a sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed.

Advertising sign shall mean a sign directing attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained, including but not limited to billboard signs.

Animated sign shall mean any sign with action or changing colors which requires electrical energy. This definition does not include signs which indicate time, temperature or date.

Awning shall mean a roof-like structure with a vertical face of no more than 12 inches, usually made of canvass and which is extended over a side-walk. The opened triangular areas at the ends of the awning can be either filled in with the same material as the awning or left open. The awning can be either retractable or fixed in position. Awnings which are in the shape of a segmented dome or segmented barrel shall not be permitted.

Banner sign shall mean any sign which is stretched across and hung over a public right-of-way, attached to any public or utility poles or a building and which is a non-permanent sign.

Bench sign shall mean a sign located on any part of the surface or seat placed on or adjacent to a public right-of-way.

Billboard sign shall mean a non-point-of-sale sign which advertises a business, organization, event, person, place or thing, unless such is more specifically defined herein.

Building face or wall shall mean all window and wall area of a building in one plane or elevation.

Business sign shall mean any notice or advertisement, pictorial or otherwise, which directs attention to goods, commodities, products, services, or entertainment sold or offered upon the premises where such sign is located.

Changeable copy sign shall mean a changeable copy sign (manual) which identifies a non-profit institution or organization on whose premises it is located, and which contains (a) the name of the institution or organization; (b) the name or names of the persons connected with it; and (c) greetings, announcements of events, or activities occurring at the institution, or similar messages.

Clock sign shall mean any timepiece erected outside of any building for the purpose of advertising the business on the premises on which it is located.

Construction sign shall mean any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

Copy shall mean the wording or graphics on a sign surface.

Directory sign shall mean a serial sign which identifies the names of businesses, offices, professionals, industries or other entities located within a planned center or complex.

Directional sign shall mean a sign which serves as an aid to motorists or pedestrians using facilities of some establishment which does not itself advertise the establishment and which meets the sign requirements of this chapter.

Double faced sign shall mean a sign which has two display areas against each other or where the interior angle formed by the display areas is 60 degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

Exterior directory sign shall mean a sign containing the building identification and address and the name and location of each tenant, and allowed in any project where one or more tenants does not have an exterior entrance or does not qualify for an exterior sign.

Face of sign shall mean the entire area of sign on which copy could be placed and, in the instance where a double faced sign is utilized, the area of both faces shall be included to determine face square footage.

Flashing sign shall mean a sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits marked changes in lighting effects. Illuminated signs which indicate only the time, temperature, or date shall not be considered as flashing signs.

Front footage shall mean the lineal width measured parallel to the street frontage of the heated and enclosed structure upon a premises, not including out buildings or appurtenant structures unless said structures have no street frontage, in which case the front footage shall be the structure's side width of the principal entrance.

Ground level shall mean the immediate surrounding grade.

Ground and/or pole sign shall mean a permanently affixed sign which is wholly independent of a building for support.

Height of sign shall mean the vertical distance measured from the surrounding grade to the highest point of the sign.

Historical identification sign shall mean a sign, marker or plaque identifying a historic structure or site, providing information about the significance of the structure or site.

Illuminated direct sign shall mean a sign illuminated by an external light source directed primarily toward such sign.

Institutional uses shall mean the use of a building by a church, school, non-profit organization, hospital or the office of a unit of government.

Instructional sign shall mean a sign conveying instructions strictly for the direction, safety and convenience of the public with respect to the premises on which it is maintained, such as a sign designating the entrance to or exit from a parking area, a sign identifying restrooms, a trespassing sign, a danger sign, and similar signs.

Internally illuminated sign shall mean a sign which contains an enclosed lamp, internal light fixture, neon or neon in appearance, LED screen or exposed fluorescent design which illuminates the sign.

Marquee shall mean any sign attached to or made a part of a marquee in any manner.

Mobile sign shall mean any sign which is attached to, mounted on, pasted on, painted or drawn on any vehicle, whether motorized or drawn, which is placed, parked or maintained at one particular location for the express purpose and intent of promotion, or conveying an advertising message.

Mural sign shall mean any sign that is painted on the wall of a building or structure in such a manner that the wall becomes the background surface of the sign.

Non-conforming sign shall mean any sign which does not conform to the provisions of this chapter.

Opening sign shall mean a temporary sign erected only for that limited period during which an enterprise not theretofore in operation begins its operation initially or at a new location.

Pole sign shall mean a sign mounted upon the ground, but which by reason of height, width or other characteristics does not qualify as a ground sign.

Political signs shall mean signs identifying or urging voter support for a particular election issue, political party, or candidate for public office.

Portable sign shall mean a sign which is not permanently affixed, including but not limited to signs mounted or painted on vehicles which are parked in such a manner as to serve the purpose of an advertising device.

Prohibited sign shall mean any sign, other than a non-conforming sign, which does not conform to the requirements of this chapter.

Projecting sign shall mean any sign that extends perpendicular to a wall.

Real estate sign shall mean a temporary sign erected by the owner or his agent, advertising the real property upon which the sign is located for rent, lease, or for sale, except in residential districts.

Residential use shall mean the use of a building as a home, abode or place where an individual or individuals are actually living at a specific point in time.

Roofline shall mean the apex, or highest point, of the roof or if there is a series of roofs, the apex of the lowest roof will be considered.

Roof sign shall mean a sign projecting over the coping of a flat roof or over the ridge of a gable, hip or gambrel roof and supported by or attached to said roof, or any sign that uses the roof for support.

Set back shall mean the minimum horizontal distance between either the face or curb, the edge of the pavement, or the right-of-way line and the sign structure, as specified in a particular section of this chapter.

Sidewalk or sandwich sign shall mean a movable sign not secured or attached to the ground or surface upon which it is located.

Sign shall mean any identification, description, illustration or device which is visible from any public place, whether located on private property or public property, which directs attention to a product, location, service, place, activity, person, institution or business, generally including columns, status, roof color or design, any exterior situated merchandise or any emblem, paint, banner, pennant, or placard designed to direct customers to or advertise, identify or convey information; said items still constituting a sign with or without copy, except permitted non-copy internal window displays. For the purpose of this chapter, signs shall also include all sign structures.

Sign face shall mean the part of a sign that is or can be used for advertising purposes.

Signs, number and surface area shall mean for the purpose of determining number of signs, a sign considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed, in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

That area enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one point, including any open space or hole within the sign's face or any appendage protruding outside the sign's face. This area does not include the main supporting sign structure, but all other ornamental attachments, interconnecting links, etc. which are not a part of the main supports of the sign are to be included in determining sign area.

Sign structure shall mean structure which supports, has supported or is capable of supporting a sign including decorative cover.

Snipe sign shall mean any sign of any material whatsoever that is attached in any way to a utility pole, tree or any object located or situated on public or private property.

Street shall mean a public thoroughfare which affords the principal means of access to abutting property.

Surrounding grade shall mean the finished grade of the ground upon which a sign is placed, per approved site plan by the Town of Newton.

Temporary sign shall mean a sign of a non-permanent nature. All such signs shall be removed within ten days after the purpose for which the sign is intended to advertise has been accomplished.

Wayfinding sign shall mean a sign designed to assist the user in navigating a specific area of town including special districts, roadways, pathways, parks and other areas of interest. Wayfinding signage may also provide historic, interpretive, operational as well as

other pertinent information regarding the use or area. Wayfinding signage may include directional signs, maps, and directory signs.

Wall sign shall mean a sign applied to or mounted to the wall or surface of a building or structure, the display surface of which does not project more than six inches from the outside wall of such a building or structure. The total lettering on one side of a building or structure shall constitute one wall sign.

Window sign shall mean any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

c. Sign requirements for office and commercial uses within a historic district. The following types of signs, subject to the limitations prescribed for them, shall be the only signs permitted for office and commercial uses authorized in the historic district zones of the Town of Newton:

1. Business signs.

a. Each ground floor occupant of a business structure is permitted one business sign, facing each street upon which the business fronts. The area of said sign shall not exceed one and one-half square feet of sign for every foot of front footage of the applicable building, subject to the following restrictions:

(i) The maximum square footage sign allotment shall not exceed 50 square feet, except as provided herein.

(ii) Where the front footage of a building would allow for more than the maximum sign size as stated in (i) above, additional sign square footage may be allowed upon approval by the historic preservation advisory commission. This additional square footage shall not exceed one and one-half square feet per linear foot of building (as measured along the line where the building meets the ground level), and shall not exceed a maximum size of 75 square feet.

(iii) Where frontage is on more than one street, only the signs computed with the front footage along that street shall face that street, but in no case shall the total square footage of signs for the business exceed 75 square feet; except where additional square footage has been approved by the historic preservation advisory commission as cited in (ii) above.

(iv) In those instances where a building frontage is less than 35 linear feet, the historic preservation advisory commission may vary the maximum square footage allowed for that building by a figure not to exceed 10%.

(v) Business establishments situated on the second or third floors of business structures and having an exterior entrance shall be permitted one wall sign not to exceed 30 square feet, as well as lettering on the glass of the ground floor entrance door and/or transom. Additionally, a business establishment on the second floor or third floor may have a projecting sign that can be substituted for a wall sign.

b. The business sign may be a ground sign, wall sign, projecting sign, or permanent window sign, subject to the following restrictions:

(i) Wall signs shall not be higher than the roofline of the building.

(ii) Ground signs shall be a maximum of 24 square feet (4 feet x 6 feet) and shall be situated at least ten feet from the pavement edge or curb of a public street or outside the public right-of-way, whichever is further. Berms or landscaping shall not be allowed for the purpose of elevating signage, except as provided through the site plan review process.

(iii) No business sign shall be located closer than two feet from any other business located on the ground floor of the same or adjoining building.

(iv) No ground sign shall be located closer than 20 feet in any direction from any other business sign. Additionally, no business ground signs shall be permitted on properties that face the county park in the middle of town, or on any properties on Spring Street between Main Street and Union Place.

(v) All projecting signs shall be placed not less than eight and one-half feet from the pedestrian travel way to the bottom of the sign. The lead projecting edge of the sign shall be no closer than four feet back from any curb line. The area of the surface of the projecting sign shall be calculated by measuring the width of the facade of the subject building and multiplying that number by one-third to determine the maximum amount of square footage permitted. In no case, however, shall the projecting sign have more than 15 square feet of surface area per side. The structural supports for such signs shall comply with all applicable building construction codes and shall be reviewed and approved by the municipal construction official.

(vi) Signs should be located so as to not obscure any significant architectural features of the building.

(vii) Natural materials or synthetic materials made to mimic natural materials are encouraged.

(viii) Sign colors that reflect those colors found on existing historic buildings in the area are encouraged.

c. In addition to the above noted business signs that are permitted, an individual business located on the first floor of a commercial building which has an awning may have the name of the business imprinted along the vertical face of the awning, subject to the following restrictions:

(i) The lettering shall be no more than eight inches in height.

(ii) Approval by the historic preservation advisory commission shall be obtained for the installation of a new or replacement awning, along with the lettering to appear on the vertical drop of the awning.

2. Directional and wayfinding signs.

a. Directional and wayfinding signs may be attached to a building face, free-standing or attached to an existing post.

b. Arched directional signs over alleyways or roadways are permitted.

3. Opening signs.

a. Notwithstanding other provisions of this chapter, a newly established, expanded floor area, or relocated commercial business in addition to the hereinbefore specified sign allotment, may for a period of 14 days display one temporary ground, window, or wall sign per street frontage. Each allowed sign shall not exceed 30 square feet in face area. Ground signs shall not exceed six feet in height and shall be set back from the curb line or edge of the pavement no less than 20 feet. Such ground signs shall not be permitted on properties that face the county park in the middle of town, or on any properties on Spring Street between Main Street and Union Place.

b. A business may request a temporary conditional use permit from the town zoning officer to allow more than one temporary sign (window or wall) per frontage for a period not to exceed seven days. These temporary conditional use signs shall be consistent with the requirements regarding square footage and placement as set forth in the preceding paragraph.

4. Construction signs. During the course of physical construction under a valid building permit issued by the Town of Newton, a ground construction sign not to exceed 24 square feet in face area shall be permitted. Construction signs shall be no greater than six feet in height and located on the premises no less than 30 feet from the face of the curb or edge of the pavement. If the distance is less than 30 feet, then the construction sign shall be mounted against the wall of the first floor level of the building. Said construction signs shall be permitted to stand no longer than the period during which construction is physically in progress under a valid building permit.

5. Exterior directory signs. Exterior directory signs shall be allowed in any project where one or more tenants does not have an exterior entrance or does not qualify for an exterior sign. The purpose of the directory shall be for customer convenience, direction and safety. The number of directories shall be limited to one for each main entrance to the building. Directories shall not exceed the following sizes:

a. Ten square feet per face, and total sign face areas shall not exceed 20 square feet when located within 55 feet of any public right-of-way. In the event that there is less than 55 feet in distance, then the exterior directory sign shall be one sided and wall mounted.

Exterior directory signs shall be located either behind the main building line or a minimum of 75 feet from any public right-of-way. No exterior directory sign shall exceed six feet in height as measured from the surrounding grade.

Building identification letters shall not exceed six inches, and tenant identification shall not exceed three inches. Each tenant shall occupy the same size and shape space.

6. Real estate signs. In the historic district zone, one ground or wall sign advertising the sale or lease of real estate shall be permitted upon the premises of the property for sale or lease, provided said sign does not exceed four square feet in face of sign area. If not attached to a building, said sign shall not exceed five feet in height and shall be set back no less than 30 feet from the face of the curb or edge of the pavement. Real estate signs shall be removed within seven days of the closing of the sale, rental or lease of the premises or as determined by the town zoning officer in the case of multiple use or rental spaces in a single project.

7. Show window signs. Show window signs shall be permitted in commercial business areas in the historic district zone. Show window signs shall not occupy more than 20% of the window opening. The area of the sign shall be calculated by multiplying the height and width of the sign if it is a painted board sign. In the case of letters and/or graphic devices painted on the inside of the glass, then the actual area of the lettering or graphic devices shall be computed and used for calculating the percent of coverage.

8. Mural signs. Mural signs shall be permitted so as to advertise only the business that occupies the building on which the mural sign is to be painted. Mural signs shall not be used for the off-premise advertising of a business. Such mural signs shall be painted only on the side or rear walls of a building and shall be of such a design as to compliment the architectural style of the subject building and shall be in keeping with the general historic character of the district. There shall be a maximum of only one mural sign per building.

a. For the purposes of calculating the area of a mural sign, the following shall be used:

(i) If the graphic is enclosed by a box or outline, the total area of the graphic including the background is counted as a part of the graphic area.

(ii) If the graphic consists of individual letters, then the area of the graphic shall be calculated by extending a line around the area of the lettering and that area shall be measured.

b. A maximum area of 20% of the building wall, visible to the traveling public, may be used for the mural sign.

9. Site plan review. In all instances where site plan review is a requirement of any applicable municipal ordinance, the type of signs planned or proposed to be a permanent part of such development shall be presented at the time of the site plan review to the historic preservation advisory commission.

d. Sign requirements for institutional and residential uses within a historic district. Permitted signs and regulations. The following types of signs, subject to the limitations prescribed for them, shall be the only signs permitted for uses authorized for residential and institutional use in the historic district zones of the Town of Newton.

1. Civic signs.

2.

a. Schools, clubs and non-profit organizations shall be permitted one civic sign facing each street upon which they front, in lieu of a business sign. Such signs shall generally be subject to the same restrictions as provided for business signs with regard to height, location, size and type. The height, location and landscaping of all proposed ground signs shall require the review and approval of the historic preservation advisory commission.

b. Churches shall be permitted one ground mounted civic sign facing each street upon which they front, in lieu of a business sign.

Churches shall also be allowed one wall mounted sign facing each street upon which they front; provided, however, that a wall sign may designate only the name and/or denomination of the church. Such signs shall generally be subject to the same restrictions as provided for business signs with regard to height, location, size and type. The height, location and landscaping of all proposed ground signs shall require the review and approval of the historic preservation advisory commission.

2. Construction signs. A ground sign shall be permitted during the course of physical construction under a valid building permit issued by the Town of Newton. For a single family detached dwelling or a duplex, the sign face area shall not exceed eight square feet. For other uses or a multi-family project, the sign face area shall not exceed 12 square feet and shall be only single sided. Such ground signs shall not be permitted on properties that face the county park in the middle of town, nor on any properties on Spring Street between Main Street and Union Place.

Construction signs for single family detached dwellings and duplexes shall be set back at least ten feet behind the curb face or edge of the pavement, and shall not exceed eight feet in height. Said construction signs shall not be permitted to stand more than 90 days without the express approval of the historic preservation advisory commission and are further subject to the lighting, construction and content requirements of this chapter. The sign shall not be put up until construction begins and shall remain on the site no more than two weeks after construction is completed.

3. Real estate signs. In all areas of residential and institutional uses within the locally designated historic district zones, one temporary ground sign shall be permitted upon the premises of the property for sale or lease. Said sign shall not exceed dimensions of two feet by two feet with a total maximum sign face area of four square feet per face, and a maximum of two faces on a single plane of material. The maximum height of said signs shall be five feet and said signs shall be set back no less than 15 feet from the curb face or edge of the pavement.

e. Exempt signs.

1. General. The following signs are exempt from the provisions of this chapter:

a. Official public notices and notices posted by public officers in the performance of their duties.

b. Governmental signs for the control or direction of traffic and other regulatory purposes.

c. Flags or emblems for the control or the United States, the State of New Jersey, or their political subdivisions.

d. Temporary signs for a period not to exceed 30 days, totaling not over seven square feet of surface area on any lot, pertaining to campaigns, drives or events of civil, philanthropic, educational or religious organizations.

e. Signs posted in conjunction with door bells or mail boxes, none exceeding 36 square inches in surface area.

f. Small, non-illuminated instructional signs, none exceeding one and one-half square feet in surface area.

g. Address signs, not more than one for each street frontage of each principal use on a lot and none exceeding 72 square inches in surface area, showing only the numerical address designations of the premises upon which they are situated. All address signs shall be prominently displayed and written in contrasting colors to the color of the structure or background against which said signs are placed in order to facilitate emergency identification for public service employees.

h. Decals, numerals, names, addresses, hours, credit information, etc. attached to doors or windows and all of which occupy a total area of one square foot or less.

2. Specific existing signs. The following existing signs are specifically exempt from the provisions of this chapter, as they contribute to and compliment the historic district:

a. The marquee and marquee signage existing on the Newton movie theater, known as 226-234 Spring Street.

b. The clock sign on the building at the intersection of Main Street and Spring Street, known as 1 Main Street.

c. The clock sign on the PNC Bank building, known as 93-95 Spring Street.

f. Non-conforming signs.

1. Intent. Signs which were legally in existence prior to the adoption of this chapter which do not conform to the provisions of this chapter are declared non-conforming signs. It is the intent of this section to recognize that the eventual elimination of non-conforming signs shall be effected so as to avoid any unreasonable invasion of established property signs.

2. General non-conforming sign provisions. Subject to the exceptions hereinafter set forth, any non-conforming signs may be continued in operation and maintenance after the effective date of this amendment, provided that non-conforming signs shall not be:

a. Changed or replaced with another non-conforming sign including changing the sign face (except on changeable copy signs and billboards).

b. Structurally altered so as to extend their useful life.

c. Expanded.

d. Relocated.

e. Re-established after damage of more than 50% of the sign at the time of such damage/destruction.

f. Modified in any way that would increase the degree of non-conformity of such sign.

Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the construction official. Such signs may be improved only to the extent that such improvement does not exceed 50% of the existing sign structure.

3. Termination of non-conforming signs.

a. Any non-conforming sign or sign structure which is partially destroyed by fire, accident or natural causes beyond 50% of its structure, shall thereafter be removed or reconstructed in conformance with the provisions of this chapter.

b. Any non-conforming sign or sign structure which is improved and altered to comply with the provisions of this chapter shall thereafter be considered as conforming.

c. For the purposes of this section, existing signs and sign structures prohibited by this chapter shall be treated as non-conforming.

d. Upon the determination of the Town of Newton that a sign remains non-conforming after termination of the allowable time periods provided for above, the town shall notify the sign owner and/or the owner of the land upon which the non-conforming sign is located, and such owner shall have 14 days after such written notice within which to remove said sign. At the end of the 14 day period, if the sign has not been removed or brought into compliance, the town shall issue a summons through the Newton municipal court.

e. Abandonment of a non-conforming sign shall immediately terminate the right to maintain such a sign.

f. Any non-conforming on-premise sign shall be removed or brought into compliance with this chapter immediately upon a change in the principal use of the site.

g. Prohibited signs.

1. General. The following styles or types of signs or signage is specifically prohibited within the areas of the locally designated historic district zones in the Town of Newton:

a. Animated signs provided, however, that temporary street banner signs approved by the mayor and town council shall be exempt from this prohibition.

b. Flashing signs.

c. Strips or strings of lights outlining property lines, sales areas, rooflines, doors, windows, wall edges, or other architectural features of a building; provided, however, that this prohibition shall not apply to Christmas lights displayed between Thanksgiving Day and five calendar days after New Year's Day in each calendar year.

d. Signs on public property, other than those erected at the direction or with the permission of a public authority having competent jurisdiction.

e. Signs which are not securely affixed to the ground, or otherwise affixed in a permanent manner to an approved supporting structure including but not limited to portable signs; provided, however, that temporary signs specifically allowed under this chapter shall be exempt from this prohibition.

f. Signs visible from a public right- of-way that use the word "stop" or "danger" or otherwise present or imply the need or requirement of stopping, caution, the existence of danger or which for any reason are likely to be confused with any sign displayed or authorized by a public authority.

g. Signs which blend with or can be confused with traffic signals.

h. Signs which contain reflective materials which present a hazard or danger to traffic or the general public.

i. Signs which exhibit more than two faces; provided, further, that no double faced signs shall be permitted if the distance between the back of the faces is at any point greater than 12 inches.

j. Advertising signs including but not limited to billboard signs.

k. Signs which contain work or pictures of an obscene, indecent, or immoral character which could offend public morals or decency.

l. Beacon lights.

m. Signs which are structurally unsound or which are rendered structurally sound by buy wires or unapproved facing or bracing.

n. Mobile or portable signs attached to, suspended from, or painted on any vehicle including a trailer which is parked on or is visible from any street or public place. However, this prohibition shall not apply to those signs which are required to be affixed to service vehicles by the requirements of any state, federal, or local regulations. Nor is this prohibition to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal course of business.

o.. Pole signs and snipe signs.

p. Signs installed, erected, enlarged or structurally altered in violation of the provisions of this chapter.

q. Roof signs.

r. Any changeable copy sign (manual) that does not have a locked, vandalproof cover.

- s. Bench signs.
- t. Illuminated direct signs.

u. Internally Illuminated signs.

v. All signs which are not expressly permitted by this chapter or any other ordinance of the Town of Newton.

2. Portable and flashing signs.

a. Due to the manifest traffic safety hazards, the use of portable and/or flashing signs, with or without changeable copy board attached, are declared a public nuisance.

b. Upon written notice by the zoning officer of the Town of Newton to the owner or lessee of such flashing sign, such sign shall be removed within 14 days.

Upon failure to comply with such notice, the town zoning officer shall cite the sign owner or lessee through the Newton municipal court. If found in violation, the owner shall be responsible for all costs incurred in removing the sign, in addition to any court assessed fees and penalties.

h. Illumination.

1. General. Indirect illuminated signs shall adhere to the following provisions and restrictions in addition to those stated in the sign requirements by zone:

a. The light for or from any indirect illuminated sign shall be so shaded, shielded or directed that intensity will not be objectionable to surrounding areas, as determined by the historic preservation advisory commission. In the case of a wall mounted sign, no more than 0.5 foot candles of illumination from the light(s) for the sign shall be more than ten feet from the front of the building.

b. No sign shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color.

c. No colored lights shall be used at any location in any manner so as to be confused with or construed as traffic control devices.

d. Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

e. Exposed bulbs shall not be used on the exterior surface of any sign, except when approved by the historic preservation advisory commission.

f. Exposed neon shall not be allowed, except in such instances that the historic preservation advisory commission determines that the sign is compatible to the architectural features of the building in question.

g. Indirect illuminated signs shall be permitted with the specific design of the illumination to be approved by the historic preservation advisory commission.

i. Structural requirements. All signs shall comply with the pertinent requirements of the building code as adopted by the Town of Newton.

j. Inspection, removal and safety.

1. Inspection. All signs shall be inspected periodically by the town zoning officer for compliance with this chapter.

2. Maintenance. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.

3. Removal of sign. The town zoning office shall give written notice for the removal of any permanent sign erected or maintained in violation of this chapter. Upon failure to comply

with such notice within ten calendar days of the date of the notice, the town zoning officer shall issue a summons to the property and/or business owner through the Newton municipal court. Temporary signs erected or maintained in violation of this chapter may be removed by the zoning officer without notice. The zoning officer shall remove any sign immediately and without notice if the sign presents an immediate threat to the safety of the public. Any sign removal shall be at the expense of the property owner.

4. Abandoned signs.

a. Any sign which advertises or pertains to a business, product, service, event, activity or purpose which is no longer conducted or that has not been in use for three months, or which is no longer imminent, or any sign structure that no longer displays any sign copy for a like period shall be deemed to be abandoned.

b. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management shall not be deemed abandoned unless the property remains vacant for a period of six months for non-conforming signs, or 12 months if the signs otherwise conform to all provisions of this chapter.

c. Abandoned signs are prohibited and shall be removed by the owner of the property, his agent, or person having the beneficial use of the building or site upon which such sign or structure is erected within 30 days after written notification from the town zoning officer.

d. In the event of non-compliance with the aforesaid terms and provisions, then the town zoning officer shall have the authority to issue a summons to the property and/or business owner and/or lessee to appear before the Newton municipal court for a hearing.

k. Permits.

1. All permanent signs permitted under this chapter shall require a zoning permit.

No sign shall be erected, altered or relocated without a zoning permit, except as otherwise provided herein. Electrical permits as required shall be obtained at the same time as the sign permit from the town construction official.

2. Application. The permit application shall contain the location of the sign structure, the name and address of the sign owner and of the sign contractor, drawing showing the design, location, materials, finishes and colors of the sign and such other pertinent information as the historic preservation advisory commission may require to ensure compliance with this chapter and the requirements of the town. Applications shall be made on forms provided by the town.

3. Nullification. A sign permit shall become null and void if (a) the work for which the permit was issued has not been completed within a period of six months from the date of the permit, or (b) the sign varies in any respect from the approved design or location.

4. Permit exceptions. The following operation shall not be considered as creating a sign and, therefore, shall not require a zoning permit:

Maintenance - Repainting, cleaning and other normal maintenance to prolong the life of a sign as originally approved.

l. Administration and penalties. The enforcement (zoning) officer or in the absence of the zoning officer, the secretary of the historic preservation advisory commission, is hereby authorized and directed to enforce all of the provisions of this chapter. Upon presentation of proper credentials, the zoning officer or duly authorized representative may enter at reasonable times any building, structure or premises in the Town of Newton to perform any duty imposed upon said zoning officer by this chapter.

Mayor Elvidge declared the hearing on Ordinance #2009-27 open to the public.

There being no one from the public to be heard, upon motion by Mrs. Le Frois, seconded by Mrs. Becker and carried, the hearing was closed.

November 23, 2009

The following **ORDINANCE** was offered by Mrs. Becker, who moved its adoption, seconded by Mr. Ricciardo and roll call resulted as follows:

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Yes	Mr. Ricciardo	Yes
Mayor Elvidge		Yes	

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be adopted in its entirety according to law.

The Clerk will advertise the above Ordinance according to law.

Mayor Elvidge directed the Clerk to read aloud the following Ordinance relative to final adoption.

ORDINANCE # 2009-28

AN ORDINANCE TO AMEND CHAPTER 10, TRAFFIC, OF THE TOWN OF NEWTON'S REVISED GENERAL ORDINANCES

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton that Chapter 10 of the Revised General Ordinances be amended as follows:

THE FOLLOWING STREET SHALL BE ADDED AS FOLLOWS:

SCHEDULE I

NO PARKING

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Slate Hill Road	Both	Entire Length

BE IT FURTHER ORDAINED that this Ordinance shall take effect according to law.

Mayor Elvidge declared the hearing on Ordinance #2009-28 open to the public.

There being no one from the public to be heard, upon motion by Mrs. Becker, seconded by Mrs. Le Frois and carried, the hearing was closed.

The following **ORDINANCE** was offered by Mr. Ricciardo, who moved its adoption, seconded by Mrs. Unhoch and roll call resulted as follows:

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Yes	Mr. Ricciardo	Yes
Mayor Elvidge		Yes	

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be adopted in its entirety according to law.

The Clerk will advertise the above Ordinance according to law.

Mayor Elvidge directed the Clerk to read aloud the following Ordinance relative to introduction of same.

ORDINANCE # 2009-30

AN ORDINANCE TO ACCEPT THE DEDICATION OF PATERSON PLACE, WINDSOR DRIVE, BUCKINGHAM COURT AND STRATFORD LANE BY THE TOWN OF NEWTON IN THE COUNTY OF SUSSEX

The following **ORDINANCE** was offered by Mrs. Le Frois, who moved its introduction, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Yes	Mr. Ricciardo	Yes
	Mayor Elvidge	Yes	

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on December 14, 2009.

The Clerk will advertise the above Ordinance according to law.

OLD BUSINESS

There was no Old Business to discuss.

CONSENT AGENDA

Mayor Elvidge read the following statement:

“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.”

RESOLUTION #233-2009*

AUTHORIZE FORECLOSURE ON OUTSTANDING MUNICIPAL TAX SALE CERTIFICATES

WHEREAS, the Town of Newton holds two (2) Tax Sale Certificates for properties within the municipality, and the Tax Collector certifies the following pursuant to NJSA 54:5-104.35; and

WHEREAS, the attached “tax foreclosure list” is a list of Tax Sale Certificates held by the Town of Newton and the lands affected by said Certificates, together with the amounts due, to the date hereof, on said Tax Sale Certificates and for subsequent municipal liens with interest, penalties and costs; including the amounts required to redeem, as they appear in the records of the Tax Collector, and the ownership of said lands as they appear on the last tax duplicate of the Town of Newton; and

WHEREAS, more than six (6) months have expired from the date of the tax sales at which any such Certificates arose and all or any portion of the general land taxes levied and assessed against the land for the twenty-one (21) months next proceeding the commencement of the action, other than those subject to payment by installments authorized by a Resolution adopted pursuant to RS 54:5-65;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body hereby determines that the Town of Newton foreclose by short title In Rem, as provided in the In Rem Tax Foreclosure Act (1948), NJSA 54:5-104.29 et seq., on the Tax Sale Certificates held by the municipality, as listed on the tax foreclosure list attached hereto;

November 23, 2009

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to forward to the Town's appointed attorney, Michael G. Pellegrino, Esq. of Pellegrino & Feldstein, LLC, the "tax foreclosure list" to begin said process.

E. Kevin Elvidge, Mayor

Kristen Becker, Deputy Mayor

Thea Unhoch, Councilwoman

Joseph Ricciardo, Councilman

Helen Le Frois, Councilwoman

Lorraine A. Read, Municipal Clerk

RESOLUTION #234-2009*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the following accounts for amounts billed incorrectly due to the reason stated:

Account reading error last quarter;

<u>Account</u>	<u>Address</u>	<u>Amount</u>
18865	8 New Hampshire St.	\$525.49

Council waiver of portion of 3rd quarter sewer charge:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
26143	1 Woodridge Court	\$165.13

RESOLUTION #235-2009*

APPROVE 2009 APPROPRIATION TRANSFERS

BE IT RESOLVED by the Town Council of the Town of Newton that the following 2009 appropriation transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
<u>CURRENT</u>		
Road Repair & Maint – OE 1080259	Snow – OE 1081239	15,000.
Building & Grounds – S&W 1061101	Engineering – OE 1060216	3,000.
TOTAL CURRENT TRANSFERS		<u>\$18,000.</u>

November 23, 2009
RESOLUTION #236-2009*

CAPITAL BUDGET

**RESOLUTION
 NO. 236-2009**

CAPITAL BUDGET

Whereas, the local capital budget for the year 2009 was approved on the 11th day of May 2009; and

Whereas, it is desired to Amend said adopted Capital Budget Section.

Now, Therefore Be It Resolved, by the governing body of the Town of Newton, County of Sussex that the following capital budget amendment of 2009 be made.

RECORDED VOTE: (Insert last name)	AYES	(NAYS	(ABSTAIN	(
		((ABSENT	(
		(((
		(((

**CAPITAL BUDGET (Current Year Action)
 2009**

				PLANNED FUNDING SERVICES FOR CURRENT YEAR 2009					
PROJECT	PROJECT NUMBER	ESTIMATED COST	AMOUNTS RESERVED IN PRIOR YEARS	2009 BUDGET APPROPRIATIONS	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	DEBT AUTHORIZED	TO BE FUNDED IN FUTURE YEARS
Improvements in Sparta Ave Redevelopment Plan Area	1	4,660,000	0		0				4,660,000
TOTAL ALL PROJECTS		4,660,000		0	0	0	0	0	4,660,000

November 23, 2009

3 YEAR CAPITAL PROGRAM 2009 - 2011

Anticipated Project Schedule and Funding Requirements

PROJECT	PROJECT NUMBER	ESTIMATED COST	ESTIMATED COMPLETION TIME	FUNDING AMOUNTS PER YEAR					TO BE FUNDED IN FUTURE YEARS
				BUDGET YEAR: 2009	2010	2011	2012	2013	
Improvements in Sparta Ave	1	4,660,000	2014						4,660,000
Redevelopment Plan Area									
TOTAL ALL PROJECTS		4,660,000		0	0	0	0	0	4,660,000

3 YEAR CAPITAL PROGRAM 2009 - 2011

SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

PROJECT	BUDGET APPROPRIATIONS				BONDS AND NOTES					
	ESTIMATED COST	CURRENT YEAR 2009	FUTURE YEARS	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	GENERAL	SELF LIQUIDATING	ASSESSMENT	SCHOOL
Improvements in Sparta Ave	4,660,000						4,660,000			
Redevelopment Plan Area										
TOTAL ALL PROJECTS	4,660,000			0	0	0	4,660,000			

November 23, 2009

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the township Auditor and Chief Financial Officer.

It is hereby certified that this is a true copy of a resolution creating the capital budget section adopted by the governing body on the 23rd day of November, 2009.

Certified by:

Date

Lorraine A. Read, Municipal Clerk

RESOLUTION #237-2009*

**APPOINTMENT OF THE MUNICIPAL AUDITOR FOR THE TOWN OF NEWTON
FOR CALENDAR YEAR 2010**

WHEREAS, the Town of Newton has a need to acquire auditing services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the anticipated term of this contract is for calendar year 2010; and

WHEREAS, auditing service is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, Ferraioli, Wielkotz, Cerullo & Cuva, P.A. has submitted a proposal dated November 10, 2009 indicating they will provide the auditing services for \$23,450.00; and

WHEREAS, Ferraioli, Wielkotz, Cerullo & Cuva, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that Ferraioli, Wielkotz, Cerullo & Cuva, P.A. has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit the Ferraioli, Wielkotz, Cerullo & Cuva, P.A. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available to support an agreement with Ferraioli, Wielkotz, Cerullo & Cuva, P.A. in an amount of \$23,450.00;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Mayor to enter into a contract with Ferraioli, Wielkotz, Cerullo & Cuva, P.A. as described herein; and,

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be attached and filed with this resolution, and

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

RESOLUTION #238-2009*

**AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR AUDITING
SERVICES FOR REVIEW OF STATEMENT OF ASSETS AVAILABLE FOR
BENEFITS FOR (LOSAP)**

WHEREAS, the Town of Newton will require the services of a qualified Auditor to examine the Statement of Net Assets Available for Benefits for the Town of Newton's Emergency Services Volunteer Length of Service Award Program (LOSAP) as of December 31, 2009; and

WHEREAS, auditing service is a professional service as defined by the Local Public

November 23, 2009

Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, Mr. Thomas M. Ferry, RMA of the accounting firm Ferraioli, Wielkocz, Cerullo & Cuva, PA has furnished an appropriate contract for said services; and

WHEREAS, Ferraioli, Wielkocz, Cerullo & Cuva, PA has completed and submitted a Business Entity Disclosure Certification with certifies that said firm has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and the contract will prohibit the firm from making any reportable contributions through the term on the contract; and

WHEREAS, the anticipated term of this contract is for calendar year 2010;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor, the Town Manager and the Treasurer are hereby authorized to execute a contract on behalf of the municipality for review of their LOSAP Statement of Net Assets Available for Benefit and said contract will remain on file in the Municipal Clerk's office;

BE IT FURTHER RESOLVED, that a copy of the fully executed contract be forwarded to Mr. Thomas Ferry, and that a notice of this award be published in accordance with the Local Public Contracts Law.

RESOLUTION #239-2009*

RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY DIRECTING THE TOWN PLANNING BOARD TO REVIEW PROPOSED AMENDMENTS TO THE SPARTA AVENUE REDEVELOPMENT PLAN PURUSANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

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

WHEREAS, to determine whether certain areas within the Town of Newton, in the County of Sussex, New Jersey (the "Town") constitute areas in need of redevelopment, the Town Council, by way of Resolution #56-2004 adopted April 26, 2004, authorized and directed the Planning Board (the "Planning Board") of the Town of Newton to conduct a preliminary investigation and public hearing to determine whether Block 1104, Lot 21 in the Town (the "Property") met the criteria set forth in *N.J.S.A. 40A:12A-5* and should be designated as an area in need of redevelopment; and

WHEREAS, on April 25, 2005, after review of the findings of the Planning Board in accordance with the Act, the Town designated Block 1104, Lot 21 as an "area in need of redevelopment" under the Act (the "Redevelopment Area"); and

WHEREAS, on April 23, 2007, the Town designated a portion of the Town, including the public streets and rights-of-way of Sparta Avenue, Merriam Avenue and Pine Street adjacent to the Redevelopment Area as an "area in need of rehabilitation" in accordance with the Act (the "Rehabilitation Area", that certain portion of the Rehabilitation Area laying adjacent to the Redevelopment Area, as further delineated in the Redevelopment Plan defined below, referred to hereinafter together with the Redevelopment Area as the "Sparta Avenue Plan Area"); and

WHEREAS, the Town developed a proposed redevelopment plan for the Sparta Avenue Plan Area (the "Proposal") and referred the same to the Planning Board for its review in accordance with the Act; and

WHEREAS, at a public meeting duly noticed and held on March 4, 2009, the Planning Board reviewed the Proposal, and recommended its adoption with certain modifications (the "Revised Proposal"); and

WHEREAS, by Ordinance 2009-6 finally adopted on March 23, 2009, the Town, acting on the Planning Board's recommendation, approved the Revised Proposal as the redevelopment plan for the Sparta Avenue Plan Area (the "Redevelopment Plan"); and

WHEREAS, on November 9, 2009, the Town designated Thorlabs, Inc. ("Thorlabs") as Redeveloper and authorized execution of the Redevelopment Agreement, with respect to the development of a mixed-use facility within the Sparta Avenue Plan Area, incorporating research and development, office space, manufacturing, ancillary parking, and infrastructure improvements (collectively, the "Project"); and

WHEREAS, the Redeveloper has requested certain amendments to the Redevelopment Plan (the "Proposed Amendments") attached hereto as Exhibit A; and

WHEREAS, the Town desires the Planning Board to review and comment on the Proposed Amendments to the Redevelopment Plan,

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

I. GENERAL

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

II. PLANNING BOARD DIRECTED TO REVIEW AMENDMENTS TO THE REDEVELOPMENT PLAN

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

III. SEVERABILITY

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

IV. AVAILABILITY OF THE RESOLUTION

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

V. EFFECTIVE DATE

This Resolution shall take effect upon final passage.

EXHIBIT A

SUMMARY OF REQUESTED REDEVELOPMENT PLAN AMENDMENTS

1. Section 6.5.1 to be revised as follows: Facade Materials: Exterior facades may be split face decorative masonry, brick, glass, EIFS, or of a similar material. Metal used on any façade shall only include aluminum, coated steel, copper, zinc, and painted wrought iron.
2. Section 6.5.9 to be revised to provide for the reuse of rain water for irrigation, in combination with the use of drought resistant plants.
3. Section 6.6.1 The requirement for operable windows to be deleted.
4. Section 6.8.1 will be re-written to reflect that LEED Certification is strongly recommended but not mandatory.

5. Section 6.8.7 will be revised as follows: "Wastewater: Reduction of potable water use for building sewage conveyance by 20% through use of measures which may include water-conserving fixtures or non-potable water, recycled greywater, and on-site or municipally treated wastewater."

6. Section 6.8.8 ("Water Reduction") to be revised by deleting the following sentence: "Reuse of stormwater and greywater for non-potable applications such as toilet and urinal flushing and custodial uses per a Potable Water Conservation Program is mandatory."

RESOLUTION #240-2009*

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 2008 and 2009 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.

TOWN BILLS

186,849.46	Payroll Account	910081
292.00	Sheraton Atlantic City	26148
30,019.91	NJSHBP	981082
57,668.45	NJSHBP	981083
55.00	NJ State League of Munic.	26149
18,109.40	Payroll Account	910084
354.38	Quill Corporation	26150
4,561.35	Harold Pellow & Assoc., Inc.	26151
87.50	Sussex Car Wash, Inc.	26152
3,125.34	NUI Corporation	26153
880.51	G & G Diesel Service Inc.	26154
1,354.44	Jersey Central Power & Light	26155
1,305.05	SCMUA	26156
390.00	B & G Elevator Inc.	26157
20.64	Centurylink – EROC Scanning	26158
35.00	Centurylink – EROC Scanning	26159
5,425.90	Hollander, Hontz, Hinkes & Pasculli LLC	26160
322,025.00	Capital Account	26161
969.39	Campbell’s Small Engine	26162
575.26	Timmerman Company	26163
20.70	Tri-State Rentals, Inc.	26164
758.25	Federal Express	26165
69.00	Peter J. Kays	26166
63.00	James Sisco	26167
58.00	Richard A. Straway, Jr.	26168
58.00	Thomas Straway	26169
169.76	Treasurer, Petty Cash Fund	26170
69.00	William F. Smith	26171
57.00	Brock Kithcart	26172
1,150.00	T. A. Mountford Company	26173
1,373.92	Weldon Asphalt Company	26174
64.00	William Hagaman	26175
1,482.18	Good Year	26176
2,694.72	Diamond Sand & Gravel, Inc.	26177
32.00	Sussex County Clerk	26178
879.00	Skylands Press	26179
41.22	Zee Medical	26180
470.40	Solar Tire	26181
605.12	Dempsey Uniform & Supply, Inc.	26182
4,380.00	Greater Newton Chamber of Commerce	26183

November 23, 2009

125.92	Airgas	26184
60.00	Sussex County Clerk's Association	26185
1,759.36	Boonton Tire Supply	26186
35.00	Sussex & Warren Tax Col. Assoc.	26187
335.50	Grinnell Recycle	26188
1,451.33	Verizon Wireless	26189
1,100.00	Cerbo's Hampton Nursery	26190
790.00	Dell Computer Corporation	26191
72.98	Mr. John	26192
370.00	Gold Type Business Machines	26193
50.00	Kenneth Jaekel	26194
109.68	Kay Printing	26195
1,175.07	The Home Depot	26196
23.28	Excelsior Lumber Company	26197
107.00	Thompson West	26198
280.00	Scarinci & Hollenbeck, LLC	26199
1,126.97	Sussex County Mailing Service	26200
46.55	Mid-County Paper Stock Co., Inc.	26201
656.23	Staples Business Advantage	26202
60.00	Screen Creation Plus	26203
96.00	CSS Test	26204
10,000.00	Main Street Newton, Inc.	26205
63.00	Steve Estler	26206
63.00	Roy Leyman	26207
218.25	R & S Business Machine Co.	26208
1,491.67	Andrews & Company, LLC	26209
900.00	NJPSAC	26210
50.00	Pinnacle Wireless, Inc.	26211
109.84	Schwaab, Inc.	26212
2,272.83	Rachles/Michele's Oil Company	26213
2,797.07	Taylor Oil Co.	26214
297.08	Action Office Supplies	26215
2,000.00	Laddey, Clark & Ryan, LLP	26216
63.00	Adam Vough	26217
50.00	Joseph White	26218
12.00	Joseph White	26219
4,480.00	Garden State Highway Products	26220
50.00	William Oswin, III	26221
130.50	Back Thru The Future	26222
2,400.00	Sparctech Solutions, LLC	26223
10,444.52	Atlantic Salt, Inc.	26224
4,375.00	Envirosight	26225
122.09	Quality Coach.Net	26226

CAPITAL

1,642.88	Harold Pellow & Assoc., Inc.	7447
180.00	Hollander, Hontz, Hinkes & Pasculli LLC	7448
16,508.20	McManimon & Scotland	7449
5,370.79	Dell Computer Corporation	7450
371.00	The Home Depot	7451
3,048.50	Barco Products	7452
4,984.00	FKA Architects	7453
18,070.00	High Point Electric Inc.	7454
4,615.80	Earth-Tec Associates, Inc.	7455
6,747.20	C & V Paving Contractors, Inc.	7456

Total TOWN BILLS \$762,358.34

WATER AND SEWER ACCOUNT

25,132.16	Payroll Account	960041
9,559.50	Payroll Account	960042
255.97	Quill Corporation	11117
2,772.91	Schmidt's Wholesale, Inc.	11118
414.50	M G L Printing Solutions	11119
1,085.81	Harold Pellow & Associates, Inc.	11120
3,021.08	Montgomery Watson Harza	11121
301.53	Hach Co.	11122
750.52	NUI Corporation	11123
1,911.83	Jersey Central Power & Light	11124
50.00	John Madden	11125
25,395.60	Pumping Services	11126
162.45	SCMUA	11127
121.00	Paul Baldwin	11128
117.00	Paul M. Havens	11129
3,602.40	Coyne Chemical Corp., Inc.	11130
288.00	Hollander, Hontz, Hinkes & Pasculli LLC	11131
1,015.19	Beaver Run Farms	11132
11.40	Campbell's Small Engine	11133
1,339.00	Garden State Laboratories, Inc.	11134
157.22	Hamburg Plumbing Supply Co., Inc.	11135
12,429.21	Current Account	11136
33.52	Water & Sewer Petty Cash Fund	11137
50.00	William Grenille	11138
72.00	William Carr	11139
270.34	Dempsey Uniform & Supply Inc.	11140
44.70	Jet Vac, Inc.	11141
200.30	One Call Systems	11142
4,360.00	R & D Trucking Inc.	11143
105.35	Airgas	11144
186.00	Ervin Lasso	11145
3,800.00	Instrumentation Tech Systems, Inc.	11146
20.97	McGuire	11147
787.86	Dell Computer Corporation	11148
1,250.00	John Smalley	11149
75.00	Water Environment Federation	11150
46.20	Linda Roth	11151
194.50	The Home Depot	11152
4,578.44	Scarinci & Hollenbeck, LLC	11153
1,561.68	Airmatic Compressor Systems, Inc.	11154
89.00	Eric Tompkins	11155
962.50	Andy Matt, Inc.	11156
377.29	Dan's Auto	11157
6.00	Accurate Waste Removal	11158
4,375.00	Envirosight	11159
150.00	Royal Tax Lien Services, LLC	11160

CAPITAL

2,870.83	Harold Pellow & Assoc., Inc.	2143
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Total WATER & SEWER BILLS \$116,361.76

TRUST ACCOUNT

263.93	Neil Casey	2711
5,151.35	Payroll Account	971023
32.43	Harold Pellow & Assoc., Inc.	2712
300.00	Daniel Colfax, Esq.	2713
1,125.00	Colleen Cunningham, Esq.	2714

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2,240.00	AnnMarie Sciascia	2715
920.00	Passaic Valley Coach Lines	2716
2,240.00	Jennifer Lee	2717

Total TRUST ACCOUNT BILLS \$12,272.71

RESOLUTION #241-2009*

RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AUTHORIZING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-26(e)

WHEREAS, the Town of Newton, in the County of Sussex, New Jersey (the "Town") desires to make application to the Local Finance Board in the Division of Local Government Services, Department of Community Affairs (the "Board") for its review and/or approval of a proposed bond ordinance (the "Proposed Ordinance") authorizing the issuance of not to exceed \$4,660,000 general obligation bonds in order to finance certain project improvements, including infrastructure improvements, in the Plan Area defined by the Sparta Avenue Redevelopment Plan finally adopted by the Town on March 23, 2009 by Ordinance No. 2009-6; and

WHEREAS, in addition to said bonds or other obligations being secured under the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., the bonds or other obligations will be secured by a certain financial agreement for payments in lieu of tax paid by Thorlabs Urban Renewal, L.L.C. in connection with a redevelopment project to be undertaken within the Plan Area; and

WHEREAS, the Town believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

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

Section 1. The application to the Board is hereby approved, and the Town's Bond Counsel and financial advisor, along with other representatives of the Town, are hereby authorized to prepare such application and to represent the Town in matters pertaining thereto.

Section 2. The Town Clerk is hereby directed to prepare and file a copy of this Resolution and a copy of the Proposed Ordinance with the Board as part of such application.

Section 3. The Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Recorded Vote

<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Mrs. Unhoch			
Mrs. Becker			
Mrs. Le Frois			
Mr. Ricciardo			
Mayor Elvidge			

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The Clerk presented an Application for an off-premise raffle (50/50) from St. Joseph Regional School, 20 Jefferson Street, Newton, NJ 07860 to be held on Thursday, May 27, 2010 at 8:00 p.m. at St. Joseph Regional School, 20 Jefferson Street, Newton.

A motion was made by Mrs. Le Frois to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Yes	Mr. Ricciardo	Yes
	Mayor Elvidge	Yes	

OPEN TO THE PUBLIC

Mayor Elvidge opened the meeting to the public. There was no one from the public to be heard.

COUNCIL & MANAGER COMMENTS

The Governing Body had no comments to address.

There being no further business to be conducted, upon motion of Mayor Elvidge, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 7:33 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk