

May 12, 2010

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 31, 2009."

Deputy Mayor Becker led the invocation and Mayor Elvidge 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. Becker and unanimously carried, that the minutes of April 26, 2010 (Regular) and April 26, 2010 (Executive) meetings were approved as presented.

Mayor Elvidge and Mr. Ricciardo extended their congratulations to Councilwoman-Elect Sandra Diglio for her election to the Newton Town Council.

Councilman Ricciardo and Mayor Elvidge thanked the citizens and supporters of Newton for their election win. Mr. Ricciardo stated "it is a privilege to be able to choose who we want to elect through the Election process". Mrs. Unhoch also congratulated Councilwoman-Elect Diglio on her win to Town Council and wished the incumbents, Mr. Ricciardo and Mr. Elvidge, all the best on their upcoming terms.

#### **PRESENTATION**

##### **A. Proclamation – National Nursing Home Week**

Mr. Russo read the following Proclamation proclaiming the week of May 9 - May 15, 2010 as National Nursing Home Week.

#### **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

May 12, 2010

**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.

**PUBLIC**

Mayor Elvidge read the following statement:

"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."

There was no one from the public to be heard.

**COUNCIL & MANAGER REPORTS**

Mr. Russo read into the record a request from St. Joseph Church dated May 5, 2010:

*Dear Mr. Russo:*

*"Saint Joseph Church is planning our annual Corpus Christi procession on Sunday, June 6, 2010 from 12:30pm to 1:30pm. We plan to begin at the front steps of the church on Halsted Street, proceed to Main Street, continue left around the corner to Elm Street and back to the church using the walkway next to the parish rectory at 17 Elm Street. We request the use of the roadway on both Halsted and Elm Street for this procession. We can use the sidewalk along Main Street/Rte. 206. In the case of inclement weather the procession will not take place.*

*We would appreciate the permission of the town Council for this event. Please let me know if our plans met with Town approval. I look forward to hearing from you".*

*Sincerely,  
Rev. Peter Filipkowski, Pastor*

The Governing Body had no objection and unanimously approved the request from Saint Joseph Church.

Mr. Russo alerted the Governing Body that there will be milling and paving work being done on Sparta Avenue commencing on May 17, 2010 between the hours of 7:00 p.m. and 5:30 a.m.

Mr. Russo questioned which Council members would be attending the Memorial Day Parade on May 31, 2010 and all responded in the affirmative.

**ORDINANCES**

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

**ORDINANCE #2010-04**

**AN ORDINANCE TO AMEND CHAPTER 10, TRAFFIC OF THE 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 \***

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 Limosines(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).

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

**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. Neutered dog (8-2.5) 12.00/dog
	1. Per table	125.00/yr		2. Non-neutered dog 15.00/dog
i.	Going out of business (6-10.5)	55.00		3. Cat license (neutered or non-neutered) 10.00/cat
	1. Renewal	35.00		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 <sup>st</sup> 5.00/month
j.	Display of banner over street (6-11.3)	No fee		b. Kennels, Pet Shops and Shelters or Pounds:
k.	Registration of private refuse:			1. Kennel 50.00
	1. Collectors (6-12.2)	No fee		2. Pet shop 50.00
				3. Shelter or pound 50.00
l.	Deleted per Ordinance #27-80.			
<b>21-1.4 Licensing of Taxicabs/Limousines (Relating to Chapter IX &amp; IXA).</b>				
m.	Trailer court construction permit (6-13.2e)			a. Taxicab owner's license (9-4.7):
	1. Trailer court alteration	225.00		1. Initial application 550.00
n.	Trailer court operation (6-13.4)			2. Renewal application 300.00
	1. Deposit fee	50.00/trailer		3. Each vehicle 50.00
	2. Minimum	200.00		b. Taxicab driver's license (9-5.1k):
	3. Weekly charge per trailer, Payable monthly	10.00		1. Initial application 50.00
o.	Garage Sale (6-14)	12.00		2. Renewal application 30.00
p.	Filming or taping in Newton (6-15)			c. Limousine Licensing Fees:
	1. Application fee:			i. Principle Place of Business Verification Fee: (for each principle place of business in Newton) 250.00
	a. Commercial films	85.00		ii. Business Address Verification Fee: (for each such limousine and each business address) 100.00
	b. Non-profit films	No fee		iii. Limousine License Fee 50.00
	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			a. Parking meter fees (10-12.3):
	1. In-Town Ceremony Performed	75.00		1. One hour zones .25/hr
	2. Out-of-Town Ceremony Performed	100.00		b. Deleted
	3. Active (and or retired) Military	N/A		c. Parking lot meter fees (10-14.2):
	4. An administrative fee of \$25.00 shall be added to the above established fees.			1. Adams Street
				a. Each one hour .25
				b. Two hour maximum
r.	Charitable Bins (6-16.3)			2. Main Street Plaza
	Initial Permit	25.00		a. Each one hour .25
	Renewal Permit	25.00		b. Ten hours maximum
s.	Sidewalk Café License (6-16)	50.00		3. Central, Eastern, Eastern-South and Western Plaza
				a. Each one and one-half hours .25
				b. Ten hours maximum
<b>21-1.2 Alcoholic Beverage Control (Relating to Chapter VII).</b>				
a.	Plenary retail consumption license (7-3.4a)	1,100.00		1. Central, Eastern and Western Plaza
b.	Plenary retail distribution license (7-3.4b)	1,100.00		a. Monthly 25.00* plus tax
c.	Club license (7-3.4c)	185.00		b. Quarterly 75.00* plus tax
				c. Annual 269.00* plus tax
				d. Merchant Annual 2@ 269.00* plus tax
<b>21-1.3 Licensing of Dogs and Cats (Relating to Chapter VIII).</b>				
a.	License and registration:			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 preventers, 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

**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 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

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 organizations, 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 rated 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 underwater lighting fixture; for household electric cooking equipment rated up to 16kw; for each fire, security or burglar alarm control unit; for each receptacle rated 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

<u>Charges per</u>	<u>Minimum</u>
<u>Gallon per day</u>	
\$16.00	3,200.00
- k. Water and sewer rates (15-4.1):
 

<u>Gallons</u>	<u>Water</u>	<u>Sewer</u>	<u>Combined</u>
<u>Per Qtr.</u>	<u>Rate</u>	<u>Rate</u>	<u>Water/Sewer</u>
0-4,000	\$30.00min.	\$45.00min.	\$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:

Gallons Per Qtr.	Water Rate	Sewer Rate	Combined Water/Sewer
0-4,000	30.00min.	30.00min.	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
- 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

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 fees: 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 ~~600.00~~

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  
 Planning Board Secretary

h. Deleted

i. Concept Plan Review (including proposals for Redevelopment) Application Escrow 2,000.00

**21-1.14 Zoning (Relating to Chapter XX).**

a. Deleted. 50.00

b. Townhouse plan filing fee  
 1. \$75.00 + \$20.00 per unit Preliminary

<p>2. \$50.00 + \$10.00 per unit Final</p> <p>c. Inspection and review fee deposit 2,000.00</p> <p>d. Zoning board application:</p> <p>1. Pursuant to 18A-3.10a –</p> <table border="0" style="margin-left: 40px;"> <tr> <td></td> <td style="text-align: center;">Application</td> <td style="text-align: center;">Escrow</td> </tr> <tr> <td>Residential</td> <td style="text-align: center;">200.00</td> <td style="text-align: center;">500.00</td> </tr> <tr> <td>Commercial/Professional</td> <td style="text-align: center;">400.00</td> <td style="text-align: center;">1,000.00</td> </tr> <tr> <td>Industrial</td> <td style="text-align: center;">850.00</td> <td style="text-align: center;">1,000.00</td> </tr> </table> <p>2. Pursuant to 18A-3.10b -</p> <table border="0" style="margin-left: 40px;"> <tr> <td>Special use</td> <td style="text-align: center;">100.00</td> </tr> <tr> <td>Other</td> <td style="text-align: center;">50.00</td> </tr> </table> <p>3. Pursuant to 18A-3.10c -</p> <table border="0" style="margin-left: 40px;"> <tr> <td>Residential</td> <td style="text-align: center;">300.00</td> <td style="text-align: center;">2,000.00</td> </tr> <tr> <td>*Escrow single family</td> <td style="text-align: center;">500.00</td> <td></td> </tr> <tr> <td>Commercial/Professional</td> <td style="text-align: center;">600.00</td> <td style="text-align: center;">2,000.00</td> </tr> <tr> <td>Industrial</td> <td style="text-align: center;">1,100.00</td> <td style="text-align: center;">2,000.00</td> </tr> </table> <p>4. Pursuant to 18A-3.10d -</p> <table border="0" style="margin-left: 40px;"> <tr> <td>Residential</td> <td style="text-align: center;">500.00</td> <td style="text-align: center;">3,000.00</td> </tr> <tr> <td>Commercial/Professional</td> <td style="text-align: center;">700.00</td> <td style="text-align: center;">3,000.00</td> </tr> <tr> <td>Industrial</td> <td style="text-align: center;">1,300.00</td> <td style="text-align: center;">3,000.00</td> </tr> </table> <p>e. Escrow fee pursuant to 18A-3.10a, c, and d</p> <p style="margin-left: 40px;">1,000.00</p> <p>f. Charge for request of extension or re-approval</p> <p style="margin-left: 40px;">Escrow for extension of re-approval 500.00</p> <p>g. Charge for request for amendment to previously approved plans</p> <p style="margin-left: 40px;">200.00</p> <p style="margin-left: 40px;">Escrow for amendments 500.00</p> <p>h. Charge for request for re-zoning</p> <p style="margin-left: 40px;">700.00</p> <p style="margin-left: 40px;">Escrow for rezoning</p> <p>i. Charge for special meeting of either Planning Board or Zoning Board, any required fee, plus</p> <p>j. Charge for informal presentation (amount to be credited toward future application fees)</p> <p style="margin-left: 40px;">200.00</p> <p>k. Zoning permit</p> <p style="margin-left: 40px;">25.00</p> <p>l. Fence Permit</p> <p style="margin-left: 40px;">25.00</p> <p><b>21-1.15 Miscellaneous Fees and Charges.</b></p> <p>a. Swimming pool:</p> <p>1. Season Passes:</p> <p style="margin-left: 40px;">a. Newton Resident:</p> <table border="0" style="margin-left: 80px;"> <tr> <td>i. Family</td> <td style="text-align: center;">200.00</td> </tr> <tr> <td>ii. Couple</td> <td style="text-align: center;">150.00</td> </tr> <tr> <td>iii. Single</td> <td style="text-align: center;">100.00</td> </tr> </table>		Application	Escrow	Residential	200.00	500.00	Commercial/Professional	400.00	1,000.00	Industrial	850.00	1,000.00	Special use	100.00	Other	50.00	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	Residential	500.00	3,000.00	Commercial/Professional	700.00	3,000.00	Industrial	1,300.00	3,000.00	i. Family	200.00	ii. Couple	150.00	iii. Single	100.00	<p>b. All Others (Residing outside Town Limits):</p> <table border="0" style="margin-left: 40px;"> <tr> <td>i. Family</td> <td style="text-align: center;">300.00</td> </tr> <tr> <td>ii. Couple</td> <td style="text-align: center;">200.00</td> </tr> <tr> <td>iii. Single</td> <td style="text-align: center;">125.00</td> </tr> </table> <p>c. Swim Team Participant</p> <p style="margin-left: 40px;">30.00</p> <p>d. Senior Citizens</p> <table border="0" style="margin-left: 40px;"> <tr> <td>i. Single</td> <td style="text-align: center;">35.00</td> </tr> <tr> <td>ii. Couple</td> <td style="text-align: center;">60.00</td> </tr> </table> <p>e. Replacement Badge 5.00 each</p> <p style="margin-left: 40px;">Family membership shall include any adult, his or her spouse and their children 18 years old or younger living together in one household.</p> <p>2. Daily Admission:</p> <table border="0" style="margin-left: 40px;"> <tr> <td>a. Senior Citizens</td> <td style="text-align: center;">2.00</td> </tr> <tr> <td>b. All Others</td> <td style="text-align: center;">5.00</td> </tr> </table> <p>3. Swimming lessons</p> <table border="0" style="margin-left: 40px;"> <tr> <td>a. Season Pass Holder</td> <td style="text-align: center;">30.00</td> </tr> <tr> <td>b. All Others</td> <td style="text-align: center;">75.00</td> </tr> </table> <p>b. Books and maps:</p> <p>1. Town maps (streets)</p> <p>2. Zoning map</p> <p style="margin-left: 40px;">5.00</p> <p>3. Remove</p> <p style="margin-left: 40px;">a. Charge for mailing Land Use Ord. 3.00</p> <p>4. Master Plan</p> <table border="0" style="margin-left: 40px;"> <tr> <td>a. Hard Copy</td> <td style="text-align: center;">200.00</td> <td style="text-align: center;">25.00</td> </tr> <tr> <td>b. CD Copy</td> <td></td> <td style="text-align: center;">10.00</td> </tr> </table> <p style="margin-left: 40px;">(as supplied by Town Engineer)</p> <p>5. Revised General Ordinance Book 150.00</p> <p>6. Zoning Ordinance</p> <p style="margin-left: 40px;">75.00</p> <p>c. Miscellaneous charges: 700.00</p> <table border="0" style="margin-left: 40px;"> <tr> <td>1. Fingerprints</td> <td style="text-align: center;">5.00</td> </tr> <tr> <td>2. Meter covers, per day</td> <td style="text-align: center;">850.00</td> </tr> <tr> <td>3. 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| <p>9. Certification that taxes are paid to date related to planning/zoning applications 15.00</p> <p>10. Court related discovery, first 5 pages each page thereafter,</p> <p>11. Other Police related documents, per Section 21.1.15(g)</p> <p>12. Audio or video CD .35 each</p> <p>13. Newton Historic Ordinance 5.00</p> <p>14. Garage Sale Permits 12.00</p> <p>15. Tax Search Request per NJSA 54:5-14 \$10.00 initial Request for continuation per statute \$ 2.00 per year</p> <p>16. Lien holder foreclosure requesting redemption figure N.J.S.A 54:5-97.150.00</p> <p>17. N.J.S.A. 54:5-54 Entitled party requesting subsequent Tax Sale Certificate Redemptions within a calendar year. 50.00</p> | <p>2. Summer recreation program, two or more children from the same family or parent</p> <p>g. Copying fees:</p> <p>1. 8 ½" x 11" copies: .10 each page</p> <p>2. 8 ½" x 14" copies: .15 each page</p> <p>3. 11" x 17" copies: .25 each page</p> <p>4. 3" x 5" photographs, per print from negative</p> <p>5. 3" x 5" photographs, per print through reproduction, (four (4) print minimum) 14.00</p> <p>6. Blue print reproductions and computerized technological electronic information:</p> <p>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 ½" x 11", 8 ½" x 14" or 11" x 17") will be charged in accordance with the amounts charged to the town for having such copies made.</p> <p>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.</p> |
| <p>d. Certified copies of licenses and certificates issued by the bureau of vital statistics:</p> <p>1. Marriage certificate, per copy 10.00</p> <p>2. Birth certificate, per copy 10.00</p> <p>3. Death certificate, per copy 10.00</p> <p>4. Correction to birth certificates, marriage certificates, or death certificates 15.00</p> <p>5. Domestic Partnership, per copy 10.00</p> <p>6. Civil Union, per copy 10.00</p>   | <p>h. Service charge for checks returned due to Insufficient funds, per R.S. 40:5-18 20.00</p>  |
| <p>e. Park use fees:</p> <p>1. Application fee for use of parks 30.00</p> <p>2. Park use fee for Newton residents none</p> <p>3. Park use fee for non-residents:</p> <p>0 - 99 people 30.00</p> <p>100 - 199 people 60.00</p> <p>200 people or more 90.00</p> <p>4. Game fees:</p> <p>a. League Sanctioned Game any Field 30.00 per game</p> <p>b. Major League Field Use (Non-League Sanctioned)75.00 per game</p> <p>5. Maintenance fee (if requested from organizations based outside of the Town of Newton) 50.00</p>  | <p>i. Miscellaneous inspection fees:</p> <p>1. Farmland inspection by tax assessor25.00</p> <p>Police Escrow Accounts (Relating to Chapter III):</p> <p>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.</p> <p>2. Administrative Fee 7.50 per hour</p>   |
| <p>Payment of the above fees shall be due upon approval of the application for park use.</p> <p>f. Playground registration fees:</p> <p>1. Summer recreation program, one child 75.00</p>  | <p>k. Alarm Registration Fees (Relating to Chapter V)</p>   |

May 12, 2010

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

May 12, 2010

**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.

The Clerk will advertise the above Ordinance according to law.

At this time, Mayor Elvidge declared the hearing on Ordinance #2010-04 opened to the public.

There being no one from the public to be heard, upon motion by Mr. Ricciardo, seconded by Mrs. Unhoch and unanimously carried, the hearing was closed.

The following **ORDINANCE** was offered by Mr. Ricciardo, who moved its adoption, 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	

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

**ORDINANCE #2010-05**

**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 1<sup>st</sup> 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.

At this time, Mayor Elvidge declared the hearing on Ordinance #2010-05 opened to the public.

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

The following **ORDINANCE** was offered by Mrs. Le Frois, 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

May 12, 2010

Mayor Elvidge Yes

This ordinance will take effect immediately after publication and adoption 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 #2010-06**

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

The following **ORDINANCE** was offered by Mr. Ricciardo, who moved its introduction, 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 introduced for the first reading, with hearing on same to be held on Monday, May 24, 2010.

The Clerk will advertise the above Ordinance according to law.

**OLD BUSINESS**

Motion was made by Mr. Ricciardo for Resolution #52-2010 to remain **TABLED** until the May 24, 2010 Council meeting seconded by Mrs. Le Frois and roll call resulted as follows:

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

**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."

May 12, 2010

**RESOLUTION #57-2010\***

**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.

**RESOLUTION #58-2010\***

**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.

**RESOLUTION #59-2010\***

**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

May 12, 2010

**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.

**RESOLUTION #60 -2010\***

**AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNT**

**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

**RESOLUTION #61-2010\***

**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 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**

194,329.24	Payroll Account	1010023
887,294.00	Newton Board of Education	1010024
738.70	Quill Corporation	26964
93.89	Montague Tool & Supply	26965
2,011.35	Harold Pellow & Associates	26966
472.00	Decker's Fire & Safety	26967
326.58	Airmark Pools	26968
3,379.36	G & G Diesel Service, Inc.	26969
8,530.96	JCP&L	26970
786.41	SCMUA	26971

May 12, 2010

124.42	Centurylink Communications	26972
35.00	Centurylink Communications	26973
1,394.15	Rowe & Company, Inc.	26974
674,516.95	County of Sussex	26975
19,153.95	County of Sussex	26976
54,391.46	County of Sussex	26977
4,787.68	Delta Dental	26978
1,082.33	Timmerman Company	26979
68.38	Hayek's Market Inc.	26980
74.00	R.S. Phillips Steel Company	26981
2,886.90	McManimon & Scotland	26982
763.25	Willco, Inc.	26983
1,684.00	Minisink Press, Inc.	26984
21,000.00	Trust Account, Town of Newton	26985
30.00	Trust Account, Town of Newton	26986
3.71	Sebring Auto Parts	26987
53.05	Weis Markets	26988
60.00	Greater Newton Chamber of Commerce	26989
104.21	Airgas East	26990
90.00	G.F.O.A. of NJ	26991
1,405.56	Boonton Tire Supply	26992
22.42	McGuire	26993
873.01	Vision Service Plan	26994
390.00	Rutgers Center for Government Svcs.	26995
53.00	Rutgers Center for Government Svcs.	26996
250.00	NJMMA	26997
190.08	Verizon Wireless	26998
185.00	Cerbo's Hampton Nursery	26999
25.00	Robert Bittle	27000
26,527.83	County of Sussex	27001
99.00	Institute Professional Develop	27002
47.25	North Jersey Portable Toilets	27003
228.79	Dell Marketing L.P.	27004
120.00	NENA	27005
79.00	Fred Pryor Seminars	27006
385.00	Alva Plastic Printing Co.	27007
2,565.00	Vogel, Chait, Collins, Schneider, PC	27008
19.98	Advance Auto Parts	27009
570.00	Emblems, Inc.	27010
67.50	VOID	27011
15.00	Lynn Dee Frost	27012
451.71	Paint Spot	27013
53.98	AW Direct Inc.	27014
332.25	Staples Business Advantage	27015
48.00	CSS Test	27016
77.19	Nestle Waters	27017
271.60	Pinnacle Wireless, Inc.	27018
3,252.44	Rachles/Michele's Oil Company	27019
2,363.37	Taylor Oil Co.	27020
286.27	Structural Metal Fabricators	27021
942.00	Adam Vough	27022
183.75	Northern Rain	27023
835.13	JMC Environmental Consultants, Inc.	27024
2,715.00	General Code, LLC	27025
168.00	Jersey Central Power & Light	27026
1,035.00	Knapp, Trimboli & Prusinowski, LLC	27027
89,362.00	NJMEBF	27028
130.00	Community Forestry Program	27029

May 12, 2010

1,460.00	Chelbus Cleaning Co., Inc.	27030
610.00	Pool Operation Management	27031
95.76	Tractor Supply Co.	27032
15.00	Krave	27033
67.50	Pinnacle	27034
189,708.75	Payroll Account	27035

**CAPITAL**

1,116.83	Harold Pellow & Associates, Inc.	7524
935.00	G & H Service Inc.	7525
410.00	McManimon & Scotland	7526
2,150.00	Freelance Electric, LLC	7527
59,990.60	Zinno Construction	7528

**Total TOWN BILLS \$2,273,383.98**

**WATER AND SEWER ACCOUNT**

26,111.00	U.S.D.A. /FHA	106014
65,429.00	U.S.D.A./FHA	106015
28,226.79	Payroll Account	106013
38.00	Montague Tool & Supply	11455
187.00	Decker's Fire & Safety	11456
6,305.91	JCP&L	11457
440.38	SCMUA	11458
125.85	Centurylink Communications, Inc.	11459
781.36	Delta Dental	11460
12.95	Campbell's Small Engine	11461
29.00	Allied Meter Service Inc.	11462
750.00	Minisink Press, Inc.	11463
12,544.00	R & D Trucking	11464
157.22	Vision Service Plan	11465
1,146.15	Univar USA Inc.	11466
9,504.00	Passaic Valley Sewerage Comm.	11467
21.97	Dell Marketing L.P.	11468
350.00	New Jersey Water Association	11469
158.00	Fred Pryor Seminars	11470
15.46	Advance Auto Parts	11471
169.92	Staples Business Advantage	11472
239.20	Accurate Waste Removal	11473
13,183.00	NJMEBF	11474
153.00	Dustin McGarry	11475
29,916.33	Payroll Account	106016

**Total WATER & SEWER BILLS \$195,995.49**

**TRUST ACCOUNT**

494.63	Payroll Account	107112
5,114.25	Harold Pellow & Associates, Inc.	2770
1,196.00	Hollander, Hontz, Hinkes & Pasculli LLC	2771
1,380.00	Vogel, Chait, Collins, Schneider, PC	2772
420.00	Ferriero Engineering Inc.	2773
192.74	Promotional Products Co., Inc.	2774
563.63	Payroll Account	2775

May 12, 2010

**Total TRUST ACCOUNT BILLS \$9,361.25**

**RESOLUTION #62-2010\***

**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.

May 12, 2010

**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:

The Town Clerk presented an application for an off-premise raffle from the American Red Cross Sussex County Chapter, 93 Spring Street, Newton, to be held on December 1, 2010 at 93 Spring Street, Newton. It was noted that the Application was in order and was accompanied by the prescribed fee.

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

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

**INTERMISSION** – None

**DISCUSSION**

Mayor Elvidge opened the meeting to the public.

There was no one from the public to be heard.

**COUNCIL & MANAGER COMMENTS**

Mr. Russo addressed Ordinance #2010-2 and recognized the public in attendance. Mr. Russo advised the hydrant flow study is 30% complete. Mr. Russo further stated that after all results are complete, it will be shared with Council for further discussion as it relates to the Ordinance and at that time Council may determine any initiative for modification. Mr. Russo explained another consideration will be the feedback and perspective of the new construction official and staff when the Town implements shared services with Hardyston Township for construction and code enforcement effective July 6, 2010.

After a lengthy discussion, the recommendation by Council is to wait until all the facts, statistics and reviews are analyzed and have an open public meeting to discuss the findings.

May 12, 2010

Mr. Ricciardo requested a leak detection status update from the Water and Sewer Department. Mrs. Millikin updated and advised Council that the leak detection is at 21% of unaccounted water and monitoring occurs monthly.

Mr. Ricciardo requested the Town pursue the study of "going green" with solar power, take advantage of the energy savings and rebate programs offered to municipalities.

Mrs. Unhoch indicated May is Senior Citizen Month and requested a recommendation for Senior Citizen of the Year at the next Council meeting.

**OPEN TO THE PUBLIC**

Mr. Michael Malone, 59 Trinity Street, addressed several concerns regarding Ordinance 2010-2. After a brief discussion, Mayor Elvidge and the Council explained the meaning and purpose of the ordinance and assured him that after all the facts and statistics are compiled, that a public meeting will be scheduled and public is welcome to comment.

Mayor Elvidge made a motion to close the hearing to the public, seconded by Mrs. Unhoch and unanimously agreed.

**EXECUTIVE SESSION**

The Town Council entered into Executive Session via Resolution #63-2010 at 7:43 p.m.

The Town Council returned from Executive Session at 8:10 p.m.

There being no further business to be conducted, upon motion of Mr. Ricciardo, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk