



AGENDA
NEWTON TOWN COUNCIL
MAY 12, 2010
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- APRIL 26, 2010 REGULAR MEETING
- APRIL 26, 2010 EXECUTIVE MEETING

V. PRESENTATION

- a. PROCLAMATION – NATIONAL NURSING HOME WEEK

VI. 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.

VII. COUNCIL & MANAGER REPORTS

VIII. ORDINANCES

- a. 2ND READING AND PUBLIC HEARING

ORDINANCE 2010-4

AN ORDINANCE TO AMEND IN ITS ENTIRETY CHAPTER 21 "FEES AND COSTS" OF NEWTON'S REVISED GENERAL ORDINANCES

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

ORDINANCE 2010-5

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWN OF NEWTON, CHAPTER 10-13A PARK AND RIDE PARKING LOT

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

b. INTRODUCTION

ORDINANCE 2010-6

A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$20,000 FOR VARIOUS IMPROVEMENTS FOR THE TOWN OF NEWTON

IX. OLD BUSINESS

a. RESOLUTION #52-2010

APPROVE CHANGE ORDER NO. 2 AND FINAL ACCEPTANCE OF THE ALLEY SEWER REPLACEMENT PROJECT

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.

a. RESOLUTION #57-2010*

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER

b. RESOLUTION #58-2010*

APPROVE CHANGE ORDER NO. 2 FOR THE FIREHOUSE #1 RENOVATIONS PROJECT

c. RESOLUTION #59-2010*

AWARD CONTRACT TO PETERS ASSOCIATES FOR WRITING OF SPECIFICATIONS FOR NEW FIRE APPARATUS AND REVIEWING THE BIDS RECEIVED

d. RESOLUTION #60-2010*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

e. RESOLUTION #61-2010*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

f. RESOLUTION #62-2010*

A CERTIFY SELF-EXAMINATION OF 2010 BUDGET

g. APPLICATIONS*

APPLICATION FOR AN OFF-PREMISE RAFFLE FROM THE AMERICAN RED CROSS SUSSEX COUNTY CHAPTER, 93 SPRING STREET, NEWTON, NJ TO BE HELD ON DECEMBER 1, 2010 AT 93 SPRING STREET, NEWTON.

XI. INTERMISSION

XII. DISCUSSION

XIII. OPEN TO THE PUBLIC

XIV. COUNCIL & MANAGER COMMENTS

XV. EXECUTIVE SESSION

a. RESOLUTION #63-2010

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

(1) POTENTIAL LITIGATION

XVI. ADJOURNMENT

Office of the Mayor

Newton, New Jersey

Proclamation

National Nursing Home Week

May 9 – 15, 2010

WHEREAS, the citizens of the Town of Newton now residing in nursing homes have contributed immeasurably to the heritage, success and growth of our community over the years; and

WHEREAS, nursing home residents of any age or ability are themselves living history and a precious resource; and

WHEREAS, member nursing homes of the American Health Care Association and the Barn Hill Care Center are holding events in observance of National Nursing Home Week guided by this year's national theme of "*Enriching Every Day*"; and

WHEREAS, Nursing Home Week begins on Mother's Day, May 9 and ends on May 15;

NOW THEREFORE, we the Mayor and Town Council of the Town of Newton, urge every citizen to honor the elderly and disabled residents of nursing homes by visiting or volunteering at a local nursing home to bring good cheer to the residents and appreciation to the staff that care for our most vulnerable citizens on our behalf.

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

Attest: _____

Date: May 10, 2010

TOWN OF NEWTON

ORDINANCE # 2010-4

AN ORDINANCE TO AMEND IN ITS ENTIRETY CHAPTER 21 "FEES AND COSTS" OF NEWTON'S REVISED GENERAL ORDINANCES.

WHEREAS, there is a need to supplement and enhance the regulations previously adopted to include changes and adjustments to the fee schedule of the Town of Newton;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, that Chapter 21, entitled Fees and Costs of the Revised General Ordinances of the Town of Newton be amended in its entirety to read as follows:

**CHAPTER 21
FEES AND COSTS ***

- 21-1.13 Land Subdivision (Relating to Chapter XIX).
- 21-1.14 Zoning (Relating to Chapter XX).
- 21-1.15 Miscellaneous Fees and Charges.

Sections:

21-1 Fees.

* The general power to license and to prescribe license fees is contained in R.S. 40:52-1,2. Licensing is also part of the general police power granted by R.S. 40:48-2.

21-1 Fees.

Subsections:

- 21-1.1 Licensing General (Relating to Chapter VI).
- 21-1.2 Alcoholic Beverage Control (Relating to Chapter VII).
- 21-1.3 Licensing of Dogs and Cats (Relating to Chapter VIII).
- 21-1.4 Licensing of Taxicabs and Limousines (Relating to Chapters IX & IXA).
- 21-1.5 Traffic (Relating to Chapter X).
- 21-1.6 Buildings and Housing (Relating to Chapter XI).
- 21-1.7 Health Code (Relating to Chapter XII).
- 21-1.8 Fire Prevention (Relating to Chapter XIII).
- 21-1.9 Electrical Code.
- 21-1.10 Utilities (Relating to Chapter XV).
- 21-1.11 Streets and Sidewalks (Relating to Chapter XVI).
- 21-1.12 Property Maintenance Code (Relating to Chapter XVIII).

21-1.1 Licensing General (Relating to Chapter VI).

- a. Transfer fee (6-1.7) 10.00
- b. Peddlers, hawkers and vendors(6-2.3):
 - Daily Rate:
 - 1. License fee, (Traveling) 70.00
 - 2. License fee, (Stationary) 300.00
 - Annual Rate:
 - License fee, (Traveling Food Vendor) 250.00
- c. Solicitors and canvassers (6-3.2):
 - 1. License fee, per day 50.00
 - 2. License fee, per week 100.00
 - 3. License fee, per month 200.00
 - 4. Remove
 - 5. License fee, per year 300.00
- d. Charitable solicitation permits(6-4.8) No fee
- e. Retail or wholesale junk dealer (6-5.4):
 - 1. Including one vehicle 600.00/yr
 - 2. Each additional vehicle 50.00/yr
- f. Mechanical amusement device (6-6.3) 150.00/yr
- g. Motion picture theaters (6-8.3) 200.00/screen/yr
- h. Pool or billiard tables (6-9.5)
 - 1. Per table 125.00/yr

i.	Going out of business (6-10.5)	55.00
	1. Renewal	35.00
j.	Display of banner over street (6-11.3)	No fee
k.	Registration of private refuse:	
	1. Collectors (6-12.2)	No fee
l.	Deleted per Ordinance #27-80.	
m.	Trailer court construction permit (6-13.2e)	
	1. Trailer court alteration	225.00
n.	Trailer court operation (6-13.4)	
	1. Deposit fee	50.00/trailer
	2. Minimum	200.00
	3. Weekly charge per trailer, Payable monthly	10.00
o.	Garage Sale (6-14)	12.00
p.	Filming or taping in Newton (6-15)	
	1. Application fee:	
	a. Commercial films	85.00
	b. Non-profit films	No fee
	c. Other films	35.00
	2. Daily filming fee payable in addition To the basic filming permit fee:	
	a. Commercial films	210.00
	b. Non-profit films	No fee
	c. Other films	35.00
q.	Marriage and Civil Union Ceremonies	
	1. In-Town Ceremony Performed	75.00
	2. Out-of-Town Ceremony Performed	100.00
	3. Active (and or retired) Military	N/A
	4. An administrative fee of \$25.00 shall be added to the above established fees.	
r.	Charitable Bins (6-16.3)	
	Initial Permit	25.00
	Renewal Permit	25.00
s.	Sidewalk Café License (6-16)	50.00

21-1.2 Alcoholic Beverage Control (Relating to Chapter VII).

a.	Plenary retail consumption license (7-3.4a)	1,100.00
b.	Plenary retail distribution license (7-3.4b)	1,100.00
c.	Club license (7-3.4c)	185.00

21-1.3 Licensing of Dogs and Cats (Relating to Chapter VIII).

a.	License and registration:	
	1. Neutered dog (8-2.5)	12.00/dog
	2. Non-neutered dog	15.00/dog
	3. Cat license (neutered or non-neutered)	10.00/cat
	4. Replacement dog/cat tag	1.00 each
	5. Vicious dog license	500.00/yr
	6. Late fee for dog/cat license, after February 1 st	5.00/month
b.	Kennels, Pet Shops and Shelters or Pounds:	
	1. Kennel	50.00
	2. Pet shop	50.00
	3. Shelter or pound	50.00

21-1.4 Licensing of Taxicabs/Limousines (Relating to Chapter IX & IXA).

a.	Taxicab owner's license (9-4.7):	
	1. Initial application	550.00
	2. Renewal application	300.00
	3. Each vehicle	50.00
b.	Taxicab driver's license (9-5.1k):	
	1. Initial application	50.00
	2. Renewal application	30.00
c.	Limousine Licensing Fees:	
	i. Principle Place of Business Verification Fee: (for each principle place of business in Newton)	250.00
	ii. Business Address Verification Fee: (for each such limousine and each business address)	100.00
	iii. Limousine License Fee	50.00

21-1.5 Traffic (Relating to Chapter X).

a.	Parking meter fees (10-12.3):
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- 1. One hour zones .25/hr
- b. Deleted
- c. Parking lot meter fees (10-14.2):
 - 1. Adams Street
 - a. Each one hour .25
 - b. Two hour maximum
 - 2. Main Street Plaza
 - a. Each one hour .25
 - b. Ten hours maximum
 - 3. Central, Eastern, Eastern-South and Western Plaza
 - a. Each one and one-half hours .25
 - b. Ten hours maximum

Parking Passes may be purchased for the above metered lots in the Municipal Building at the following rates:

- 1. Central, Eastern and Western Plaza
 - a. Monthly 25.00* plus tax
 - b. Quarterly 75.00* plus tax
 - c. Annual 269.00* plus tax
 - d. Merchant Annual 2@269.00* plus tax
- 2. Overnight Parking Pass
 - a. Central & Adams Street Lot (residents and business' night shift employees)- Monthly \$15.00*
 - b. Tractor Trailer/Box Truck Parking - Annually \$25.00*
 - c. Park & Ride(10-13B.2-b) Free

*plus applicable NJ State Sales Tax

21-1.6 Buildings and Housing (Relating to Chapter XI).

- a. Construction permit fees (11-1.7a).

The fee for a construction permit shall be the sum of all subcode applications, plus all administrative and miscellaneous fees listed in 1 through 5 below. All fees will be rounded to the nearest dollar and shall be paid before the permits are issued, unless otherwise stated. The minimum construction permit fee shall be \$65.00.

In the event the Town of Newton enters into an Interlocal Agreement for Construction Department services to be provided by another municipality, the fees charged for specific services under this Section 1.6 shall be as set forth in the Fee Schedule published by the host municipality, which host municipality Fee

Schedule shall supersede any inconsistent fees set forth in this Section and is adopted by reference.

Building Subcode Fees are as follows:

- 1. Fees for new construction, \$.034 per cubic foot of building or structure volume; provided that the minimum fee shall be \$65.00.
- 2. Fees for renovations, alterations and repairs or site construction associated with pre-engineered systems of commercial farm buildings, pre-manufactured construction, and the external utility connection for pre-manufactured construction shall be based upon the estimated cost of work. The fee shall be in amount of \$30.00 per \$1,000 for the first \$50,000, prorated. From \$50,001 to and including \$100,000, the fee on the amount exceeding \$50,000 shall be in the amount of \$23.00 per \$1,000 of estimated cost, prorated. Above \$100,000, the fee on the amount exceeding \$100,000 shall be in the amount of \$19.00 per \$1,000 of estimated cost, prorated. For the purpose of determining estimated cost, the applicant shall submit to the Department such cost data as may be available produced by the architect or engineer or record, or by a recognized firm, or by the contractor. A bona fide contractor's bid, if available, shall be submitted. The Department shall make the final decision regarding estimated cost.
- 3. The fee for open decks, porches and raised platforms shall be \$.25 per square foot provided that the minimum fee shall be \$65.00.
- 4. Fees for combination renovations and additions shall be the sum of the fees computed separately in accordance with 1, 2 and 3 above.
- 5. The fee for a permit to re-roof an existing structure shall be \$58.00 for all structures of Use Group R-3 or R-5 and \$10.00 per \$1,000.00 of the estimated cost of the work for all other Use Groups, with a minimum fee of \$65.00.
- 6. The fee for a permit to re-side or veneer an existing structure shall be \$58.00 for all structures in Use Group R-3 or R-5 and \$10.00 per \$1,000.00 of the estimated cost of the work for all other Use Groups, with a minimum fee of \$65.00.
- 7. The fee for any retaining wall with a surface area greater than 550 square feet that is associated with a Class 3 residential structure shall be \$189.00. The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a Class 3

residential structure shall be \$95.00. The fee for a newly constructed retaining wall of any size at other than a Class 3 residential structure shall be based on the cost of construction as per 2 above.

8. The fee for temporary structures and all structures for which volume cannot be computed, such as and open structural towers, shall be \$75.00.

9. The fee for fencing exceeding six feet in height shall be \$35.00.

10. The fee to construct a sign:

1. Fees for pylon signs shall be \$65.00 for the first 40 square feet and \$8.00 a square foot thereafter.

2. Fees for ground sign or wall signs shall be \$2.00 per square foot for the first 100 square feet, \$1.50 per square foot for the next 400 square feet and \$1.00 per square foot thereafter. The minimum fee shall be \$65.00.

3. Deleted.

11. The fee for an above-ground swimming pool shall be \$126.00 for a pool with a surface area greater than 550 square feet; the fee in all other cases shall be \$63.00. The fee for an in-ground swimming fee is \$189.00 for a pool with a surface area greater than 550 square feet; the fee in all other cases shall be \$95.00.

12. The fee for installation or replacement of storage systems of flammable and combustible liquids shall be \$76.00 per tank up to and including those with a capacity of 2,000 gallons, and \$100.00 per tank for those with capacities exceeding 2,000 gallons.

13. The fee for a demolition permit issued for the removal of underground storage tanks for flammable and combustible liquids shall be \$50.00 per tank up to and including those with a capacity of 1,000 gallons and \$100.00 per tank for those with capacities exceeding 1,000 gallons.

14. The fee for a permit to demolish a building or structure shall be as follows: Use Group R-5 shall be \$100.00; buildings and structures incidental to Use Group R-5 shall be \$25.00 and all other Use Groups shall be \$100.00.

15. Sheds over 100 square feet up to and including 200 square feet shall be \$50.00. Sheds more than 200 square feet shall be required to have a

foundation system and the fee shall be calculated on the volume of the structure.

16. The fee for tents, in excess of 900 square feet or more than 30 feet in any dimension, shall be \$116.00.

Administrative and Miscellaneous Fees:

1. The fee for plan review shall be twenty percent (20%) of the amount to be charged for the construction permit and shall be paid before the plans are reviewed. This fee shall be credited toward the amount of the construction permit fee.

2. The fee to process an application for a variance pursuant to N.J.A.C. 5:23-2.10 shall be as follows:

a. Class I structure	\$100.00
Resubmission	50.00
b. Class II structure	50.00
Resubmission	25.00
c. Class III structure	30.00
Resubmission	15.00

3. An administrative surcharge fee of fifteen percent (15%) shall be charged on each subcode application which is issued by any third party agency or interlocal agreement contracted by the town of Newton.

4. Deleted.

5. The fee for each construction permit and certificate of occupancy issued for an asbestos hazard abatement project shall be as set forth in N.J.A.C. 5:23-8.10, 1 and 2.

6. The fee for a permit for lead hazard abatement work shall be \$125.00. The fee for a lead hazard abatement clearance certificate shall be \$25.00.

7. The fees for certificates of occupancy are as follows:

a. Certificate of occupancy for one and two family dwellings	50.00
b. Certificate of occupancy for accessory buildings to one and two family dwellings	35.00

- c. Certificate of occupancy for buildings or structures of all other Use Groups 75.00
- d. Certificate of occupancy for accessory buildings of all other Use Groups 35.00
- e. Multiple certificates of occupancy for all Use Groups, except R-5, per unit 50.00
- f. Certificates of occupancy for Change Of Use Group only 75.00

g. Initial Temporary Certificate of Occupancy (TCO) fee shall be \$30.00 unless the Certificate of Occupancy (CO) fee is paid at the initial issuance of the TCO. If the TCO is renewed after sixty-days there shall be a fee of \$30.00 charged even when the CO has been paid in full.

8. Deleted

9. State of New Jersey training fees shall be in the amount of \$.00334 per cubic foot of volume of all new buildings and additions. Volume shall be computed in accordance with N.J.A.C. 5-23-2.28. The fee for all other construction shall be \$1.70 per \$1,000 of value of construction. The minimum training fee shall be \$1.00.

10. The fee for a change of contractor shall be \$30.00.

11. The fee for a letter stating that no certificate of continued occupancy is required shall be \$30.00.

b. Elevator Subcode Fees.

The Town of Newton uses the Department of Community Affairs for plan review and inspection on all elevators located within the Town limits. The fees are established by the State.

c. Plumbing subcode fees:

The town of Newton has contracted a private on-site agency which performs plumbing subcode services. The fees charged shall be the fees for plumbing fixtures and stacks which are charged by the Department of Community Affairs as set forth in N.J.A.C. 5:23-4.20.

In the event that the town of Newton shall employ its own plumbing subcode official, the fees shall be as follows:

1. The fee for each fixture, stack or appliance connected to the plumbing system shall be \$10.00 for those in Use Group R-5 and \$12.00 for all other Use Groups.

2. The fee for each special device including grease traps, oil separators, air conditioning or refrigeration units, water and sewer connections, back flow presenters, steam or hot water boilers, gas piping, active solar systems, sewer pumps, interceptors and fuel oil piping shall be \$25.00 for Use Group R-5 and \$40.00 for all other Use Groups.

3. The fee for each cross connection and back flow preventer, subject to annual testing and inspection shall be \$100.00.

4. The minimum permit fee for work including the plumbing subcode shall be \$46.00.

21-1.7 Health Code (Relating to Chapter XII).

- a. Moved to Section 21.1.6(c)
- b. Septic cleaning permit (12-4.11) No fee
- c. Maintenance of swine license, Application (12-5.6) 25.00
- d. Boarding home for children License (12-6.7b) 25.00
- e. Location and construction of Swimming pool (12-7.6) 100.00
- f. Alter a swimming pool (12-7.6) 50.00
- g. Operation permit; yearly (12-7.6) 50.00
- h. Retail food establishment code (12-8.5)
 - 1. Annual license (less than 5,000sqft) 125.00
 - 2. Reinspection fee (less than 5,000sqft) 25.00
 - 3. Annual license (5,000sqft or greater) 250.00
 - 4. Reinspection fee (5,000sqft or greater) 75.00
- i. Training of food handlers (12-8.6g)
 - 1. Application, certification course and administration of examination for food service manager 25.00
 - 2. Application, administration of examination and renewals of certificate for food service manager 15.00

j. Solid waste collection (12-9.4) Vehicle fee	No fee
k. Tattoo parlor licensing requirements (12-12.2):	
1. Initial license (12-12.2e)	550.00
2. Renewal license, annually (12-12.2f)	300.00
3. Late fee for license renewal, Per month (12-12.2f)	75.00
4. Penalty, each violation (12-12.6)	300.00

those with a capacity of 2,000 gallons, and \$50.00 per tank for those with capacities exceeding 2,000 gallons.

h. Pre-engineered suppression systems, each	85.00
i. Smoke or heat detectors:	
1. 1-20 detectors	30.00
2. 21-50 detectors	55.00
3. Over 50 detectors	125.00
j. Manual or automatic alarm systems	50.00
k. Central control system	50.00
l. Penalty for non-compliance with Section 13-5, Parking in fire lane	50.00

21-1.8 Fire Subcode/Prevention (Relating to Chapters XI and XIII).

Fire Protection Code:

The fire protection subcode fee shall be a minimum of \$38.00 for additions, alterations and accessory structures; \$38.00 for single family dwellings; and \$60.00 for all other structures.

a. Water sprinkler suppression systems:	
1. 1-20 sprinkler heads	100.00
2. 21-50 sprinkler heads	125.00
3. 51-100 sprinkler heads	150.00
4. 101-200 sprinkler heads	250.00
5. Over 200 sprinkler heads	300.00
b. Fee for each standpipe	175.00
c. Fee for each gas or oil fired appliance not connected to the plumbing system	50.00
d. Fee for each kitchen exhaust system	50.00
e. Fee for each incinerator	250.00
f. Fee for each crematorium	250.00
g. Storage tanks (underground or above ground, installation only):	

The fee for installation or replacement of storage systems of flammable and combustible liquids shall be \$20.00 per tank up to and including

Non-Life Hazards Use:

In addition to the registrations required by the Uniform Fire Code, the following non-life hazard uses shall register with the Bureau of Fire Prevention. These uses shall be inspected once per year and pay an annual fee. The following is the fee schedule for non-life hazard uses:

A. Assembly	
A-1 Eating establishment; under 50	30.00
A-2 Take-out food service (no eating)	30.00
A-3 Church or synagogue	30.00
A-4 Recreation centers, multi-purpose rooms, etc.; fewer than 100	55.00
A-5 Court rooms, libraries, fraternal organ- izations, condominium centers; fewer than 100	55.00
A-6 Senior citizen centers; fewer than 200	55.00
B. Business/Professional	
B-1 Professional use; 1 and 2 story; less than 5,000 square feet, per floor	30.00
B-2 1 and 2 story; more than 5,000 square feet, per floor	55.00
B-3 1 and 2 story; more than 10,000 square feet, per floor	80.00
B-4 3 to 5 story; less than 5,000 square feet, per floor	105.00
B-5 3 to 5 story; more than 5,000 square feet, per floor	155.00
B-6 3 to 5 story; over 10,000 square feet, per floor	225.00

C. Retail (mercantile)

M-1	1 and 2 story; less than 5,000 square feet, per floor	65.00
M-2	1 and 2 story; more than 5,000 square feet, less than 10,000 square feet, per floor	95.00
M-3	1 and 2 story; less than 5,000 square feet, per floor	120.00
M-4	3 to 5 story; less than 5,000 square feet, per floor	155.00
M-5	3 to 5 story; more than 5,000 square feet, less than 10,000 square feet, per floor	180.00
M-6	3 to 5 story; over 10,000 square feet, per floor	205.00

With the exception of hardware stores, 3,000 square feet, retail stores over 12,000 square feet are life hazard uses.

D. Manufacturing (factory)

F-1	1 and 2 story; less than 5,000 square feet, per floor	80.00
F-2	1 and 2 story; more than 5,000 square feet, less than 10,000 square feet, per floor	105.00
F-3	1 and 2 story; more than 10,000 square feet, per floor	155.00
F-4	3 to 5 story; less than 5,000 square feet, per floor	180.00
F-5	3 to 5 story; more than 5,000 square feet, less than 10,000 square feet, per floor	205.00
F-6	3 to 5 story; over 10,000 square feet, per floor	255.00

E. Storage (Moderate hazard, S-1; Low hazard, S-2)

S-1	1 and 2 story; less than 5,000 square Feet, per floor	55.00
S-2	1 and 2 story; more than 5,000 square Feet, less than 10,000 square feet, Per floor	105.00
S-3	1 and 2 story; more than 10,000 square Feet, per floor	155.00
S-4	3 to 5 story; less than 5,000 square Feet, per floor	180.00
S-5	3 to 5 story; more than 5,000 square Feet, per floor	205.00
S-6	3 to 5 story; over 10,000 square feet, Per floor	255.00

Exceptions, life hazard uses.

F. Residential (LEA listed with multi-family BHI). Fee is for each building.

R-1	1 to 6 units	25.00
R-2	7 to 12 units	50.00
R-3	13 to 20 units	75.00
R-4	21 to 50 units	100.00
R-5	For each additional unit	2.00

21-1.9 Electrical Code.

Electrical Subcode Fees:

- a. For the first block consisting of one to 50 receptacles, fixtures or devices, the fee shall be \$36.00; for each additional block consisting of up to 25 receptacles, fixtures or devices, the fee shall be \$6.00. For the purpose of computing this fee, receptacles, fixtures or devices shall include lighting fixtures, wall switches, convenience receptacle, sensors, dimmers, alarm devices, smoke and heat detectors, communications outlets, light-standards eight feet or less in height including luminaries, emergency lights, electric signs, exit lights or similar electric fixtures and devices rated 20 amperes or less including motors or equipment rate less than one horsepower (hp) or one kilowatt (kw).
- b. For each motor or electrical device rated from one hp or one kw to 10hp or 10kw; for each transformer or generator rated from one kw or one kva to 10kw or kva; for each replacement of wiring involving one branch circuit or part thereof; for each storable pool or hydro massage bath tub; for each under-water lighting fixture; for household electric cooking equipment rate up to 16kw; for each fire, security or burglar alarm control unit; for each receptacle rate from 30 amperes to 50 amperes; for each light-standard greater than eight feet in height including luminaries; and for each communications closet, the fee shall be \$10.00.
- c. For each motor or electrical device rated from greater than 10hp or 10kw to 50hp or 50kw; for each service equipment, panel board, switch board, switch gear, motor-control-center, or disconnecting means rated 225 amperes or less; for each transformer or generator rated from greater than 10kw or 10kva to 45kw or 45kva; for each electric sign rated from greater than 20 amperes to 225 amperes including associated disconnecting means; for each receptacle rated greater than 50 amperes; and for each utility load management device, the fee shall be \$46.00.
- d. For each motor or electrical device rated from greater than 50hp or 50kw to 100hp or

100kw; for each service equipment, panel board, switch board, switch gear, motor-control center or disconnecting means rated from greater than 225 amperes to 1,000 amperes; and for each transformer or generator rated from greater than 45kw or 45kva to 112.5kw or 112.5kva, the fee shall be \$92.00.

- e. For each motor or electrical device rated greater than 100hp or 100kw; for each service equipment, panel board, switch board, switch gear, motor-control center or disconnecting means rated greater than 1,000 amperes; and for each transformer or generator rated greater than 112.5kw or 112.5kva, the fee shall be \$457.00.
- f. The fee charged for electrical work for each permanently installed private swimming pool as defined in the building subcode, spa, hot tub or fountain shall be a flat fee of \$46.00 which shall include any required bonding, and associated equipment such as filter pumps, motors, disconnecting means, switches, required receptacle, and heaters, etc., excepting panelboards and under-water lighting fixtures. For public swimming pools, the fee shall be charged on the basis of number of electrical fixtures and rating of electrical devices involved in accordance with (a) through (e) above.
- g. The fee charged for the installation of single and multiple station smoke or heat detectors and fire, burglar or security alarm systems in on one or two-family dwelling shall be a flat fee of \$23.00 per dwelling unit. For fire, burglar and security alarm systems and detectors in buildings other than one or two-family dwellings, the fee shall be charged in accordance with (a) and (b) above.
- h. For installations consisting of multimeter stacks, the fee shall be based on the ampere rating of the main bus and not upon the number of meters or rating of disconnects on the meter stack. Individual loadside panel boards shall be charged in accordance with (c) (d) or (f) above. There shall be no additional fee charged for the concurrent installation of individual feeder conductors, provided the minimum fee shall be \$46.00.
- i. For motors or similar devices requiring concurrent installation of individual controls, relays and switches, the fee shall be based only upon the rating of the motor or device. There shall be no additional fee charged for the concurrent installation of individual circuit components, for example, controllers, starters, and disconnecting means.
- j. For electrical work requiring replacement of service entrance conductors or feed conductors

only, the fee shall be in accordance with (b) through (e) above based on the designated ampere rating of the overcurrent device of the service or feeder.

- k. The fee charged for process equipment shall be based on the ampere rating of the overcurrent device protecting the conductor feeding the process equipment or the cutoff device.
- l. For the purpose of computing these fees, all electrical and communications devices, utilization equipment and motors which are part of premises wiring, except those which are portable plug-in type, shall be counted.
- m. The minimum fee for any electrical permit shall be \$46.00.

21-1.10 Utilities (Relating to Chapter XV).

- a. Water connection fees (15-2.2c):
 - 1. Residential, per dwelling unit 5,200.00
 - 2. Commercial - charge will be \$18.50 per gallon per day based on estimated usage with a minimum of 5,200.00
Plus labor and Materials
- b. Construction water (15-2.2d), per quarter 100.00
- c. Water turn-on and turn-off charge (15-2.4) after normal water department working hours 75.00
- d. Common tap, five-eighths inch meter, (15-2.5c) 180.00
- e. Standpipes or sprinklers annually(15-2.5k) 200.00 / inch
- f. Hydrant rental (15-2.5l), annually 200.00
- g. Meter check out (15-2.5u) 150.00
- h. Frozen meter charge 90.00
- i. Sewer tap charge (15-3.5) 600.00
- j. Sewer connection (15-3.7):
 - 1. Residential, per dwelling unit 3,200.00
 - 2. Commercial and/or industrial

Charges per	
<u>Gallon per day</u>	<u>Minimum</u>
\$16.00	3,200.00

k. Water and sewer rates (15-4.1):

<u>Gallons Per Qtr.</u>	<u>Water Rate</u>	<u>Sewer Rate</u>	<u>Combined Water/Sewer</u>
0-4,000	\$30.00/min.	\$45.00/min.	\$75.00 min.
Over 4,000	\$12.00/M	5.00/M	\$17.00/M

Those individuals who apply and qualify pursuant to 54:4-8.40 et seq. for a senior citizen, disability or surviving spouse tax deduction shall be charged the following utility rates:

<u>Gallons Per Qtr.</u>	<u>Water Rate</u>	<u>Sewer Rate</u>	<u>Combined Water/Sewer</u>
0-4,000	30.00/min.	30.00/min.	60.00 min.
Over 4,000	\$12.00/M	5.00/M	\$17.00/M

- l. Final water reading charge (between billing cycles) 30.00
- m. Sewer dye test 75.00
- n. Service charge for restoration of service when service to a property has been discontinued due to non-payment of water bill (15-4.3f) 50.00
- o. Turn off water illegally turned on 500.00
- p. Additional Water Meter (at owner's request) 150.00 each
- q. Inspection fee for Water and Sewer Work 30.00 per hour

21-1.11 Streets and Sidewalks (Relating to Chapter XVI).

- a. Excavation permits (16-1.7):
 - 1. Concrete pavement 60.00
 - 2. Other surfaces 60.00
- b. Sidewalk construction, removal (16-2.3) 15.00
- c. Fees for rental of public works equipment and manpower (Relating to Chapter V and XVI). All fees represent the charge per hour:
 - 1. Loader/backhoe 300.00

- 2. Sweeper with operator 200.00
- 3. Dump truck 150.00
- 4. Small truck 100.00
- 5. Use of men,
 - a. Equipment Operator(s), hourly per man 45.00
 - b. Laborer(s) hourly per man 30.00
- 6. Mowers, saws, miscellaneous tools 50.00
- d. Traffic Cones/Signs Escrow Deposit (per item) 20.00

21-1.12 Property Maintenance Code (Relating to Chapter XVIII).

- a. Deleted per Ordinance 2010-4 15.00
- b. Fee for application for inspection and certificate of compliance 50.00
- c. Fee to file an appeal to the Municipal Board of Appeals 100.00
- d. Fee for special inspections 20.00
- e. Fee for a copy of Property Maintenance Code 25.00
- f. Fee for inspection of commercial Structures 75.00

21-1.13 Land Subdivision (Relating to Chapter XIX).

- a. Minor subdivision (19-10.1) Filing Fee - 250.00
Escrow Fee - 1,500.00
- b. Major subdivision (19-10.1) filing fees:
 - 1. Preliminary 750.00
Plus \$100.00 per lot
 - 2. Final 500.00
- c. Inspection and review fee deposit 2% of improvements
- d. Major subdivision (19-10.2) review deposits:
 - 1. Preliminary 2,000.00
Plus \$150.00 per lot
 - 2. Final 2,000.00
Plus \$50.00 per lot

- e. Site plan filing fee - preliminary
 - 1. Residential 150.00
per unit
but not less than 300.00
 - Escrow fee 1,000.00
Plus \$50.00 per unit or lot
 - 2. Commercial or industrial
 - Up to 1,000 square feet.....350.00
 - More than 1,000 square feet.....800.00
 - Escrow fee - up to 1,000 square feet.....2,000.00
 - more than 1,000 square feet.....2,000.00
 - plus \$100.00 per 1,000 square feet of
additional floor area
- f. Site plan filing fee - Final (Same as Preliminary).
- g. Site plan waiver
 - Planning Board 150.00
 - Escrow fee 500.00
 - Planning Board Secretary 100.00
- h. Deleted
- i. Concept Plan Review
(including proposals for Redevelopment)
 - Application 250.00
 - Escrow 2,000.00

21-1.14 Zoning (Relating to Chapter XX).

- a. Deleted.
- b. Townhouse plan filing fee
 - 1. \$75.00 + \$20.00 per unit Preliminary
 - 2. \$50.00 + \$10.00 per unit Final
- c. Inspection and review fee deposit 2,000.00
- d. Zoning board application:
 - 1. Pursuant to 18A-3.10a –

	Application	Escrow
Residential	200.00	500.00
Commercial/Professional	400.00	1,000.00
Industrial	850.00	1,000.00

- 2. Pursuant to 18A-3.10b -

Special use	100.00
Other	50.00
- 3. Pursuant to 18A-3.10c -

Residential	300.00	2,000.00
*Escrow single family	500.00	
Commercial/Professional	600.00	2,000.00
Industrial	1,100.00	2,000.00
- 4. Pursuant to 18A-3.10d -

Residential	500.00	3,000.00
Commercial/Professional	700.00	3,000.00
Industrial	1,300.00	3,000.00
- e. Escrow fee pursuant to 18A-3.10a, c, and d 1,000.00
- f. Charge for request of extension or re-approval 200.00
 - Escrow for extension of re-approval 500.00
- g. Charge for request for amendment to previously approved plans 200.00
 - Escrow for amendments 500.00
- h. Charge for request for re-zoning 700.00
 - Escrow for rezoning 700.00
- i. Charge for special meeting of either Planning Board or Zoning Board, any required fee, plus 850.00
- j. Charge for informal presentation (amount to be credited toward future application fees) 200.00
- k. Zoning permit 25.00
- l. Fence Permit 25.00

21-1.15 Miscellaneous Fees and Charges.

- a. Swimming pool:
 - 1. Season Passes:
 - a. Newton Resident:
 - i. Family 200.00
 - ii. Couple 150.00
 - iii. Single 100.00

<ul style="list-style-type: none"> b. All Others (Residing outside Town Limits): <ul style="list-style-type: none"> i. Family 300.00 ii. Couple 200.00 iii. Single 125.00 c. Swim Team Participant 30.00 d. Senior Citizens <ul style="list-style-type: none"> i. Single 35.00 ii. Couple 60.00 e. Replacement Badge 5.00 each 	<ul style="list-style-type: none"> 4. Fishing permits, Morris Lake <ul style="list-style-type: none"> a. All Day 20.00 b. All Day (Senior Citizen 62+ years old) 15.00 5. Application fee for representation by municipal public defender 200.00 6. Fee for printing duplicate tax bills, first duplicate per N.J.S.A. 54:4-64 5.00 subsequent duplicates per statute 25.00 7. Fee for issuing duplicate certificates of tax sale N.J.S.A 54:5-52.1 100.00 8. Property owner list request 10.00 9. Certification that taxes are paid to date related to planning/zoning applications 15.00 10. Court related discovery, first 5 pages each page thereafter, per Section 21.1.15(g) 11. Other Police related documents, per Section 21.1.15(g) 12. Audio or video CD .35 each 13. Newton Historic Ordinance 5.00 14. Garage Sale Permits 12.00 15. Tax Search Request per NJSA 54:5-14 \$10.00 initial Request for continuation per statute \$ 2.00 per year 16. Lien holder foreclosure requesting redemption figure N.J.S.A 54:5-97.1 50.00 17. N.J.S.A. 54:5-54 Entitled party requesting subsequent Tax Sale Certificate Redemptions within a calendar year. 50.00
<p>Family membership shall include any adult, his or her spouse and their children 18 years old or younger living together in one household.</p> <ul style="list-style-type: none"> 2. Daily Admission: <ul style="list-style-type: none"> a. Senior Citizens 2.00 b. All Others 5.00 3. Swimming lessons <ul style="list-style-type: none"> a. Season Pass Holder 30.00 b. All Others 75.00 	
<ul style="list-style-type: none"> b. Books and maps: <ul style="list-style-type: none"> 1. Town maps (streets) 5.00 2. Zoning map 5.00 3. Remove <ul style="list-style-type: none"> a. Charge for mailing Land Use Ord. 3.00 4. Master Plan <ul style="list-style-type: none"> a. Hard Copy 25.00 b. CD Copy 10.00 (as supplied by Town Engineer) 5. Revised General Ordinance Book 150.00 6. Zoning Ordinance 75.00 	
<ul style="list-style-type: none"> c. Miscellaneous charges: <ul style="list-style-type: none"> 1. Fingerprints 5.00 2. Meter covers, per day 2.00 3. Accident reports (copies), per page when picked up at Police Department 1.00 when mailed 5.00 	<ul style="list-style-type: none"> d. Certified copies of licenses and certificates issued by the bureau of vital statistics: <ul style="list-style-type: none"> 1. Marriage certificate, per copy 10.00 2. Birth certificate, per copy 10.00 3. Death certificate, per copy 10.00 4. Correction to birth certificates, marriage certificates, or death certificates 15.00

- 5. Domestic Partnership, per copy 10.00
- 6. Civil Union, per copy 10.00

6. Blue print reproductions and computerized technological electronic information:

e. Park use fees:

- 1. Application fee for use of parks 30.00
- 2. Park use fee for Newton residents none
- 3. Park use fee for non-residents:
 - 0 - 99 people 30.00
 - 100 - 199 people 60.00
 - 200 people or more 90.00
- 4. Game fees:
 - a. League Sanctioned Game any Field 30.00 per game
 - b. Major League Field Use (Non-League Sanctioned) 75.00 per game
- 5. Maintenance fee (if requested from organizations based outside of the Town of Newton) 50.00

All unusual copy sizes such as 18" x 24", 24" x 36" and 36" x 48" including plans and tax maps that cannot be reproduced by ordinary document copying equipment in ordinary business sizes (8 1/2" x 11", 8 1/2" x 14" or 11" x 17") will be charged in accordance with the amounts charged to the town for having such copies made.

Paper copies shall be provided by the town of Newton. In the event that requests are made for records to be copied onto medium not routinely maintained by the town of Newton or which require a substantial amount of manipulation, programming or transfer of electronic or information technology records, then in addition to the per copy cost, the town may also charge a reasonable fee to contract a professional to provide the service of copying or transferring such records to computer diskettes, CDs, etc. Such reasonable fee shall be equal to the actual cost incurred by the town for recording medium such as diskettes or CDs, plus programming, copying and transferring records to medium other than paper.

Payment of the above fees shall be due upon approval of the application for park use.

h. Service charge for checks returned due to Insufficient funds, per R.S. 40:5-18 20.00

f. Playground registration fees:

- 1. Summer recreation program, one child 75.00
- 2. Summer recreation program, two or more children from the same family or parent 100.00

i. Miscellaneous inspection fees:

1. Farmland inspection by tax assessor 25.00

g. Copying fees:

- 1. 8 1/2" x 11" copies: .10 each page
- 2. 8 1/2" x 14" copies: .15 each page
- 3. 11" x 17" copies: .25 each page
- 4. 3" x 5" photographs, per print from negative 1.00
- 5. 3" x 5" photographs, per print through reproduction, (four (4) print minimum) 14.00

j. Police Escrow Accounts (Relating to Chapter III):

- 1. Rate of compensation shall be based on the time and one-half rate of Top Step of Newton's Patrolmen Contract currently in effect.
- 2. Administrative Fee 7.50 per hour

k. Alarm Registration Fees (Relating to Chapter V)

- 1. Residential Fee (5-22.3B) \$50.00 per year Register between January 1st and June 30th
- 2. Commercial Fee (5-22.3B) \$75.00 per year Register between January 1st and June 30th
- 3. Residential Fee (5-22.3B) \$25.00 remainder of yr. Register between July 1st and December 31st
- 4. Commercial Fee (5-22.3B) \$40.00 remainder of yr Register between July 1st and December 31st

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

NOTICE

TAKE NOTICE that the above-entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton on April 26, 2010, and said Ordinance was adopted after public hearing at a regular meeting of the Town Council of the Town of Newton held in the Council Chambers, 39 Trinity Street, Newton, New Jersey, on May 12, 2010.

Lorraine A. Read, RMC

ORDINANCE NO. 2010-5

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

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE
REVISED GENERAL ORDINANCES OF THE TOWN OF NEWTON,
CHAPTER 10-13A PARK AND RIDE PARKING LOT**

BE IT ORDAINED by the Town Council of the Town of Newton, that Chapter 10-13A be amended to read as follows:

10-13A.1 General Parking.

a. All vehicles must park in designated areas and between the lines provided.

b. Overnight parking prohibition. No person shall park a vehicle at the park and ride parking lot overnight between the hours of 10:00pm and 5:00am, except for:

(1) Passenger vehicles may be parked in 23 spaces located at the easterly side of the park and ride lot, specifically, from the southeast corner toward the northeast corner as signed and/or marked;

(2) Box trucks, single axle trucks, dual axle trucks, tractor trailers and other trucks that are not permitted to be parked in the residential districts within the Town but not including landscape trailers, box trailers that are not attached to trucks, and excavation equipment, may be parked in an area located in the northeast corner of the park and ride lot as signed and/or marked;

(3) No person shall park a truck in the designated area of the Park-N-Ride lot without first obtaining a permit for which application shall be

made to the Town Clerk annually on or before July 1st of each year on forms provided by the Town Clerk, together with an annual application fee of \$25.00.

Such permit shall be displayed prominently inside of the parked truck's driver's side of the windshield.

c. Handicapped parking. All stalls shall be 12 feet wide and signed with R7-8 and R7-8P (Reserved Parking Sign and Penalty Plate) in the designated parking areas for persons who have been issued handicapped parking permits by the division of motor vehicles.

10-13A.2 Restricted to Certain Traffic. The park and ride parking lot is to be utilized by motor vehicles and pedestrian traffic only.

10-13A.3 Speed Limits.

a. The speed limit for both directions of traffic in the park and ride parking lot shall be 15 mph.

b. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits authorized by the department of transportation.

10-13A.4 Tow Away. Any vehicle parking or standing as to obstruct or impede the normal flow of traffic, block entrances or exit ways, loading zones, oil fills, any grassy area, pedestrian walkway, or present in any a safety or traffic hazard, may be removed by towing the vehicle at the owner's or operator's expense.

10-13A.5 Bus Stop(s). The locations described are hereby designated as bus stops. No vehicle, other than an omnibus picking up or discharging passengers, shall be permitted to occupy said location between the hours indicated.

<u>Location</u>	<u>Hours</u>
Cul-de-sac area as Indicated on site plan.	All

10-13A.6. Any person permitting a vehicle to remain in the parking lot during the prohibited times or in a prohibited area, except as provided for in 10-13A.1(1) and (2), shall be subject to penalties and/or vehicle impoundment for violation of this section.

This ordinance will take effect immediately after publication and adoption according to law.

PUBLIC NOTICE is hereby given that the above entitled ordinance was introduced and passed at first reading at the meeting of the governing body of the Town of Newton held on the 26th day of April, 2010, at the Municipal Building, 39 Trinity Street, Newton, New Jersey. It was adopted after a public hearing regarding the above held on the 12th day of May, 2010, at the Municipal Building, 39 Trinity Street, Newton, New Jersey at 7:00 p.m.

E. Kevin Elvidge
Mayor

Lorraine A. Read, RMC
Municipal Clerk

**TOWN OF NEWTON
ORDINANCE #2010-6**

**A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT
OF \$20,000 FOR VARIOUS IMPROVEMENTS FOR THE TOWN OF NEWTON.**

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

Section 1. \$20,000 is hereby appropriated from the General Capital Fund Balance for the following various improvements in the Town of Newton, including all costs necessary therefore or incidental thereto:

Preliminary Costs Regarding Sale of Municipal Property – Survey cost and related legal, engineering, or other cost incidental thereto regarding sale of the Fire Patrol property/improvements located at 7 Stuart Street, known as Block 1302, Lot 2.01 on the Newton Tax Maps (which may in the future be known as Survey of Lot 6, Block 19.01 on the Newton Tax Maps.) **\$5,000.00**

Preliminary Engineering Costs for Dam Improvements – Engineering costs to determine scope of services and related costs as outlined in reports prepared by Natural Resources Conservation Service, and to update Emergency Action Plan, and any other permit, application fees or other costs incidental thereto. **\$15,000.00**

TOTAL COST OF VARIOUS IMPROVEMENTS **\$20,000.00**

Section 2. The General Capital Budget of the Town of Newton is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

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

TAKE NOTICE that the above entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton held on May 12, 2010. It will be considered for adoption, after public hearing and final reading thereon, at a regular meeting of said Governing Body to be conducted on May 24, 2010, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #52-2010

May 12, 2010

**“Approve Change Order No. 2 and
Final Acceptance of the Alley Sewer
Replacement Project”**

WHEREAS, the Town Council of the Town of Newton awarded a contract for the Alley Sewer Replacement Project to Earth-Tech Associates, Inc. in the amount of \$72,758.00 by Resolution #195-2009 adopted on September 28, 2009; and

WHEREAS, the Town Council approved Change Order No. 1 which reduced the contract amount by \$7,700.44 to adjust the contract total to \$65,057.56 by Resolution #22-2010 adopted on February 8, 2010; and

WHEREAS, Harold E. Pellow and Associates, the Project Engineer, has recommended approval of Change Order No. 2 to reflect final as built quantities, and removal of dense aggregate installed and re-grade and compact, and increase in asphalt price; and

WHEREAS, Change Order No. 2 will increase the contract amount by \$2,502.88 to the adjusted contract total of \$67,560.44; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to support the above change order; and

WHEREAS, in his memo dated April 15, 2010 to the Town Manager, the Town Engineer 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 approval of Change Order No. 2 for the Alley Sewer Replacement Project is hereby affirmed and that the Town Manager is authorized to execute said Change Order No. 2 on behalf of the Town, thereby increasing the contract amount to \$67,560.44; and

BE IT FURTHER RESOLVED, by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer's recommendation and accepts the Alley Sewer Replacement Project as final and complete; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to USDA, Underground Utilities Corporation, and the Town Engineer.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, May 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

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

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 52-2010

APPROVING: EARTH-TEC ASSOCIATES, INC.

FOR THE PURPOSE OF: CO#2 - ALLEY SEWER REPLACEMENT PROJECT

IN THE AMOUNT OF: \$2,502.88

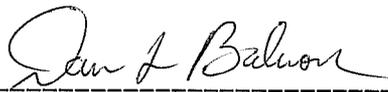
APPROPRIATED BY: WATER/SEWER CAPITAL - ORD.#2008-9
SEWER MAIN ALLEYWAY #6190810

Original Contract \$72,758.00 originally certified against General Capital #2008-7 Central Business District Alleyway #3090877 (PO#33948 9/30/09) being recertified against Water Sewer Capital #2008-9 Sewer Main Alleyway #6190810.

CO#1 for a reduction of \$7,700.44 previously not certified because it was a reduction, is hereby certified against W/S Capital #6190810.

CO#2 for an increase of \$2,502.88 hereby being certified against W/S Capital, Ordinance #2008-9 Sewer Main Alleyway #6190810

DATED THIS 12TH DAY OF MAY, 2010

BY 

DAWN L. BABCOCK, CFO



TOWN OF NEWTON

RESOLUTION #57-2010

May 12, 2010

**“Authorize Refund of Redemption Monies
to Outside Lienholder”**

WHEREAS, at the Municipal Tax Sale held on September 24, 2004, a lien was sold on Block 1110, Lot 3, also known as 250 Spring Street, for 2003 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #1217, was sold to Michael Mastellone for a 0% redemption fee; and

WHEREAS, Leonard P. Pasculli, Esq., attorney for Rose Beemer, owner, has effected redemption of Certificate #1217 in the amount of \$19,552.09;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Michael Mastellone, is entitled to a refund in the amount of \$19,552.09; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to issue a check in the amount of \$19,552.09, payable to Michael Mastellone, PO Box 109, Cedar Knolls, NJ 07927 for the redemption of Tax Sale Certificate #1217.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, May 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #58-2010

May 12, 2010

“Approve Change Order No. 2 for the Firehouse #1 Renovations Project”

WHEREAS, on December 14, 2009, by way of adoption of Resolution #269-2009, the Newton Town Council awarded a contract to Zinno Construction in the amount of \$243,637 for the Firehouse #1 Renovations Project; and

WHEREAS, the Newton Town Council approved Change Order No. 1 reducing the original contract amount by \$5,200, by the adoption of Resolution #53-2010 on April 26, 2010 in accordance with the recommendations of the project Architect; and

WHEREAS, HQW Architects, LLC has recommended approval of Change Order No. 2 which will increase the adjusted contract amount by \$2,740.00 to the new contract total of \$241,177.00; and

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that approval of Change Order No. 2 to the contract with Zinno Construction for the Firehouse #1 Renovations Project is hereby affirmed, and that the Mayor is authorized to execute said Change Order No. 2 in triplicate to ensure that HWQ Architects, LLC, Zinno Construction, and the Town of Newton each have originals with original signatures.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, May 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

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

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 58-2010

APPROVING: ZINNO CONSTRUCTION

FOR THE PURPOSE OF: CO#2 - FIRE HOUSE #1 RENOVATIONS

IN THE AMOUNT OF: \$2,740.00

APPROPRIATED BY: CAPITAL - ORD.#2008-7
#3090875 IMPROVEMENTS TO MUNICIPAL PROPERTIES \$2,740.00

DATED THIS 12th DAY OF MAY 2010

BY *Dawn L. Babcock*

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #59-2010

May 12, 2010

“Award contract to Peters Associates for writing of specifications for new fire apparatus and reviewing the bids received”

WHEREAS, the Town of Newton is preparing to purchase a new ladder truck and the Newton Volunteer Fire Department truck committee is working on specifications for this apparatus; and

WHEREAS, Peters Associates of Rivervale, New Jersey is experienced in preparing specifications and reviewing all bids received for fire apparatus and fire safety and nationally recognized; and,

WHEREAS, this is a professional service being done through a non-fair and open process; and

WHEREAS, the truck committee has recommended the utilization of Peters Associates to write the bid specifications for the new ladder truck based on their memo to the Town Manager dated April 4, 2010; and

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

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby awards a contract to complete the specification writing for the new ladder truck to Peters Associates in the amount of \$2,800.

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 Wednesday, May 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

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

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 59-2010

APPROVING: PETERS ASSOCIATES

FOR THE PURPOSE OF: COMPLETE THE SPECIFICATION WRITING
FOR THE NEW LADDER FIRE TRUCK

IN THE AMOUNT OF: \$2,800.00

APPROPRIATED BY:

Initially will be charged to GENERAL CAPITAL - ORD.#2008-12
#3090812 \$2,800.00

Upon adoption of the GENERAL CAPITAL - 2010 Various
Improvements Ordinance, any expenditures or open encumbrances
will be transferred to the 2010 ordinance.

DATED THIS 12TH DAY OF MAY , 2010

BY 

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #60-2010

May 12, 2010

"Authorize Credits Due Water and Sewer Utility Accounts"

WHEREAS, the Water and Sewer Collector has determined that the following Water and Sewer Utility Accounts are due credits for the reasons stated;

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 account for amounts billed incorrectly due to the reasons stated:

Credit due to malfunction of meter:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
1621	115 Water Street	\$2,229.68

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, May 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #61-2010

May 12, 2010

“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 2009 and 2010 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, May 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #62-2010

May 12, 2010

“Certify Self-Examination of 2010 Budget”

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Town of Newton has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2010 budget year.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the Town Council has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated

- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments (if any) have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Approved:

Vote recorded as follows:

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, May 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #63-2010

May 12, 2010

“A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12”

WHEREAS, the Town Council of the Town of Newton is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specific purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Town Council of the Town of Newton to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

(1) Potential Litigation

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on May 12, 2010, that an Executive Session closed to the public shall be held on May 12, 2010, at ____PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific items designated above.

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a public meeting of said Governing Body conducted on May 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk