

May 11, 2009

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

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

Associate Pastor Jason Sullivan of the Christ Community Church, Newton, led the invocation.

Mayor Ricciardo led the Pledge of Allegiance to the flag. The Clerk called the roll and upon completion of same, upon motion made by Mrs. Unhoch, seconded by Mrs. Le Frois and carried that the minutes of April 27, 2009 (Special) and April 27, 2009 meetings (Regular) were approved, with the abstention by Mr. Elvidge.

PRESENTATION

Mayor Ricciardo read the following Proclamation recognizing Mr. John Frank as “2009 Senior Citizen of the Year.”

P R O C L A M A T I O N

JOHN FRANK

WHEREAS, John Frank has been a long-time resident of the Town of Newton, and he and his wife of forty-five years, Valerie and their three children, Christopher, Kevin and Jennifer, have been an integral part of the community through the years; and

WHEREAS, Mr. Frank was a successful Newton educator, and spent his entire 35-year professional career working for the Newton school system. He started out as a teacher, later became the Assistant Superintendent, with his final 20 years spent as Principal of Newton High School; and

WHEREAS, he has spent many hours volunteering his time and services to numerous organizations over the years, including serving as a Board member for the United Way of Sussex County and Sussex County Association of Retarded Citizens. He has also served on the Newton Housing Authority and as a member of Newton’s Plan Endorsement Committee; and

WHEREAS, Mr. Frank continues to volunteer his service to the community by actively serving as the Secretary to the Newton Rotary and provides his professional expertise to several scholarship committees including the Gus Rampone Scholarship Committee, the Newton Rotary Scholarship Committee and the Geneva Hull Scholarship Committee. Additionally, Sussex County Community College is proud to have Mr. Frank serve as Chairman of their Board of Trustees Search Committee; and

WHEREAS, in his free time John enjoys such pleasures as golfing and jogging and most importantly spending time with his six grandchildren;

NOW, THEREFORE, We, the Mayor and Town Council of the Town of Newton hereby proclaim our appreciation and gratitude to John Frank and commend him for his dedication and service to our community and we recognize his efforts and hereby name him: **2009 “Senior Citizen of the Year”**.

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Mr. Frank thanked the governing body for the “honor” of receiving this award. Mr. Frank thanked his friends in attendance as well as his family. “Val and I have been residents of the Town for over 40 years, have raised our three children here and have retired here. Newton is very special to me and I wanted to say thank you for making it even more special”, Mr. Frank concluded.

Mayor Ricciardo invited all in attendance to break for a brief reception in honor of Mr. Frank.

Mayor Ricciardo declared the meeting open to the public.

PUBLIC

There was no one from the public to be heard.

Council & Manager Reports

Mr. Russo reviewed the memorandum from John Eskilson, County Administrator, addressing the dates and times for the 2009 New Jersey State Fair. Mr. Russo inquired what the Council would like displayed to represent the Town of Newton. The Council recommended that a joint effort with Main Street Newton and the Town to display information on businesses as well as redevelopment plans.

Mr. Russo read the Proclamation proclaiming May 10 – 16, 2009 as “National Nursing Home Week”.

P R O C L A M A T I O N

National Nursing Home Week

May 10 – 16, 2009

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 “Nurturing a Love that Lasts”; and

WHEREAS, Nursing Home Week begins on Mother’s Day, May 10 and ends on May 16;

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.

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It was noted that Mrs. Unhoch presented the Proclamation to Barn Hill Care Center today at 2:00 p.m. and was well received by the residents.

Mr. Russo made several requests on behalf of various organizations.

Mr. Russo requested permission for New Jersey Ride Against AIDS to go through Newton from 206 to West End Avenue on the weekend of September 25-September 27, 2009. This group begins at High Point and rides to Cape May to raise money for NJ-based AIDS charities. Mr. Russo will advise the Police. This will not require any Police overtime. Council gave permission to the New Jersey Ride Against AIDS group.

Mr. Russo requested permission for the Newton Swim Team to hold their annual Swim Team Invitational at Newton Pool on Saturday, July 18, 2009. Mr. Russo will advise Mr. Trudgeon, Sr., Recreation Director and Mr. Trudgeon, Jr., Pool Manager. Council agreed with this request.

Mr. Russo read a request from Newton Memorial Hospital Foundation to display a banner across Spring Street for their 2nd Annual Newton Motorsports Pro Tennis Classic to be held on August 30, 2009. It was noted that the banner is allowed to be displayed for only two weeks, therefore they will be directed to hang their banner from August 15- 30, 2009. Council agreed with this request.

Mr. Russo addressed the request from Kaleidoscope of Hope Foundation in order to proclaim September as National Ovarian Cancer Awareness Month. For the month of September the Foundation will tie teal ribbons around the Town for awareness. Council agreed to this request.

Mr. Russo read correspondence from Bonnie Bitondo, owner of Maxwell and Molly's Closet, 218 Spring Street, to request a small pet adoption day to be held on Saturday, June 6th. It was noted that they will follow the same guidelines as those we established for a similar event held in Newton at JC's Grill House and will include obtaining a certificate of insurance. Council agreed with this request.

Mr. Russo addressed a request from Newton First Aid Squad to hold their annual coin-bucket fund drive collection at the intersection of Sparta Avenue and Woodside Avenue on May 29-31; August 7-9 and 14-16 and September 4-6, 2009. It was noted that County approval was received and the Newton Police will be advised. Council agreed to this request.

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Mr. Russo read correspondence from American Legion Post #86, Newton, to request permission to distribute poppies at the intersection of Newton-Sparta Road and Woodside Avenue on Saturday, May 23, 2009 from 7:30 a.m. to 2:00 p.m. Mr. Russo will advise the Newton Police. Council agreed to their request.

Mr. Russo addressed a request from Valerie Josephson, Chairperson, of Sussex County Historical Society, to hold a Memorial March and Ceremony in honor of Dr. Levi Dewitt Miller, a civil war surgeon from Newton, New Jersey. This ceremony will take place on Memorial Day, Monday, May 25, 2009 at the Town Square at 2:30 p.m. The Newton Police will be notified and will need to close a portion of the street for the March which will be led by the 27th NJ Infantry re-enactment. Council agreed to their request.

Mr. Russo reviewed the request to hold the annual Memorial Day Parade on Monday, May 25, 2009 at 10:00 a.m. The usual route from Lower Spring Street up Spring Street to Moran Street and proceed to Memory Park where the Memorial Service will be held. This year, the committee has obtained a variety of military vehicles to be onsite to participate in the event at a cost of \$575.00. An additional request was made to help offset some or all of the costs of the vehicles and after a brief discussion, the Council agreed to offset the total cost of \$575.00. Council also agreed to the Memorial Day Parade event.

Mr. Russo advised Council that the Newton Municipal Building to be closed at 3:00 p.m. on Friday, May 22, 2009 in observation of the Memorial Day Holiday Weekend. Notices will be posted on all doors and placed on the website.

Mr. Russo addressed a final request received from St. Joseph's Church to hold a Procession on Sunday, June 14th, 2009 from 12:30 p.m. – 1:30 p.m. This Procession will begin at the front steps of the Church on Halsted Street, proceed to Main Street and continuing left onto Elm Street and back to the church, using the walkway next to the parish rectory. Newton Police will be advised. Council granted permission for this event on June 14, 2009.

HEARING ON THE 2009 BUDGET

At this time, upon motion of Mrs. Becker, seconded by Mrs. Le Frois and carried, the hearing on the 2009 Municipal and Water and Sewer Utility Budget was open to the public.

Mr. Neil Flaherty, 154 Sparta Avenue, questioned where the figures are in the Municipal Budget for the Police overtime and was advised that the overtime is reflected in the salaries and

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wages. Mr. Flaherty questioned the amount the overtime that was cut and was advised that the amount was reduced by \$60,000.00.

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

Motion to approve the 2009 Municipal and Water & Sewer Utility Budget as introduced made by Mrs. Le Frois, seconded by Mrs. Unhoch and roll call resulted as follows:

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

The Clerk will advertise the above Ordinance according to law.

ORDINANCES

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

ORDINANCE # 2009-10

AN ORDINANCE REPEALING AND REPLACING CHAPTER 18A-7 HOUSING TRUST FUND OF THE NEWTON REVISED GENERAL ORDINANCES WITH AN UPDATED HOUSING TRUST FUND ORDINANCE

WHEREAS, the Town of Newton received substantive certification of a second round Housing Element and Fair Share Plan from the Council on Affordable Housing (COAH) on June 6, 2001; and

WHEREAS, the Town of Newton received approval of a mandatory development fee ordinance from COAH on September 7, 2006, which it adopted on November 13, 2006 as Ordinance No. 2006-22; and

WHEREAS, Newton petitioned COAH for third round substantive certification on January 17, 2007; and

WHEREAS, on August 4, 2008 Newton submitted to COAH an adopted amendment to its development fee ordinance, Ordinance No. 2008-13; and

WHEREAS, on September 12, 2008, the Town submitted an adopted amendment to its development fee ordinance, Ordinance No. 2008-20; and

WHEREAS, Newton petitioned COAH with a revised third round Housing Element and Fair Share Plan pursuant to COAH's amended rules on December 30, 2008, which included a proposed development fee ordinance which follows; and

WHEREAS, this ordinance replaces Newton's previously adopted Ordinance 2008-20, with COAH's model development fee ordinance; and

WHEREAS, COAH has approved the Town of Newton's proposed development fee ordinance with amendments by a resolution dated March 17, 2009; and

WHEREAS, the amendments required by COAH have been made to this ordinance;

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NOW THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton that § 18-7 Housing Trust Fund is amended as follows:

1. Purpose

a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.

b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.

c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

2. Basic requirements

a) This ordinance shall not be effective until approved by COAH pursuant to *N.J.A.C. 5:96-5.1*.

b) The Town of Newton shall not spend development fees until COAH has approved a plan for spending such fees in conformance with *N.J.A.C. 5:97-8.10* and *N.J.A.C. 5:96-5.3*.

3. Definitions

a) The following terms, as used in this ordinance, shall have the following meanings:

i. **"Affordable Housing Development"** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

ii. **"COAH"** or the **"Council"** means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.

iii. **"Development fee"** means money paid by a developer for the improvement of property as permitted in *N.J.A.C. 5:97-8.3*.

iv. **"Developer"** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

v. **"Equalized assessed value"** means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

4. Residential Development fees

a) Imposed fees

i. Within all zoning district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for residential development provided no increased density is permitted.

ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and a half percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

b) Eligible exactions, ineligible exactions and exemptions for residential development

i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

iii. Within the Redevelopment Zones and Special District 9 residential developers shall be exempt from paying a development fee.

iv. One and two family owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.

5. Non-residential Development fees

a) Imposed fees

i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

b) Eligible exactions, ineligible exactions and exemptions for non-residential development

i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.

ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.

iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Town of Newton as a lien against the real property of the owner.

6. Collection procedures

a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.

b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.

d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

g) Should the Town of Newton fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).

h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

i) Appeal of development fees

1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Town of Newton. Appeals from

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a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Town of Newton. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. Affordable Housing trust fund

a) It is hereby reaffirmed the Town of Newton has established a separate, interest-bearing housing trust fund to be maintained by the Municipal Housing Liaison for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

1. payments in lieu of on-site construction of affordable units;
2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
3. rental income from municipally operated units;
4. repayments from affordable housing program loans;
5. recapture funds;
6. proceeds from the sale of affordable units; and
7. any other funds collected in connection with Newton's affordable housing program.

c) Newton has provided COAH with written authorization, in the form of a three-party escrow agreement between the municipality, Lakeland Bank Corp., and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).

d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

8. Use of funds

a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Town of Newton's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

b) Funds shall not be expended to reimburse the Town of Newton for past housing activities.

c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.

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- i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
- ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
- iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
 - d) The Town of Newton may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
 - e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

9. Monitoring

- a) The Town of Newton shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Newton's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

10. Ongoing collection of fees

- a) The ability for the Town of Newton to impose, collect and expend development fees shall expire with its substantive certification unless the Town of Newton has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Town of Newton fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). The Town of Newton shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Town of Newton retroactively impose a development fee on such a development. The Town of Newton shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

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.

Mayor Ricciardo declared the hearing on Ordinance #2009-10 open to the public.

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

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

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

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

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2009-11

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		21-1.12 Property Maintenance Code (Relating to Chapter XVIII).
FEES AND COSTS *		21-1.13 Land Subdivision (Relating to Chapter XIX).
Sections:		21-1.14 Zoning (Relating to Chapter XX).
	21-1 Fees.	21-1.15 Miscellaneous Fees and Charges.
		21-1.1 Licensing General (Relating to Chapter VI).
* 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.		a. Transfer fee (6-1.7) 10.00
21-1 Fees.		b. Peddlers, hawkers and vendors(6-2.3): Daily Rate: 1. License fee, (Traveling) 50.00 2. License fee, (Stationary) 300.00 Annual Rate: License fee, (Traveling Food Vendor) 200.00
Subsections:		c. Solicitors and canvassers (6-3.2): 1. License fee, per day 10.00 2. License fee, per week 20.00 3. License fee, per month 40.00 4. License per badge 5.00
21-1.1 Licensing General (Relating to Chapter VI).		d. Charitable solicitation permits(6-4.8) No fee
21-1.2 Alcoholic Beverage Control (Relating to Chapter VII).		e. Retail or wholesale junk dealer (6-5.4): 1. Including one vehicle 550.00/yr 2. Each additional vehicle 50.00/yr
21-1.3 Licensing of Dogs and Cats (Relating to Chapter VIII).		f. Mechanical amusement device (6-6.3) 150.00/yr
21-1.4 Licensing of Taxicabs and Limousines (Relating to IX & IXA).		g. Motion picture theaters (6-8.3) 200.00/screen/yr
Chapters		h. Pool or billiard tables (6-9.5) 1. Per table 125.00/yr
21-1.5 Traffic (Relating to Chapter X).		i. Going out of business (6-10.5) 50.00 1. Renewal 25.00
21-1.6 Buildings and Housing (Relating to Chapter XI).		j. Display of banner over street (6-11.3) No fee
21-1.7 Health Code (Relating to Chapter XII).		k. Registration of private refuse:
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).		

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	40.00/trailer
2. Minimum	200.00
3. Weekly charge per trailer, Payable monthly	10.00
o. Garage Sale (6-14)	10.00
p. Filming or taping in Newton (6-15)	
1. Application fee:	
a. Commercial films	75.00
b. Non-profit films	No fee
c. Other films	25.00
2. Daily filming fee payable in addition	
To the basic filming permit fee:	
a. Commercial films	200.00
b. Non-profit films	No fee
c. Other films	25.00
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

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

a. Plenary retail consumption license (7-3.4a)	933.00
b. Plenary retail distribution license (7-3.4b)	933.00
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	275.00
3. Each vehicle	50.00
b. Taxicab driver's license (9-5.1k):	
1. Initial application	50.00
2. Renewal application	25.00
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):	
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 Monthly fee	
a. Central & Adams Street Lot (residents and business' night shift employees)	\$15.00*
b. Tractor Trailer Parking	\$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 \$58.00.

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 \$58.00.

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 \$24.00 per \$1,000.00 on the estimated cost of work provided that the minimum fee shall be \$53.00.

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 \$58.00.

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 \$58.00.

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.

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 \$58.00 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 \$58.00.

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. The fee for a hot tub shall be \$63.00.

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 \$65.00; 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 ten percent (10%) shall be charged on each subcode application which is issued by any third party agency 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	35.00
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- b. Certificate of occupancy for accessory buildings to one and two family dwellings 20.00
 - c. Certificate of occupancy for buildings or structures of all other Use Groups 50.00
 - 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 35.00
 - 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 \$20.00.

11. The fee for a letter stating that no certificate of continued occupancy is required shall be \$10.00.

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 \$38.00.

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) 100.00
 - 2. Reinspection fee (less than 5,000sqft) 25.00
 - 3. Annual license(5,000sqft or greater) 225.00
 - 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) 275.00
 - 3. Late fee for license renewal, Per month (12-12.2f) 50.00
 - 4. Penalty, each violation (12-12.6) 275.00

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 50.00
 - 2. 21-50 sprinkler heads 100.00
 - 3. 51-100 sprinkler heads 125.00
 - 4. 101-200 sprinkler heads 225.00
 - 5. Over 200 sprinkler heads 275.00

b. Fee for each standpipe	175.00	M-1 1 and 2 story; less than 5,000 square feet, per floor	60.00
c. Fee for each gas or oil fired appliance not connected to the plumbing system	50.00	M-2 1 and 2 story; more than 5,000 square feet, less than 10,000 square feet, per floor	90.00
d. Fee for each kitchen exhaust system	50.00	M-3 1 and 2 story; less than 5,000 square feet, per floor	115.00
e. Fee for each incinerator	250.00	M-4 3 to 5 story; less than 5,000 square feet, per floor	150.00
f. Fee for each crematorium	250.00	M-5 3 to 5 story; more than 5,000 square feet, less than 10,000 square feet, per floor	175.00
g. Storage tanks (underground or above ground, installation only):		M-6 3 to 5 story; over 10,000 square feet, per floor	200.00

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.

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

D. Manufacturing (factory)

h. Pre-engineered suppression systems, each	85.00	F-1 1 and 2 story; less than 5,000 square feet, per floor	75.00
i. Smoke or heat detectors:		F-2 1 and 2 story; more than 5,000 square feet, less than 10,000 square feet, per floor	100.00
1. 1-20 detectors	25.00	F-3 1 and 2 story; more than 10,000 square feet, per floor	150.00
2. 21-50 detectors	50.00	F-4 3 to 5 story; less than 5,000 square feet, per floor	175.00
3. Over 50 detectors	100.00	F-5 3 to 5 story; more than 5,000 square feet, less than 10,000 square feet, per floor	200.00
j. Manual or automatic alarm systems	50.00	F-6 3 to 5 story; over 10,000 square feet, per floor	250.00
k. Central control system	50.00		
l. Penalty for non-compliance with Section 13-5, Parking in fire lane	50.00		

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

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	25.00
A-2 Take-out food service (no eating)	25.00
A-3 Church or synagogue	25.00
A-4 Recreation centers, multi-purpose rooms, etc.; fewer than 100	50.00

A-5 Court rooms, libraries, fraternal organizations, condominium centers; fewer than 100	50.00
A-6 Senior citizen centers; fewer than 200	50.00

B. Business/Professional

B-1 Professional use; 1 and 2 story; less than 5,000 square feet, per floor	25.00
B-2 1 and 2 story; more than 5,000 square feet, per floor	50.00
B-3 1 and 2 story; more than 10,000 square feet, per floor	75.00
B-4 3 to 5 story; less than 5,000 square feet, per floor	100.00
B-5 3 to 5 story; more than 5,000 square feet, per floor	150.00
B-6 3 to 5 story; over 10,000 square feet, per floor	200.00

C. Retail (mercantile)

S-1 1 and 2 story; less than 5,000 square Feet, per floor	50.00
S-2 1 and 2 story; more than 5,000 square Feet, less than 10,000 square feet, Per floor	100.00
S-3 1 and 2 story; more than 10,000 square Feet, per floor	150.00
S-4 3 to 5 story; less than 5,000 square Feet, per floor	175.00
S-5 3 to 5 story; more than 5,000 square Feet, per floor	200.00
S-6 3 to 5 story; over 10,000 square feet, Per floor	250.00

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 form 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 there 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 mini-a	
mum 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) 50.00

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</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

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) 10.00
- 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. Owner and operator registration fee 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.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 100.00
Escrow fee 500.00
Planning Board Secretary 50.00
- 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

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
b. All Others (Residing outside Town Limits):		
i. Family		300.00
ii. Couple		200.00
iii. Single		125.00
c. Swim Team Participant		30.00
d. Senior Citizens		
i. Single		35.00
ii. Couple		60.00
e. Replacement Badge		5.00 each
Family membership shall include any adult, his or her spouse and their children 18 years old or younger living together in one household.		
2. Daily Admission:		
a. Senior Citizens		2.00
b. All Others		5.00
3. Swimming lessons		
1. Season Pass Holder		30.00
2. All Others		75.00
b. Books and maps:		
1. Town maps (streets)		5.00
2. Zoning map		5.00

3. Municipal Land Use Ordinance		50.00
a. Charge for mailing Land Use Ord.		3.00
4. Master Plan		
a. Hard Copy		25.00
b. CD Copy (as supplied by Town Engineer)		10.00
5. Revised General Ordinance Book		150.00
6. Zoning Ordinance		75.00
c. Miscellaneous charges:		
1. Fingerprints		5.00
2. Meter covers, per day		2.00
3. Accident reports (copies), per page when picked up at Police Department when mailed		1.00
4. Fishing permits, Morris Lake		
a. All Day		15.00
b. All Day (Senior Citizen 62+ years old)		12.00
5. Application fee for representation by municipal public defender		50.00
6. Fee for printing duplicate tax bills, first duplicate per N.J.S.A. 54:4-64 subsequent duplicates per statute		5.00
7. Fee for issuing duplicate certificates of tax sale		100.00
8. Property owner list request		10.00
9. Certification that taxes are paid to date related to planning/zoning applications		10.00
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		10.00
15. Tax Search Request per NJSA 54:5-14		\$10.00 initial
Request for continuation per statute		\$ 2.00 per year
d. Certified copies of licenses and certificates issued by the bureau of vital statistics:		
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		12.00
5. Domestic Partnership, per copy		10.00
6. Civil Union, per copy		10.00
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:		

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

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

- 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
- g. Copying fees:
 - 1. 8 ½" x 11" copies: .10 each page
 - 2. 8 ½" 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
 - 6. Blue print reproductions and computerized technological electronic information:

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.

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,

- h. Service charge for checks returned due to Insufficient funds, per R.S. 40:5-18 20.00
- i. Miscellaneous inspection fees:
 - 1. Farmland inspection by tax assessor 25.00

- 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
 - 3. Commercial Fee (5-22.3B) \$40.00 remainder of year Register between July 1st and December 31st

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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.

Mayor Ricciardo declared the hearing on Ordinance #2009-11 open to the public.

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

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

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

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

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE # 2009-12

AN ORDINANCE TO AMEND CHAPTER 10, TRAFFIC, OF THE REVISED GENERAL ORDINANCES

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

1. 10-14.5a

a. No owner or operator shall stand or park a vehicle in any of the aforementioned parking lots at any time on any week day between the hours specified in subsection 10-4.2 without depositing sufficient coin or coins in the adjacent meter to cover the period during which the vehicle shall remain standing or parked. All-day parking passes may be used in lieu of depositing coins. **The receipt for the coin-purchased or the all-day parking pass must be displayed in plain view on the dashboard of said vehicle for Enforcement Officer to observe.**

2. 10-14.5f

f. An Annual Merchant Pass will be available for the Eastern Plaza, Central Plaza and Western Plaza parking lots only, for business owners on Spring Street who have a ground floor business located on Spring Street from Union Place to Main Street. The yearly cost for such passes is set forth in subsection 21-1.5c. There will be a maximum allotment of 2 passes per business per year. Passes will be valid from 1/1 to 12/31 and will need to be renewed annually. Parking is limited to 8:00am-6:00pm, Monday – Saturday.

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

Mayor Ricciardo declared the hearing on Ordinance #2009-12 open to the public.

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

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

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

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

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE # 2009-13

AN ORDINANCE AMENDING ARTICLE 20-15 C-2 RETAIL SERVICE DISTRICT OF THE TOWN OF NEWTON'S REVISED GENERAL ORDINANCES

Subsections:

20-15.1 Principal Uses and Buildings
20-15.2 Permitted Accessory Uses
20-15.3 Permitted Conditional Uses
20-15.4 Bulk and Area Regulations
20-15.5 Architectural Design Standards
20-15.6 Parking Standards

20-15.1 Principal Uses and Buildings. The following principal uses and buildings shall be permitted in the C-2 district:

- a. Retail stores or service establishments are permitted on any floor of a structure as follows:
 - i. Antique stores;
 - ii. Appliance stores;
 - iii. Arts and crafts stores;
 - iv. Bakeries;
 - v. Banks;
 - vi. Beauty salons, spas and barber shops;
 - vii. Book stores (excluding adult book stores);
 - viii. Camera and photographic supply stores;
 - ix. Candy and ice cream shops;
 - x. Clothing, apparel and shoe stores;
 - xi. Coffee shops;
 - xii. Computer supplies and software stores;
 - xiii. Cosmetic stores, beauty supply stores and perfumeries;
 - xiv. Delicatessens;
 - xv. Department stores;
 - xvi. Diners, cafes and restaurants;
 - xvii. Drug stores;
 - xviii. Electronics, audio and cell phone stores;
 - xix. Florists;
 - xx. Food (health) and supplement stores;
 - xxi. Furniture stores;

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- xxii. Garden supply stores;
- xxiii. Grocery stores and specialty food stores;
- xxiv. Hobby, toy and game stores;
- xxv. Home goods, furnishings and accessories stores;
- xxvi. Hotels (excluding extended stay/efficiencies/single room occupancies);
- xxvii. Jewelers and watch stores (excluding pawn shops);
- xxviii. Luggage and leather goods stores;
- xxix. Meat markets;
- xxx. Musical instruments and supplies stores;
- xxxi. Optical goods stores;
- xxxii. Paint, wallpaper and/or hardware stores;
- xxxiii. Pet grooming, pet shops and pet supplies;
- xxxiv. Pharmacies;
- xxxv. Photographers and picture framers;
- xxxvi. Souvenir shops;
- xxxvii. Sports and recreation stores (excluding gun stores); and
- xxxviii. Stationery, office supply and card stores.

b. Public libraries, post offices, museums, art galleries, churches and day care centers are permitted on any floor of a structure.

c. Indoor theaters (excluding adult theaters) and bowling alleys are permitted on the ground floor;

d. Business and professional offices; civic and social organizations, publishers, internet service providers, studios for teachers of music, dancing, art, exercise activities (i.e. karate, yoga, pilates, etc.) and sports; and artist and photographic studios are permitted on the upper floors of a building and not on the street floor of a building, except as may be permitted by conditional use in section 20-15.3.

e. Apartments are permitted on the upper floors of a building provided that the apartments are a minimum of 750 square feet in size, have complete kitchen facilities and a minimum of one bedroom. A maximum of 25 percent of apartments in a development may have the size reduced below 750 square feet by the Planning Board or Zoning Board of Adjustment for deed restricted affordable housing.

f. Mixed-use buildings provided the permitted uses are located on the appropriate floors as specified above.

g. Mixed-use parking structures provided that the ground floor is occupied by uses permitted on the ground floor as specified above.

h. Automobile parking areas provided that they are located to the side of or behind the principal structure on the lot and do not have direct frontage on Spring Street, with the exception of an access drive.

i. Any use not specifically permitted is prohibited unless deemed by the Zoning Board of Adjustments to be of the same general character and not incompatible with the above specified permitted uses.

20-15.2 Permitted Accessory Uses. The following accessory uses are permitted in the C-2 district:

a. Warehousing or storage provided that it is incidental to the principal business and does not exceed 25% of the total square footage of the principal use;

b. A bar provided that it is incidental and accessory to a restaurant use; and

c. Watch, clock and/or jewelry repair provided that it is incidental and accessory to a watch, clock and/or jewelry store.

20-15.3 Permitted Conditional Uses: In the C-2 district, the following uses may be permitted as conditional uses subject to the conditions and standards set forth in section 20-20 of the chapter:

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- a. Professional occupations.
- b. Home occupations.
- c. Clubs, lodges and fraternal organizations.
- d. Group care facilities and households.
- e. Office uses for conducting a licensed taxicab business.
- f. Business and professional office may be permitted on the Spring Street Level of structures abutting Spring Street, provided that (1) the structure lies northwesterly of the Cochran Building and faces the Sussex County Park; and (2) the entire structure is converted or used for business or professional office space.

20-15.4 Bulk and Area Regulations. The following shall be the bulk and area standards for the C-2 district:

- a. Lot width: 18 foot minimum; 100 foot maximum
- b. Lot coverage: 90% maximum
- c. Front setback: 0 foot minimum; 12 foot maximum
- d. Side setback: 0 foot minimum (both sides); 24 foot maximum (one side only)
- e. Rear setback: 0 foot minimum
- f. Frontage build-out: 80% minimum
- g. Height: Minimum 2 stories; 8 stories maximum. Height is measured in stories excluding attics and raised basements. Stories may not exceed 14 feet in height from finished floor to finished ceiling except for the first floor of a commercial use, which must be a minimum of 11 feet in height and has no maximum.
- h. Uncovered parking permitted to the side and rear of the structure(s) only.

20-15.5 Architectural Design Standards. The following architectural design standards shall apply to all new construction or renovation of structures located in the C-2 district. Where structures are also located in Newton's Historic District, the Historic District Ordinance also applies and takes precedent over these provisions.

- a. Scale and Style. Buildings shall generally relate in scale and design features to the surrounding buildings, showing respect for the local context, except however, where existing development does not represent a consistent architectural style or does not incorporate a building design that reflects the historic character and architecture of Newton's central business district, buildings should instead be designed to improve the overall streetscape, relying on the design standards set forth herein.
- b. As a general rule, buildings shall reflect a continuity of treatment obtained by maintaining the building scale, by maintaining consistent front setbacks, by maintaining cornice lines in buildings of the same height, by extending horizontal lines of fenestration, and by echoing architectural styles, details, design themes, building materials, and colors used in surrounding buildings where such buildings represent the historic character and architecture of Newton.
- c. Corner Lots. Buildings on corner lots shall be considered significant structures, given that they have at least two front facades visibly exposed to the street. If deemed appropriate by the Planning Board in its design review, such buildings may be designed with architectural embellishments, such as corner towers, steeples, or other features to emphasize their location and serve as a visual focal point for the area.
- d. Walls and Planes. Buildings shall avoid long, monotonous uninterrupted walls or roof planes. Offsets including projections, recesses, and changes in floor level shall be used in order to add architectural interest and variety, and to relieve the visual effect of a simple, long wall.

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Similarly, roof-line offsets shall be provided, in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

- e. Buildings with more than one façade facing a public street or internal open space shall be required to provide multiple front façade treatments.
- f. The architectural treatment of the front façade shall be continued, in its major features, around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors, and details. Bland wall or service area treatment of side and or rear elevations visible from the public viewshed is discouraged.
- g. Roofs. Gable roofs should utilize a minimum pitch of 9/12. Where hipped roofs are used, it is recommended that the minimum pitch be 6/12. Both gable and hipped roofs should provide overhanging eaves on all sides that extend a minimum of one foot beyond the building wall. Flat roofs should provide that all visibly exposed walls shall have an articulated cornice which projects horizontally from the vertical building wall plane. Other roof types should be appropriate to the building's architecture. Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys, cupolas, clock towers, and other similar elements are encouraged.
- h. Windows/fenestration. Fenestration shall be architecturally compatible with the style, materials, colors, and details of the building, and appropriate to a rural setting. Windows shall be vertically proportioned wherever possible. To the extent possible, upper story windows shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows. Blank, windowless walls are discouraged. Storefronts are an integral part of a building and shall be integrally designed with the upper floors to be compatible with the overall façade character. Ground floor retail, service, and restaurant uses should have large pane display windows, framed by the surrounding wall, and shall not exceed 75 percent of the total ground level façade area.
- i. Entrances. All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades, and other features, where appropriate. Any such element utilized shall be consistent with the style, materials, colors, and details of the building as a whole, as shall the doors. Awnings are permitted where they compliment the building's architectural style.
- j. Light fixtures. Light fixtures attached to the exterior of a building shall be architecturally compatible with the style, materials, colors, and details of the building and shall comply with local building codes. The type of light source used on the exterior of buildings, signs, parking areas, pedestrian walkways, and other areas of a site, and the light quality produced, shall be the same or compatible. Facades shall be lit from the exterior, and, as a general rule, lights should be concealed through shielding or recessed behind architectural features. The use of low-pressure sodium, fluorescent, or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited. Mounting brackets and associated hardware should be inconspicuous. All lights shall be shielded to reflect downward and prevent sky glow.
- k. Lighting. Street lights shall be decorative and shall blend with the architectural style of the community. Along all commercial or mixed-use streets, parking areas, sidewalks and walkways; decorative light posts shall be provided at regular intervals. Posts shall be spaced at no greater than 80 feet on center on both sides of a commercial or main street. Light posts should be at least ten feet in height. In parking areas post heights may extend to a maximum of sixteen feet.
- l. Air conditioners and other fixtures. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing, and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping. In no case will chain-link fencing be permitted. Individual room air conditioning units must be located to the side or rear of structures with the exception of vents or intakes, which should be inconspicuous.

20-15.6 Parking Standards. The following parking standards shall apply in the C-2 district.

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- a. Residential: 1 space per dwelling unit.
- b. Hotel: 1 space per room.
- c. Office: 2 spaces per 1,000 square feet.
- d. Retail/Service: 3 spaces per 1,000 square feet. Retail/service spaces under 1,500 square feet are exempt from parking requirements.
- e. Shared parking is encouraged. Parking requirements may be waived by the Planning Board provided that the Applicant can show shared parking is achieved off-site.
- f. Parking requirements may be reduced by the Planning Board for developments participating in the Live Where You Work program.

Mayor Ricciardo declared the hearing on Ordinance #2009-13 open to the public.

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

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

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

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

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE # 2009-14

AN ORDINANCE CONCERNING HOURS OF WORK FOR CERTAIN EMPLOYEES AND CONSONANT ELIGIBILITY FOR BENEFITS

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

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo		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 May 27, 2009.

The Clerk will advertise the above Ordinance according to law.

Mayor Ricciardo directed the Clerk to read aloud the following Ordinance

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relative to introduction of same.

ORDINANCE # 2009-15

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF NEWTON TO ESTABLISH AND ADOPT THE MUNICIPAL POWERS AUTHORIZED BY THE STATE OF NEW JERSEY'S ABANDONED PROPERTY REHABILITATION ACT, N.J.S.A. 55:19-78 ET SEQ., AND RELATED STATUTORY PROVISIONS

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

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo	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 May 27, 2009.

The Clerk will advertise the above Ordinance according to law.

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 May 27, 2009.

OLD BUSINESS

There was no Old Business to come before the Council.

CONSENT AGENDA

Mayor Ricciardo read the following statement:

"All items listed with an asterisk () are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda."*

RESOLUTION #83-2009*

APPOINTMENT OF DR. CRYSTAL CLARK TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION

WHEREAS, Ms. Helen Emire has resigned from her term as a Regular Member of the Economic Development Advisory Commission, and

WHEREAS, Dr. Crystal Clark has expressed an interest in serving on the Commission;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that Dr. Crystal Clark is hereby appointed to the unexpired three-year term on the Economic Development Advisory Commission, effective immediately with said term continuing to December 31, 2011.

RESOLUTION #84-2009*

TO CANCEL RECEIVABLE AND APPROPRIATED RESERVE BALANCES IN THE FEDERAL AND STATE GRANT FUND

May 11, 2009

WHEREAS, the Town of Newton received an award in the amount of \$34,196.00 from the State of New Jersey Records Management PARIS grant for *Inventory Continuation/Records Reorganization* per award letter dated June 28, 2007 and;

WHEREAS, the total costs expended and approved by the State of New Jersey total \$32,745.14;

WHEREAS, a receivable balance of \$1,450.86 entitled *Due from State of New Jersey Records Management PARIS Grant II* remains on the Federal and State Grant Fund balance sheet;

WHEREAS, it is necessary to formally cancel the receivable balance and its offsetting appropriated reserve balance from the Federal and State Grant Fund balance sheet.

NOW THEREFORE BE IT RESOLVED by a majority of the full membership of the Town Council of the Town of Newton, that they hereby cancel the following grant receivable and appropriated reserve balances:

Federal & State Grant Fund

Grant Receivable – PARIS Grant II – Inventory Continuation #110121	\$1,450.86
Appropriated Reserve – PARIS Grant II- Inventory Continuation #111221	\$1,450.86

RESOLUTION #85-2009*

INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2009 TOWN OF NEWTON BUDGET PURSUANT TO NJSA 40A:4-87 (C.159, PL1948)

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any Municipality, when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation of equal amount; and

WHEREAS, the Town of Newton has received notice of an award in the amount of \$4,000.00 from the State of New Jersey Division of Highway Traffic Safety for a *Click It or Ticket* Seatbelt Grant;

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following item of revenue in the 2009 Budget of the Town of Newton which are now available as revenue from:

Miscellaneous Revenues:

Section F: Special Items of Revenue

Public and Private Revenues Off-set with Appropriations:

State of New Jersey *Click It or Ticket* Grant\$ 4,000.00

BE IT FURTHER RESOLVED that the following like sum be and the same is hereby appropriated under the caption of:

General Appropriations:

A. Operations - Excluded from CAPS

Public and Private Programs Off-Set by Revenues:

State of New Jersey *Click It or Ticket* Grant

Police

Salaries and Wages..... \$ 4,000.00

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Director of the Division of Local Government Services.

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RESOLUTION #86-2009*

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 reason 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 accounts for amounts billed incorrectly due to the reason stated:

READING / BILLING CORRECTION AFTER METER CHANGED-ACCT. OVERCHARGED:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
17780	37 Lincoln Place	\$90.13

RESOLUTION #87-2009*

APPROVE FIREWORKS DISPLAY AT MEMORY PARK FOR NEWTON DAY 2009

WHEREAS, a Resolution of the Newton Governing Body is required by the New Jersey Department of Labor, Division of Workplace Standards, to grant permission for the public display of fireworks, and

WHEREAS, Garden State Fireworks of Millington, New Jersey has submitted a proposal for a fireworks display with a copy of the permit application, certificate of insurance, a site diagram and other pertinent information, in conjunction with a fireworks display that will take place at Memory Park on Saturday, June 13, 2009 as part of the annual "Newton Day" celebration with a rain-date of June 20, 2009, and

WHEREAS, Newton Fire Official Joseph C. Inga has advised that the application for said fireworks display is complete and in order;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that Greater Newton Chamber of Commerce is granted permission for a fireworks display during the "Newton Day" celebration to take place on June 13, 2009, with a rain-date of June 20, 2009 and that said fireworks display will be provided by Garden State Fireworks of Millington, NJ;

BE IT FURTHER RESOLVED that a certified original of this Resolution be forwarded to the New Jersey Department of Labor and Newton Fire Official Joseph C. Inga.

RESOLUTION #88-2009*

RESOLUTION OF THE TOWN OF NEWTON ACKNOWLEDGING THE MORRIS COUNTY IMPROVEMENT AUTHORITY'S LOCAL FINANCE BOARD APPLICATION TO FINANCE THE 2009 PROJECT AND AUTHORIZING THE INCLUSION OF CERTAIN INFORMATION PERTAINING TO THE TOWN TO BE INCLUDED

WHEREAS, The Morris County Improvement Authority (including any successors and assigns, the "Authority") has been duly created by resolution no. 42 entitled "Resolution of the Board of Chosen Freeholders of Morris County, New Jersey creating the Morris County Improvement Authority" duly adopted by the Board of Chosen Freeholders (the "County of Morris Board of Freeholders") of the County of Morris (the "County") in the State of New Jersey (the "State") on April 10, 2002 as a public body corporate and politic of the State pursuant to and in accordance with the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto (the "Act") and other applicable law;

May 11, 2009

WHEREAS, the Authority is authorized by law to enter into financial agreements with certain local governmental units located within and including the County, including without limitation, the Town of Newton (“Newton”) and any additional local units (the “Additional Local Units” and together with Newton, the “Local Units”) for participation in the hereinafter defined Series 2009 Loan Program if deemed advantageous to the Local Units, the Authority and the Series 2009 Loan Program, which Additional Local Units shall be authorized by the Authority at a subsequent meeting;

WHEREAS, the County of Sussex, New Jersey (the “County of Sussex”) does not presently have its own county improvement authority, and therefore the Authority is authorized under the Act to provide the financing for the Newton Project (as defined below) on behalf of the Newton;

WHEREAS, certain conditions precedent have to be satisfied in order for the Authority to participate in the financing a project on behalf Newton, including without limitation, seeking and obtaining the various designations and authorizations from the County of Sussex and the consent of the County of Sussex through the Board of Chosen Freeholders of the County of Sussex (the “County of Sussex Board of Freeholders”) under Section 13 (N.J.S.A. 40:37A-56) of the Act;

WHEREAS, Newton has requested the Authority’s assistance in (i) refinancing bond anticipation notes originally issued for various purposes including the acquisition of equipment, renovation of Newton buildings and infrastructure and the initial planning expenses for redevelopment planning; and (ii) payment of certain costs of issuance in connection with the issuance of the Newton Local Unit Bond (the “Newton Project” and together with any potential future projects for the Additional Local Units, the “Local Unit Projects”) to a resolution authorizing the issuance of the Newton Local Unit Bonds to the Authority pursuant to N.J.S.A. 40A:2-27(a)(2) (the “Newton Bond Resolution”);

WHEREAS, the Authority is authorized by law to finance public facilities through the acquisition of debt (the “Series 2009 Loan Program”), including without limitation (i) the general obligation bond in an aggregate principal amount not to exceed \$4,915,450 (the “Newton Local Unit Bond”) of Newton and (ii) a general obligation bond of Additional Local Units, if any, in an amount to be authorized by future resolution (the “Additional Local Unit Bonds” and together with the Newton Local Unit Bond, the “Local Unit Bonds”);

WHEREAS, the Local Unit Bonds will be purchased with the proceeds from the Authority’s “County Guaranteed Loan Program Bonds, Series 2009” in an aggregate amount not to exceed \$4,915,450 or an increased amount to be authorized by future resolution of the Authority (the “Series 2009 Bonds”) to be issued in one or more series under the Authority bond resolution entitled “RESOLUTION AUTHORIZING THE ISSUANCE OF COUNTY OF MORRIS GUARANTEED LOAN PROGRAM BONDS, SERIES 2009 OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY” (the “Bond Resolution”);

WHEREAS, if no Additional Local Units participate in the Series 2009 Loan Program, the Series 2009 Bonds shall be further designated as “(Town of Newton Project)”;

WHEREAS, the issuance of the Series 2009 Bonds for the purpose of acquiring the Local Unit Bonds to finance the Local Unit Projects shall collectively be referred to as the “Series 2009 Project”;

WHEREAS, the principal of, redemption premium, if any, and interest on the Series 2009 Bonds shall be secured by the pledge of the Trust Estate as defined in the Bond Resolution by the Authority to the Trustee named therein, which Trust Estate shall include, among other things, the principal of, redemption premium, if any, and interest on the Local Unit Bonds, the payment on which shall be made by the Local Units in accordance with the Local Bond Law or other law as applicable, and which in the case of Local Units shall be made from the levy of *ad valorem* taxes upon all the taxable property within the jurisdiction of such Local Units, without limitation as to rate or amount, and which Local Unit Bonds shall be assigned by the Authority to the Trustee as further security for the payment of the Series 2009 Bonds in accordance with the terms of the Bond Resolution;

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WHEREAS, payment of the principal of (including mandatory sinking fund installments, if any) and interest on the Series 2009 Bonds shall be fully, unconditionally and irrevocably guaranteed in an amount not to exceed \$4,915,450 in accordance with (i) the terms of a guaranty ordinance of the County to be finally adopted by the Board of Freeholders, and (ii) by a guaranty certificate to be executed by an authorized officer of the County on the face of each Series 2009 Bond and (iii) as may be required by any rating agency, underwriter, Series 2009 Bond purchaser or other entity that will allow the Authority to sell the Series 2009 Bonds at the lowest possible cost to the Local Units, an agreement setting forth the County's obligation to make any such guaranty payments in accordance with and within the parameters set forth in this ordinance (collectively, the "County Guaranty"), all pursuant to Section 37 ("Section 37") of the Act (N.J.S.A. 40:37A-80) and other applicable law, which payments shall also be included as part of the Trust Estate applicable to the Series 2009 Bonds pledged by the Authority to the Trustee under the Bond Resolution;

WHEREAS, in accordance with the terms of the Bond Resolution and the County Guaranty, the Trustee shall not notify the County of the possible need for payments from the County under the County Guaranty to pay all of a portion of the principal of and interest on the Series 2009 Bonds when due until the respective payment dates for the Local Units under their Local Unit Bonds shall have passed and the Local Units shall have failed to make their required payments there under in full;

WHEREAS, those Local Units constituting "materially obligated persons" within the meaning and for the purposes set forth in Rule 15c2-12 ("Rule 15c-12") promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934, as amended, will be required to enter into those certain "Local Unit Continuing Disclosure Agreements" to be dated as of the first day of the month of issuance of the Local Unit Bonds (as the same may be amended and supplemented from time to time in accordance with their respective terms, the "Local Unit Continuing Disclosure Agreements") with the Authority and the Trustee, as dissemination agent (the "Dissemination Agent") in order to satisfy the secondary market disclosure requirements of Rule 15c2-12;

WHEREAS, pursuant to the terms of the Bond Resolution, as a "materially obligated person" within the meaning and for the purposes set forth in Rule 15c2-12, the County will be required to enter into that certain "County Continuing Disclosure Agreement" to be dated as of the first day of the month of issuance of the Series 2009 Bonds (as the same may be amended and supplemented from time to time in accordance with its terms, the "County Continuing Disclosure Agreement") with the Dissemination Agent in order to satisfy the secondary market disclosure requirements of Rule 15c2-12;

WHEREAS, pursuant to the terms of the Bond Resolution, the Authority (i) shall not be considered a "materially obligated person" within the meaning and for the purposes set forth in Rule 15c2-12 and (ii) shall be required to provide certain material events notices in accordance with Rule 15c2-12, and accordingly, the Authority (a) may be required to enter into a separate continuing disclosure agreement, and (b) shall be required to provide such material events notices under the terms of the Local Unit Continuing Disclosure Agreements, all in order to satisfy the secondary market disclosure requirements of Rule 15c2-12 (the "Authority Continuing Disclosure Agreement" and together with the Local Unit Continuing Disclosure Agreements and the County Continuing Disclosure Agreement, the "Continuing Disclosure Agreements");

WHEREAS, in order to market and sell the Series 2009 Bonds, the Authority will have to (i) make an application (the "Local Finance Board Application") to, and seek, obtain, and officially recognize the findings from the Local Finance Board (the "Local Finance Board") in the Department of Local Government Services of the State Department of Community Affairs, all in accordance with N.J.S.A. 40A:5A-6, 7 and 8 of the Local Authorities Fiscal Control Law, which Local Finance Board Application, hearing and process shall to the extent permitted by applicable law, incorporate the requests for approval by the Local Finance Board of the issuance of the Series 2009 Bonds, (ii) authorize the distribution of a preliminary official statement "deemed final" within the meaning and for the purposes of Rule 15c2-12 describing the terms of the Series 2009 Bonds, the Series 2009 Project and the other transactions contemplated hereby (the "Preliminary Official Statement"), (iii) enter into a bond purchase agreement with an

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underwriter to be selected by a fair and open process (the “Underwriter”) by the Authority in accordance with its policy for the selection of underwriters as established by Authority resolution no 02-10 adopted July 24, 2002 and entitled “Resolution Adopting a Policy for the Selection of Underwriters and other Ancillary Service Providers in connection with the Sale of Securities” for the sale of all of the Series 2009 Bonds (the “Bond Purchase Agreement”), (iv) execute and deliver a final Official Statement incorporating the terms of the sale of the Series 2009 Bonds and certain other information into the Preliminary Official Statement (the “Official Statement”), (v) obtain the required resolutions and ordinances of the Local Units necessary in order to authorize the Local Unit Projects and the financing of the Local Unit Projects through the Series 2009 Project (the Local Unit Official Action”), (vi) cause the Local Units to make certain representations, warranties and covenants concerning the loans, the Local Unit Bonds, but no later than the execution and delivery of the Bond Purchase Agreement (the “Local Unit Letter of Representations”) and (vii) cause the Local Units to make certain representations, warranties and covenants concerning the applicable Local Unit Projects and Local Unit Bonds, the use of the funds attributable to the Local Unit Projects and the transactions contemplated hereby, but no later than the execution and delivery of the Bond Purchase Agreement, all in connection with preserving the exclusion of the interest of the Series 2009 Bonds from the gross income of the holders thereof for federal income tax purposes (the “Local Unit Tax Letter of Representations” and together with the Preliminary Official Statement, the Bond Purchase Agreement, the Official Statement and the Local Unit Letter of Representations, the “Sale Documents”);

WHEREAS, the Authority may include certain information with respect to Newton, including but not limited to certain demographic and financial information, the 2009 Project, and such other publicly available documents of Newton that the Authority deems necessary (the “Newton Information”) in the Authority’s Local Finance Board Application and the Official Statement;

WHEREAS, the Authority shall have no obligation with respect to the Series 2009 Project other than the financing thereof;

WHEREAS, in accordance with Section 13 (“Section 13”) of the Act (N.J.S.A. 40:37A-56), prior to the issuance of the Series 2009 Bonds, the Authority will have made a detailed report of the Series 2009 Project to the County of Morris Board of Freeholders and the County of Sussex Board of Freeholders, which report will include, without limitation, descriptions of the Bond Resolution, the Series 2009 Bonds, the master forms of the Continuing Disclosure Agreements, and if necessary, desirable or convenient as determined by the Authority and the County, such other applicable agreements that may include one or more of the Local Finance Board Application or any Sale Documents (collectively, the “Financing Documents”);

WHEREAS, the County of Sussex (i) is not providing a guarantee pursuant to N.J.S.A. 40:37A-80 or any other law, regulation, clause or condition in any of the documents or regulations related directly or indirectly to this transaction as to any of the financial or non financial terms, obligations, conditions, requirements, undertakings, or provisions and (ii) sole purpose is to provide consent to the Authority from the County of Sussex pursuant to N.J.S.A. 40:37A-56 to finance this project located in the County of Sussex.

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

Section 1. Newton hereby officially declares its intent to finance its portion of the 2009 Project through the Authority.

Section 2. Newton acknowledges that the Authority is submitting the Local Finance Board Application to the Local Finance Board for the financing of the 2009 Project and Newton hereby authorizes the Authority to (i) include the Newton Information in the Local Finance Board Application, (iii) discuss any aspect of the Newton Information with the Local Finance Board, (iii) include the Newton Information in the Official Statement.

Section 3. All actions taken to date by the Authority, the Authority’s bond counsel, DeCotiis, FitzPatrick, Cole & Wisler, LLP, the Authority’s financial advisor, Acacia Financial Group, Inc., and any underwriter for the Series 2009 Bonds with respect to the Newton Information and the Local Finance Board Application are hereby ratified and approved.

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Section 4. To the extent any Additional Local Units participate in the Series 2009 Loan Program, the name of the Series 2009 Bonds may, without any further action, be changed to reflect the issuance on behalf of multiple participants and the designation “(Town of Newton Project)” shall be deleted from the title of the Series 2009 Bonds.

Section 5. To the extent the Series 2009 Bonds are issued in any year other than 2009, references herein to “2009” may without any further action be changed to the year of issuance of such Series 2009 Bonds.

Section 6. This resolution shall take effect immediately.

Section 7. Upon the adoption hereof, Newton shall forward certified copies of this resolution to John Bonanni, Chairperson of the Authority, and Deborah Verderame, Esq., DeCotiis, FitzPatrick, Cole & Wisler, LLP, Bond Counsel to the Authority.

RESOLUTION #89-2009*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

BE IT RESOLVED by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2008 and 2009 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

TOWN BILLS

50.00	NJLM Educational Foundation	25356
2,000.00	Horizon Blue Cross Blue Shield	25357
185,292.91	Payroll Account	910037
853,927.00	Newton Board of Education	910038
59,742.84	NJSHBP	910039
28,746.27	NJSHBP	910040
202.66	Quill Corporation	25358
26.18	Montague Tool & Supply	25359
138.50	M G L Printing Solutions	25360
10,412.70	Harold Pellow & Assoc., Inc.	25361
117.00	ABCCode Security	25362
88.60	Airmark Pools	25363
14,129.62	Jersey Central Power & Light	25364
429.60	SCMUA	25365
126.57	EMBARQ	25366
35.00	EMBARQ	25367
702.00	Hollander,Hontz,Hinkes&Pasculli LLC	25368
667,180.24	County Purpose Tax	25369
19,701.88	County Health Tax	25370
56,214.36	County Library Tax	25371
2,629.28	Delta Dental	25372
2,434.57	Delta Dental	25373
33.88	Campbell's Small Engine	25374
250.00	Sussex County Economic	25375
157.50	Willco, Inc.	25376
5,731.77	International Salt	25377
30.00	Greater Newton Chamber of Comm.	25378
56.74	Sirchie Finger Print Labs	25379
20.68	Boonton Tire Supply	25380
25.05	McGuire	25381
777.84	Vision Service Plan	25382
8.95	National Fire Protection Assoc.	25383
225.00	NJMMA	25384

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74,147.92	Statewide Insurance Fund	25385
196.86	Verizon Wireless	25386
27.50	Robert Bittle	25387
51,727.74	County Open Space Tax	25388
53.75	North Jersey Portable Toilets	25389
9.00	Advance Commercial	25390
368.00	Treasurer, State of	25391
60.00	Thompson West	25392
210.00	Scarinci & Hollenbeck, LLC	25393
291.96	Emergency Medical Products	25394
448.10	Staples Business Advantage	25395
10.96	Lowe's	25396
48.00	CSS Test	25397
15.51	Nestle Waters	25398
1,491.67	Andrews & Company, LLC	25399
160.76	Action Office Supplies	25400
2,705.00	General Code, LLC	25401
117.90	BLI International	25402
508.00	Grand Hotel of Cape May	25403
360.00	Association for Penn Municipal Mana	25404
104.00	AA 206 Carwash	25405

CAPITAL

671.54	Payroll Account	93002
51,836.74	McManimon & Scotland	7315
257.50	Diamond Sand & Gravel, Inc.	7316
13,829.76	A. Nelessen & Associates, Inc.	7317

Total TOWN BILLS \$2,113,274.94

WATER AND SEWER ACCOUNT

65,429.00	U.S.D.A. / FHA	960018
29,399.05	Payroll Account	960019
408.80	Hach Co.	10728
65.57	Lee Company	10729
43.54	Aurora Electrical Supply	10730
14,058.61	Jersey Central Power & Light	10731
298.30	SCMUA	10732
687.24	Sussex County Plumbing	10733
26.00	Paul Baldwin	10734
3,168.00	Coyne Chemical Corp., Inc.	10735
134.66	EMBARQ	10736
873.52	Delta Dental	10737
130.00	NJ State League of Municip.	10738
143.31	Airgas	10739
20.00	Ervin Lasso	10740
60.35	Ridgewood Corporation	10741
1,100.00	Instrumentation Tech Systems, Inc.	10742
164.79	vision Service Plan	10743
2,934.30	Main Pool & Chemical Company	10744
1,731.71	E & I Corp., Div. of McNish	10745
743.95	Airmatic Compressor Systems, Inc.	10746
285.00	Process Tech Sales & Services	10747
2,000.00	Pall Corporation	10748
3,600.00	William Grenville, LLC	10749

Total WATER & SEWER BILLS \$127,505.70

TRUST ACCOUNT

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1,743.68	Payroll Account	971010
184.50	McManimon & Scotland	2643
8,770.11	International Salt	2644
104.99	HP	2645
2,973.78	S/NJ Employer Accounts	1061

Total TRUST BILLS \$13,777.06

The Clerk presented an Application for membership into the Newton Fire Department from Mr. Anthony Razzano, 2 Harrison Street, Newton, New Jersey. It was noted that the application was in order and signed by the Chief of the Fire Department.

The Clerk presented an Application for an on-premise raffle (50/50) from the Sussex County Community College Foundation, One College Hill Road, Newton, to be held on June 25, 2009 from 6:30 p.m. to 9:30 p.m.; July 2, 9, 23, 2009 from 6:30 p.m. to 9:30 p.m. and July 30, 2009 and August 6, 2009 from 6:00 p.m. to 9:00 p.m. at One College Hill Road, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

The Clerk presented an Application for an off-premise (50/50) from the Domestic Abuse Services, Inc. 105, Main Street, Newton to be held on July 31, 2009 at 1:00 p.m. at the Domestic Abuse Services Office, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

The Clerk presented an application for a Special Permit for a Social Affair from Newton Moose Lodge #432, 4 Diller Avenue, Newton to be held on May 24, 2009 from noon to 10:00 p.m. at the Newton Moose Lodge, Newton. It was noted that the application was in order, accompanied by the prescribed fee and signed by the Newton Police Chief.

Prior to voting on the consent agenda, Mayor Ricciardo commended Mr. Russo for his diligent work on Resolution #88-2009, which will have a cost savings of \$300,000.00 to \$500,000.00 to the Town through a financial agreement with the Morris County Improvement Authority. Mr. Russo also thanked Ms. Babcock, CFO, for her assistance with this Resolution.

Mrs. Le Frois, noting Resolution #83-2009, an appointment to the Economic Development Advisory Commission, acknowledged Dr. Cystral Clark for volunteering to serve on this commission. "We're always looking for volunteers to serve on the various boards and commissions in Town, and I wanted to thank Dr. Clark for stepping up and volunteering," said Mrs. Le Frois.

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

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

Intermission (10 minutes)

DISCUSSION (WORK SESSION)

Mayor Ricciardo recognized Fire Chief Jeff Schiffner, and explained the Chief is researching the possibility of refurbishing the ladder truck and other fire trucks rather than purchasing new vehicles. Chief Schiffner stated he will have a report ready for Council review within the month.

OPEN TO THE PUBLIC

There was no one from the public to be heard.

COUNCIL & MANAGER COMMENTS

Mayor Ricciardo noted several events (i.e Memorial Day Parade, Newton Day, MSN Golf Outing) that are going to take place in Newton in the next few months and encouraged the support of all residents to participate in these events.

Councilwoman Le Frois inquired about the Energy Audit to take place at Town Hall and was updated of the progress by Mr. Russo.

Mr. Russo also advised Council of his plans to have a phone audit performed for the Town for a cost savings. Mr. Russo will begin making contact with vendors for this service and noted that the vendor would take a percentage of the savings, therefore the Town would not have an out-of-pocket cost.

Mayor Ricciardo addressed the work of the Town Manager and Deputy Town Manager regarding the renovation of the Council Chambers, which has not been updated in over thirty (30) years. Mr. Russo advised that the bid proposals for this renovation project are due to be received on May 13, 2009.

Mayor Ricciardo read the following Resolution prior to entering into Executive Session.

RESOLUTION # 90-2009

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

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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) Discussion of Personnel Matter Involving Individual Privacy

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton, assembled in public session on Monday, May 11, 2009, that an Executive Session closed to the public shall be held on May 11, 2009, at 8:10 P.M. in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific item 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.

Upon motion of Mrs. Le Frois, seconded by Mrs. Becker and unanimously carried the Town Council entered into Executive Session at 8:10 p.m.

EXECUTIVE SESSION

Mr. William Hinkes, Esq. was present to address the governing body regarding the aforementioned topic.

There being no further business to be conducted in Executive Session, upon motion of Mrs. Le Frois seconded by Mrs. Becker and unanimously carried, Council left Executive Session at 8:16 p.m.

There being no further business to discuss, upon motion of Mrs. Unhoch, seconded by Mrs. Becker and unanimously carried, the Town Council meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk