



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**FEBRUARY 13, 2012**  
**7:00 P.M.**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. OPEN PUBLIC MEETINGS ACT STATEMENT**

**IV. APPROVAL OF MINUTES**

- JANUARY 23, 2012 - SPECIAL MEETING
- JANUARY 23, 2012 - REGULAR MEETING
- JANUARY 23, 2012 - EXECUTIVE SESSION

**V. OPEN TO THE PUBLIC**

AT THIS POINT IN THE MEETING, THE TOWN COUNCIL WELCOMES COMMENTS FROM ANY MEMBER OF THE PUBLIC ON ANY TOPIC. TO HELP FACILITATE AN ORDERLY MEETING AND TO PERMIT THE OPPORTUNITY FOR ANYONE WHO WISHES TO BE HEARD, SPEAKERS ARE ASKED TO LIMIT THEIR COMMENTS TO 5 MINUTES. IF READING FROM A PREPARED STATEMENT, PLEASE PROVIDE A COPY AND EMAIL A COPY TO THE CLERK'S OFFICE AFTER MAKING YOUR COMMENTS SO IT MAY BE PROPERLY REFLECTED IN THE MINUTES.

**VI. COUNCIL & MANAGER REPORTS**

- a. UTILITY BOARD APPEAL – 19 DILLER AVENUE

**VII. ORDINANCES**

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

ORDINANCE 2012-2

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF NEWTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

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

ORDINANCE 2012-3

AN ORDINANCE AUTHORIZING THE SALE OF MUNICIPAL LANDS NOT NEEDED FOR PUBLIC USE – BLOCK 1301, LOT 1.07

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

**b. INTRODUCTION**

ORDINANCE 2012-4

AN ORDINANCE TO EXCEED THE 2012 MUNICIPAL BUDGET APPROPRIATION LIMITS TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

**VIII. OLD BUSINESS**

**IX. CONSENT AGENDA**

ALL ITEMS LISTED WITH AN ASTERISK (\*) ARE CONSIDERED TO BE ROUTINE AND NON-CONTROVERSIAL BY THE TOWN COUNCIL AND WILL BE APPROVED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER SO REQUESTS, IN WHICH CASE THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.

- a. RESOLUTION #21-2012\* APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER'S LICENSE SUBMITTED BY BARBARA FITZMAURICE
- b. RESOLUTION #22-2012\* AUTHORIZE THE MAYOR TO EXECUTE A DEVELOPER'S AGREEMENT WITH MARTORANA ENTERPRISES, LLC FOR BLOCK 1202, LOTS 5 & 5.03, MARTORANA VILLAGE, PHASE I
- c. RESOLUTION #23-2012\* AWARD BID FOR PROPOSED RETAINING WALL RENOVATION PROJECT
- d. RESOLUTION #24-2012\* APPROVE 2011 APPROPRIATION RESERVE TRANSFERS
- e. RESOLUTION #25-2012\* APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALER'S LICENSE FOR GEORGE'S SALVAGE COMPANY
- f. RESOLUTION #26-2012\* APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALER'S LICENSE FOR NEWTON AUTO SALVAGE, LLC
- g. RESOLUTION #27-2012\* RESOLUTION TO ACCEPT THE CERTIFIED LIST OF QUALIFYING 2011 LOSAP PARTICIPANTS
- h. RESOLUTION #28-2012\* AUTHORIZING WAIVING OF WATER AND SEWER UTILITY CHARGES FOR THE NEWTON FIRST AID SQUAD

- i. RESOLUTION #29-2012\* ACCEPTANCE OF THE PAVING OF VARIOUS STREETS, PARKING LOTS & ALLEYWAYS PROJECT AS COMPLETE
- j. RESOLUTION #30-2012\* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- k. RESOLUTION #31-2012\* SUPPORT SUBMISSION OF APPLICATION FOR 2012 RECREATIONAL TRAILS PROGRAM THROUGH NJDEP GREEN ACRES
- l. RESOLUTION #32-2012\* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- m. APPLICATIONS\*
  - AN APPLICATION FOR AN OFF-PREMISE RAFFLE FROM THE K OF C, STATE COUNCIL COLUMBIETTES, 958 ROUTE 619, NEWTON, NEW JERSEY TO BE HELD ON MAY 8, 2012 FROM 7:30 PM TO 8:30 PM AT ST. JOSEPH'S PARISH HOUSE, 22 HALSTED STREET, NEWTON, NEW JERSEY
  - AN APPLICATION FOR AN OFF-PREMISE RAFFLE FROM THE PRIDE FOUNDATION, INC., 44 RYERSON AVENUE, NEWTON TO BE HELD ON SATURDAY, MARCH 24, 2012 AT 4:30 PM AT NEWTON HIGH SCHOOL AUDITORIUM, 44 RYERSON AVENUE
  - AN APPLICATION FOR A SPECIAL PERMIT FOR A SOCIAL AFFAIR FROM THE SUSSEX COUNTY ARTS & HERITAGE COUNCIL, 133 SPRING STREET, NEWTON TO BE HELD ON SATURDAY, APRIL 28, 2012 FROM 4:00 PM TO 7:00 PM AT 133 SPRING STREET, NEWTON
  - APPLICATION FOR MEMBERSHIP IN THE NEWTON FIRE DEPARTMENT FROM BARBARA A. LOZIER, 31 PATERSON AVENUE, APT. 14, NEWTON

**X. INTERMISSION**

**XI. DISCUSSION**

- a. LAND USE ORDINANCE / TREE PROTECTION ORDINANCE – JESSICA CALDWELL
- b. MUNICIPAL BUILDING HOURS OF OPERATION

**XII. OPEN TO THE PUBLIC**

**XIII. COUNCIL & MANAGER COMMENTS**

#### **XIV. EXECUTIVE SESSION**

**a.** RESOLUTION #33-2012

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

1. CONTRACT NEGOTIATIONS

#### **XV. ADJOURNMENT**

ORDINANCE 2012-2

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF NEWTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

Be it ordained and enacted by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, as follows:

**§ 1-1. Adoption of Code.**

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Town of Newton of a general and permanent nature adopted by the Town Council of the Town of Newton, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 320, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the Town of Newton," hereinafter known and referred to as the "Code."

**§ 1-2. Code supersedes prior ordinances.**

This ordinance and the Code shall supersede all general and permanent ordinances codified as the Revised General Ordinances and all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

**§ 1-3. When effective.**

This ordinance shall take effect immediately upon passage and publication according to law.

**§ 1-4. Copy of Code on file.**

A copy of the Code in loose-leaf form has been filed in the office of the Town Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Town of Newton by impressing thereon the Seal of the Town, as provided by law, and such certified copy shall remain on file in the office of the Clerk of the Town, to be made available to persons desiring to examine the same during all times while said Code is in effect.

**§ 1-5. Amendments to Code.**

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of Newton" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be

printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

**§ 1-6. Publication; filing.**

The Clerk of the Town of Newton, pursuant to law, shall cause this Adopting Ordinance to be published, in the manner required, in a newspaper of general circulation in the Town. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-7. Code book to be kept up-to-date.**

It shall be the duty of the Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

**§ 1-8. Sale of Code book.**

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee authorized by the Town. The Clerk shall also arrange for procedures for the periodic supplementation of the Code.

**§ 1-9. Altering or tampering with Code; penalties for violation.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town of Newton to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

**§ 1-10. Severability of Code provisions.**

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**§ 1-11. Severability of ordinance provisions.**

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**§ 1-12. Inconsistent ordinances repealed.**

Except as provided in § 1-13, Ordinances saved from repeal, below, all ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Newton which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

**§ 1-13. Ordinances saved from repeal.**

The adoption of this Code and the repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to 8-24-2011.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Town's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.

- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any ordinance adopting or amending the Zoning Map.
- M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- N. Chapter 19 of the Revised General Ordinances Code, known as the “Land Subdivision Ordinance.”

**§ 1-14. Changes in previously adopted ordinances.**

- A. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Town Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
- B. The following nomenclature changes have been made throughout the Code:
  - (1) All references to “State Department of Health” have been changed to “State Department of Health and Senior Services.”
  - (2) All references to “Magistrate” have been changed to “Judge.”
  - (3) All references to “Building Inspector” have been changed to “Construction Official.”
  - (4) Pursuant to Ordinance No. 2010-17, all references to “Board of Adjustment,” “Zoning Board of Adjustment,” “Planning Board or Zoning Board of Adjustment” and “Planning Board and Zoning Board of Adjustment” have been changed to “Planning Board.”
- C. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

**ORDINANCE 2012-2**

**NOTICE**

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on January 23, 2012. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on February 13, 2012 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk

ORDINANCE 2012-2  
**C E R T I F I C A T I O N**  
**T O W N O F N E W T O N**

**Office of the Town Clerk**

I, **Lorraine Read**, Town Clerk of the Town of Newton, New Jersey, hereby certify that the chapters contained in this volume are based upon the original legislation of a general and permanent nature of the Town Council of the Town of Newton, and that said legislation, as revised and codified, renumbered as to sections and rearranged into chapters, constitutes the Code of the Town of Newton, County of Sussex, State of New Jersey, as adopted by ordinance of the Town Council on February 13, 2012.

Given under my hand and the Seal of the Town of Newton, County of Sussex, State of New Jersey, this \_\_\_\_ day of \_\_\_\_\_, at the municipal offices of the Town of Newton.

**s/Lorraine Read**

\_\_\_\_\_  
Town Clerk

**Town of Newton  
Code Adoption Ordinance****Schedule A  
Specific Revisions at Time of Adoption of Code****Penalties Revisions.**

Throughout the Code, the following sections are added (or amended) to provide that violations of the applicable chapter/article shall be punishable as provided in Chapter 1, Article III, General Penalty:

- § 45-13
- § 49-8
- § 49-20
- § 53-8A
- § 53-14
- § 53-31
- § 57-8
- § 57-12
- § 57-19E
- § 105-6
- § 109-4
- § 115-9
- § 125-3
- § 133-42
- § 139-15D
- § 144-17
- § 156-9
- § 171-14
- § 175-8
- § 187-8
- § 206-10
- § 206-20
- § 222-9

- § 228-30
- § 234-9
- § 250-7
- § 250-13
- § 250-29A
- § 262-2
- § 266-20
- § 266-34
- § 266-41
- § 266-45
- § 273-5A
- § 283-13
- § 283-20
- § 289-11
- § 294-6
- § 299-10
- § 303-2
- § 320-124I

## **Chapter 1, General Provisions.**

### **Article II, Construction; Definitions.**

- A. Original Sec. 1-1, Short title, is deleted.
- B. Section 1-16 is revised to read as follows:

#### ***§ 1-16. Construction.***

*For the purpose of this Code and any other ordinances heretofore or hereafter adopted, except as the context may otherwise require:*

- A. *The present tense includes the past and future tenses, and the future, the present.*
- B. *The masculine gender includes the feminine and neuter.*
- C. *The singular number includes the plural, and the plural, the singular.*
- D. *"Shall" is mandatory and "may" is permissive.*
- E. *The time within which an act is to be done shall be computed by excluding*

*the first and including the last day, and if the last day be a Sunday, a legal holiday, or a day on which the offices of the Town are closed, that day shall be excluded.*

- F. *"Writing" and "written" shall include printing, typewriting and any other mode of communication using paper or similar material which is in general use, as well as legible handwriting.*
- G. *Whenever a specific time is used in this Code, it shall mean the prevailing and established time in effect in the State of New Jersey during any day in any year.*

### **Article III, General Penalty.**

Section 1-17 is revised to read as indicated: "For violation of any provision of this article, any other chapter of this ~~revision~~ Code, or of any other ordinance of the Town where no specific penalty is provided regarding the section or sections violated, the maximum penalty shall, upon conviction of a violation, be one or more of the following: a fine not exceeding ~~\$500~~ \$2,000 or imprisonment for a period not exceeding 90 days or ~~both a~~ period of community service not exceeding 90 days."

### **Chapter 3, Administrative Code.**

- A. Section 3-14 is revised to read as indicated: "There shall be an office of the Clerk, the head of which shall be the Town Clerk. The Clerk shall be appointed by the Council and prior to his appointment shall be qualified by training and experience to perform the duties of his the office and must hold a registered municipal clerk certificate. ~~The Clerk~~ He shall serve for a term of three years ~~one year~~ and receive such compensation as shall be provided by ordinance."
- B. Section 3-22C is revised to read as indicated: "Issue certificates as to approval of land subdivisions by the Planning Board or the Council, pursuant to N.J.S.A. 40:55D-56 ~~the State Municipal Planning Act (1953) (N. J. Laws of 1953, Ch. 433, as amended, N.J.S.A. 40:55-1.24).~~"
- C. Section 3-26B(5) is amended by changing "Health Board" to "Board of Health."
- D. Section 3-39 is revised to read as indicated: "There shall be a Department of Tax Assessments, the head of which shall be the Tax Assessor. Prior to his appointment, the Assessor shall be qualified by training or experience, or a combination thereof, in the valuation and assessment of real and personal property. ~~On or after July 1, 1971, such qualifications, prior to appointment, shall include the holding of~~ and shall hold a certificate pursuant to N.J.S.A. 54:1-35.30."
- E. In §§ 3-61 and 3-62B, "Chapter 264 of the 1948 Laws of New Jersey" is changed to "N.J.S.A. 2B:12-1 et seq."
- F. In §§ 3-63 and 3-64, "Clerk" is changed to "Administrator."

- G. The second sentence of § 3-65 is revised to read as indicated: “Applicants requesting representation by a Municipal Public Defender shall pay an application fee of not more than \$200 as provided in Chapter 100, Fees and Costs.”
- H. Original Sec. 2-19, Board of Assistance, is deleted.
- I. Article XX, consisting of §§ 3-71 and 3-72, is amended by changing “Health Board” to “Board of Health.”
- J. Section 3-78 is revised to read as indicated: “There shall be a Parking Authority consisting of five members appointed by the Council. ~~Of the original appointees, one member shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. Thereafter,~~ All appointments shall be for a term of five years. The members shall serve until their respective successors are appointed and qualify.”
- K. Section 3-80 is revised to read as indicated: “~~Pursuant to the provisions of the Local Housing Authorities Law of the State of New Jersey, There shall be a Housing Authority of the Town of Newton to be operated in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. is hereby created and established.~~ The Housing Authority shall consist of six members, five of which shall be appointed by the Council. ~~Of the members first appointed, one shall serve for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. Thereafter,~~ All members shall be appointed for five-year terms. All vacancies shall be filled for the unexpired term only. Members shall serve until their successors are appointed. A sixth member of the Housing Authority shall be appointed by the State Director of Housing pursuant to law.”
- L. Section 3-81 is revised to read as indicated: “There is hereby created and established a Citizens Committee for Community Improvement, to consist of 37 members appointed by the Council. ~~Of the original appointees, 12 shall be appointed for a term of two years, 12 for a term of three years, and 13 for a term of four years. Thereafter,~~ All appointments shall be for a term of four years. The members shall serve until their respective successors are appointed and qualify.”
- M. Original Sec. 2-31, Interlocal Services, is deleted.
- N. Section 3-92 is amended to read as follows:  
**§ 3-92. Members; terms.**  
*A. With the exception of one member of the Town Council, who shall be designated on an annual basis, and the Community Development Director, both of whom will be nonvoting members, the Commission members*

*appointed by the governing body shall be appointed for three-year terms, and vacancies shall be filled for the unexpired term only.*

- B. *The terms of office of each appointee shall commence on the first day of January and shall expire on the 31st day of December of the appropriate year.*
  - C. *In addition, the Commission may consist of no less than seven members who represent a cross section of the business and residential community.*
- O. Article XXXII is added to read as follows:

*ARTICLE XXXII*  
*Advisory Shade Tree Commission*

**§ 3-103. Establishment; membership.**

*There shall hereby be created an Advisory Shade Tree Commission, which shall be known as the "Advisory Shade Tree Commission of the Town of Newton." Said Commission shall consist of five residents of the Town who shall be appointed by the Town Council.*

**§ 3-104. Powers and duties.**

*The Advisory Shade Tree Commission shall be responsible for recommending to the Town Council of the Town of Newton the adoption of ordinances that pertain to the regulation and control of shade and ornamental trees.*

**§ 3-105. Terms; meetings; organization.**

- A. *The initial five members shall be appointed for terms of one, two, three, four and five years, respectively. Subsequent terms shall be for five years.*
- B. *The Commission shall meet on a schedule devised by its members, but shall not meet less than six times per year.*
- C. *To constitute a quorum, at least three members must be present at meetings.*
- D. *The Commission shall organize within 30 days after the appointment of its membership for the remainder of the then calendar year. Thereafter, the Commission shall reorganize annually by the appointment of a Secretary and the election of one of its members as Chairman.*

**Chapter 25, Personnel.**

- A. Section 25-5 is amended as follows:
  - (1) In Subsection A, "Title IIA" is changed to "N.J.S.A. 11A:1-1 et seq."
  - (2) Subsection B(1) is revised to read as indicated: "Enumerated in N.J.S.A. 11A:1-1 et seq., ~~N.J.S.A. 11:4-4~~ and ~~11:22-2~~ or placed in the unclassified service by any other statute."

- (3) Subsection B(3) is revised to read as indicated: “For which the Commission may so determine to be unclassified pursuant to N.J.S.A. 11A:1-1 et seq. ~~N.J.S.A. 11:7-11 to 11:7-13 and 11:22-52.~~ The lists shall include the citation authorizing the unclassified status of the office or position.”
- B. Section 25-13A is revised to read as indicated: “~~Effective April, 2008,~~ All personnel ~~are~~ shall be paid biweekly on Thursdays, or the closest day thereto if said payday falls on a holiday. All payments ~~are~~ shall be made by check, accompanied by a check stub which shows detailed deductions from employee wages.”
- C. Section 25-20D is added to read as follows: “Seniority is measured with time with the Town of Newton rather than time in title as per N.J.A.C. 4A:8-2.4(a).”

### **Chapter 30, Police Department.**

In the second sentence of § 30-5, “18 years” is changed to “21 years.”

### **Chapter 45, Alarms.**

- A. The last sentence of § 45-3G(2) is revised to read as indicated: “A late fee of \$25 ~~as outlined in Chapter A325, Fines,~~ may be assessed if the renewal is more than 30 days late.”
- B. Section 45-7A is revised to read as indicated:
- A. An alarm user shall be subject to fines, depending on the number of false alarms within a calendar-year period (January to December), ~~based upon the schedule outlined in Chapter A325, Fines~~ as follows:*
- (1) First false alarm: warning issued.*
  - (2) Second false alarm: \$50.*
  - (3) Third false alarm: \$75.*
  - (4) Fourth false alarm: \$100.*
  - (5) Fifth and subsequent false alarms: \$200 each.*
- C. The first sentence of § 45-7B is revised to read as indicated: “Any person operating a nonregistered alarm system will be subject to a fine of \$100, ~~as outlined in Chapter A325, Fines,~~ in addition to any other fines, for each false alarm.”

- D. The first sentence of § 45-7D is revised to read as indicated: “The alarm installation company may be assessed a fine of \$100 ~~as outlined in Chapter A325, Fines~~, if the officer responding to the false alarm determines that an on-site employee of the alarm installation company directly caused the false alarm.”
- E. The first sentence of § 45-9C(1) is revised to read as indicated: “The applicant, alarm user, alarm installation company or the monitoring company may file a written request for a review by paying an appeal fee of \$50 ~~as set forth in Chapter A325, Fines~~, and setting forth the reasons for the appeal within 20 business days after the date of notification of the decision from the Alarm Administrator.”
- F. Section 45-10A is revised to read as indicated: “Submits a new application or required renewal information and pays the required reinstatement fee of \$50 as outlined in Chapter A325, Fines.”

## **Chapter 49, Alcoholic Beverages.**

### **Article III, Licensing.**

Section 49-13 is revised to read as indicated: “This article is enacted to regulate the sale and transportation of alcoholic beverages in the Town of Newton in accordance with the provisions of an act of the legislature of the State of New Jersey entitled “An Act Concerning Alcoholic Beverages,” comprising Chapter 436 of the Laws of 1933, its supplements and amendments, and also comprising N.J.S.A. 33:1-1 et seq., and in accordance with the rules and regulations of the State Director of Alcoholic Beverage Control.”

## **Chapter 53, Amusements.**

### **Article III, Pool and Billiard Parlors.**

The first sentence of § 53-30 is revised to read as indicated: “No pool or billiard parlor or place where billiards or pool are played for hire shall be operated unless there is in force a public liability insurance policy to cover any injuries as a result of the use of the equipment or the operation of the billiard or pool parlor or place where billiards or pool are played for hire in the amount of ~~\$50,000~~ \$500,000 for any one occurrence and ~~\$25,000~~ \$500,000 for injury to any one person.”

## **Chapter 57, Animals.**

### **Article I, Keeping and Housing of Animals and Fowl.**

In § 57-7B, “Dog Warden” is changed to “Animal Control Officer.”

### **Article III, Licensing of Dogs and Cats.**

- A. Section 57-13 is amended as follows:
- (1) The definition of “shelter” is revised to read as indicated: “Any establishment where dogs are received, housed and distributed ~~without charge~~.”

- (2) The definition of “vicious dog” is amended to read as follows: “See N.J.S.A. 4:19-18.”
- B. Section 57-14 is amended as follows:
- (1) Subsection A(1)(c) is revised to read as indicated: “Any dog or cat attaining licensing age (~~six months~~) during the course of the calendar year.”
  - (2) Original Sec. 8-2.1f, pertaining to fines, is deleted.
  - (3) Subsection G is revised to read as indicated: “Exceptions. The provisions of this section shall not apply to any dog or cat licensed under § 57-15 of this article, or dogs received or kept for diagnostic, medical, or surgical treatment, owned by and operated under the supervision of a graduate veterinarian licensed in New Jersey. Dogs used as guides for blind persons and commonly known as "Seeing Eye" dogs and dogs used to assist handicapped persons and commonly known as "service dogs" and dogs used to assist deaf persons and commonly known as "hearing ear" dogs shall be licensed in the same manner as other dogs and cats, except that the owner or keeper shall not be required to pay any fee.”
- C. Section 57-17 is revised to read as indicated: “The Chief of Police of the Town shall annually or biennially cause to be made a canvass of all dogs owned, kept or harbored within the limits of the Town on or before September 1 of the year in which the census is taken and shall report to the Clerk, the Board of Health, and the State Department of Health and Senior Services the results thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring dogs, the number of licensed dogs owned, kept or harbored by each person, together with the registration number of each dog, and the number of unlicensed dogs owned, kept or harbored by each person, together with a complete description of each unlicensed dog.”
- D. Section 57-18.
- (1) Subsection A is amended as follows:
    - (a) “Dog Warden” is changed to “Animal Control Officer.”
    - (b) Subsection A(6) is added to read as follows: “Any dog or other animal which is suspected to be rabid.”
    - (c) Subsection A(7) is added to read as follows: “Any dog or other animal off the premises of the owner reported to, or observed by, a certified Animal Control Officer to be ill, injured or creating a

threat to public health, safety or welfare, or otherwise interfering with the enjoyment of property.”

- (2) Original Secs. 8-7.3, Notice of seizure, and 8-7.4, Disposition of unclaimed dogs or cats, are deleted.
  - (3) Subsection C is added to read as follows: “Owners of dogs and cats seized in accordance with this article shall be notified pursuant to N.J.S.A. 4:19-15.16 of such seizure and impoundment and the procedure for redemption of the animal.”
- E. In § 57-23, “Animal Warden” is changed to “Animal Control Officer.”
- F. Section 57-24 is added to read as follows: “Except as provided in N.J.S.A. 4:19-15.19, violations of the provisions of this article shall be punishable as set forth in Chapter 1, Article III, General Penalty.”

#### **Article IV, Vicious Dogs.**

Chapter 57, Article IV, is amended in its entirety to read as follows:

*ARTICLE IV*  
*Vicious Dogs*

*§ 57-25. Regulation.*

*Dogs characterized as "vicious" shall be regulated as provided in N.J.S.A. 4:19-16 et seq.*

*§ 57-26. Violations and penalties.*

*Any person violating the provisions of this article shall be punishable as provided in Chapter 1, Article III, General Penalty.*

#### **Chapter 70, Buildings, Unfit.**

- A. In § 70-3A, “not less than 10 days” is changed to “not less than seven days.”
- B. In the last sentence of § 70-6, “within 60 days” is changed to “within 30 days.”

#### **Chapter 85, Construction Codes, Uniform.**

In the first sentence of § 85-2A, “Department of Community Development, Division of Code Enforcement” is changed to “Department of Code Enforcement.”

#### **Chapter 100, Fees and Costs.**

- A. Original Sec. 21-1.1k, pertaining to registration of private refuse, is deleted.
- B. Section 100-7A is amended to read as follows: “Trailer court construction or alteration (§ 294-2E): \$225.”

- C. Section 100-13C is added to read as follows:
- C. *Impounding and destruction of certain dogs and cats:*
- (1) *Destruction of any unclaimed dog or cat at the request of the owner: \$3.*
- (2) *Expenses incurred by reason of any dog's or cat's detention, including maintenance: not to exceed \$4 for the first day and \$1 per day for each additional day, and \$2 for picking up each dog or cat.*
- D. Original Secs. 21-1.7d, Boardinghome for children license, and 21-1.7e through g, pertaining to swimming pools, are deleted.
- E. Section 100-15C(2)(c) is revised to read as indicated: “Park and ride [~~Section 10-13B.2-b~~]: free.
- F. Section 100-17F is amended to read as follows:
- F. *Body art licenses (§ 273-2):*
- (1) *Initial license (§ 273-2D): \$550.*
- (2) *Renewal license, annually (§ 273-2E): \$300.*
- (3) *Late fee for license renewal, per month (§ 273-2E): \$75.*
- (4) *Establishments that limit body-piercing procedures to the trailing edge of the ear (lower lobe), annually (§ 273-2B): \$50.*
- G. Section 100-24C(6) is revised to read as indicated:
- (6) *Fee for printing duplicate tax bills:*
- (a) *First duplicate, per N.J.S.A. 54:4-64: \$5.*
- (b) *Subsequent duplicates, per statute: \$25.*

## **Chapter 115, Fire Prevention.**

### **Article I, Uniform Fire Code.**

Section 115-8B is revised to read as indicted: “In any area marked by yellow or white lines or signs indicating the location of a fire zone or fire lane. The fine for parking in a fire zone is \$50.”

## **Chapter 133, Health Regulations.**

- A. Section 133-2 is revised to read as indicated: “The ~~police and fire officers, the building inspector, and any other official of the Town of Newton~~ designated by the Town Manager shall be authorized to appoint special health officers as he/she

secs fit, and who shall assist the Health Officer in the enforcement of the provisions of this chapter.”

B. Original Sec. 12-2, Plumbing Code, is deleted.

C. Section 133-13B is added to read as follows:

*B. Section 2.1 is amended to add Subparagraph j, reading as follows:*

*j. The existence or presence of any of the following, except that this section shall not apply to any building foundation or cellar hole which is in active process of construction; provided, however, that such building foundation or cellar hole is adequately protected and is not permitted to remain uncovered for a period longer than 30 days:*

*(1) Any unfenced excavation more than two feet in depth, or any excavation where stagnant water gathers or is collected is hereby declared a nuisance.*

*(2) Any unfenced open building foundation or cellar hole is hereby declared dangerous to children and is a nuisance.*

*(3) Any open building foundation or cellar hole in which stagnant water gathers or collects is hereby declared a nuisance.*

D. Section 133-24 is revised to read as indicated: ~~“Fees and charges for the filing of an application and plans for a permit to locate and construct an individual sewage disposal system or to alter an existing individual sewage disposal system shall be as set forth in § 21-1.7b. Fees for a septic cleaning permit are set forth in § 100-17A.”~~

E. Original Secs. 12-6, Boarding Homes for Children Code, and 12-7, Swimming Pool Code, are deleted.

F. Section 133-32 is added to read as follows: “The provisions of N.J.A.C. 8:24-1.1 et seq., Sanitation in Retail Food Establishments and Food and Beverage Vending Machines, is enforced in the Town of Newton.”

G. Original Secs. 12-8.1, Code established, 12-8.2, Title of Code, 12-8.3, Public record, and 12-8.4, Amendment to Code, are deleted.

### **Chapter 139, Historic Preservation.**

A. The first sentence of § 139-11C is revised to read as indicated: “The Commission’s recommendation shall focus on how the proposed undertaking would affect a landmark’s historic or architectural significance as outlined in the definition of “historic landmark” in § 139-4 of this chapter.”

- B. The last sentence of § 139-12E is revised to read as indicated: “The Commission’s recommendation shall focus on how the proposed undertaking would affect a landmark’s historic or architectural significance as outlined in the definition of “historic landmark” in § 139-4 of this chapter.”
- C. The last sentence of § 139-12K is revised to read as indicated: “The Commission’s recommendation shall focus on how the proposed undertaking would affect a landmark’s historic or architectural significance as outlined in the definition of “historic landmark” in § 139-4 of this chapter.”
- D. Section 139-13D(1) is revised to read as indicated: “Its historic, architectural, cultural or scenic significance in relation to the criteria established in the definition of “historic landmark” in § 139-4.”

### **Chapter 144, Housing Standards.**

In §§ 144-13A and 144-16A and B(1), “§ 100-16” is changed to “§ 100-21.”

### **Chapter 156, Junkyards and Junk Dealers.**

In § 156-8, “Public Works Supervisor” is changed to “Public Works Director.”

### **Chapter 166, Land Use Procedures.**

- A. Section 166-8A(1) is revised to read as indicated: “Class I. The Mayor or the Mayor’s designee in the absence of the Mayor.”
- B. Section 166-8C is revised to read as indicated: “Alternate members may participate in ~~discussions of the proceedings~~ all matters but may not vote except in the absence or disqualification of a regular member of any class. Participation of alternate members shall not be deemed to increase the size of the Planning Board. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate members are to vote, Alternate No. 1 shall be chosen first, followed in turn by Alternate No. 2, then Alternate No. 3, and then Alternate No. 4, if necessary.”
- C. The first sentence in § 166-9A is revised to read as indicated: “The term of the member composing Class I shall correspond with his official tenure, or if the member is the Mayor’s designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor’s official tenure.”
- D. The last sentence in § 166-44 is revised to read as indicated: “Such appeal shall be taken within 20 days by filing a notice of appeal ~~in the manner set forth in paragraph 18A-3.7a of this chapter~~ and in accordance with the provisions of N.J.S.A. 40:55D-69 et seq., of the Municipal Land Use Law of 1975, as amended.”

**Chapter 200, Parks and Recreation Areas.**

A. Section 200-2 is amended as follows:

(1) Subsection A is revised to read as indicated: “No person shall enter or remain in any portion of the public parks and recreational areas and, where applicable, other lands owned or controlled by the Town and devoted to public recreation use or purpose between the hours of 10:00 p.m. and 6:00 a.m. This subsection is not intended to restrict any municipal employee from conducting official business in those areas as part of his respective employment responsibilities established pursuant to § 200-4 of this chapter. ~~Fines for violation of Subsections A, B, C and G of this section below are enumerated in Chapter A325, Fines.~~”

(2) Subsection B is revised to read as indicated: “~~Prohibited uses are that~~ No person shall.”

(3) Subsection C is added to read as follows:

*C. Fines for violation of Subsection B(1), (2), (3) and (7) of this section are as follows:*

*(1) Riding or driving except at posted speed [Subsection B(1)]: \$55.*

*(2) Parking in other than an established or designated parking area [Subsection B(2)]: \$55.*

*(3) Leaving vehicle standing or parked at night in established parking areas [Subsection B(3)]: \$55.*

*(4) Using or riding any motorcycle, minibike or any motorized vehicle, except in those areas designated by the Advisory Recreation Commission [Subsection B(7)]: \$55.*

B. Section 200-8 is revised to read as indicated: “Except as provided in § 200-3C, ~~For~~ any violation of any provision of this chapter, ~~the penalty shall, upon conviction of a violation, be the penalty punishable as set forth in Chapter 1, Article III, General Penalty.~~”

**Chapter 213, Property Maintenance.****Article II, Property Maintenance Code.**

The third sentence in § 213-10 is revised to read as indicated: “In the event that said fine shall, in total, be greater than \$1,250 upon an owner or person or persons responsible, such owner or persons shall have 30 days from the sending of the notice of violation pursuant to N.J.S.A. 40:49-5 and the ~~International~~ Property Maintenance Code, ~~First Edition, 2000~~ Section 107.4, referred to in § 213-8 to cure and abate the condition and

shall also be afforded an opportunity for a hearing before the Municipal Court for an independent determination of whether such violation occurred and what the amount of the fine should be.”

## **Chapter 222, Sales, Special.**

### **Article II, Garage Sales.**

- A. In § 222-13B, “a permit fee of \$5” is changed to “a permit fee as provided in § 100-5B.”
- B. In § 222-19, “Department of Community Development, Division of Code Enforcement” is changed to “Department of Code Enforcement.”

## **Chapter 228, Sewer and Water.**

- A. The second sentence of § 228-8 is amended by deleting the words “After August 10, 1959” from the beginning thereof.
- B. In § 228-16A, “N.J.S.A. 40A:27A-11” is changed to “N.J.S.A. 40A:26A-11.”
- C. Section 228-18A is revised to read as indicated: “~~Beginning with the bill issued in the calendar year 1973,~~ The schedule of rentals or charges for the use of Water and Sewer Utility facilities in the Town shall be charged in accordance with Schedules I and II of § 228-17.”
- D. Original Sec. 15-6.4, Violations and penalties, is deleted.
- E. Section 228-27K is revised to read as indicated: “~~Discharge of equipment and vehicle washing from municipal operations until February 28, 2009. After February 28, 2009,~~ No discharge of equipment and vehicle wash wastewater will be permitted.”
- F. Original Sec. 15-7.6, Violations and penalties, is deleted.

## **Chapter 240, Site Plan Review.**

- A. In § 240-3, “§ 100-23” is changed to “§§ 100-22E and 100-23.”
- B. Section 240-5D is revised to read as indicated: “Any applicant wishing to make a change in an approved application shall follow the same procedure as the original application. ~~If the County Planning Board exercises approval authority pursuant to N.J.S.A. 40:27-12, its action shall be noted on the site plan.~~”
- C. Section 240-11 is revised to read as indicated: “As a condition of final site plan approval, the reviewing board may require and shall accept, in accordance with the standards adopted by Chapter 162, Land Subdivision, §§ 162-5C and 162-7J, for the purpose of assuring the installation and maintenance of on-tract improvements, a performance guarantee. Off-tract improvements may be required

pursuant to the provisions of Chapter 162, Land Subdivision ~~§ 162-7K(1), (2), (3) and (4).~~”

- D. In § 240-15, “see § 162-7J” is changed to “see Chapter 162, Land Subdivision.”

## **Chapter 250, Solid Waste.**

### **Article I, Solid Waste Code.**

- A. Original Secs. 12-9.1, Code established, 12-9.2, Title of Code, and 12-9.3, Public record, are deleted.
- B. In § 250-8, “Department of Community Development, Division of Code Enforcement” is changed to “Department of Code Enforcement.”

### **Article III, Dumpsters; Roll-Off Containers; Temporary Storage Units.**

- A. Section 250-14 is added to read as follows:

#### **§ 250-14. Definitions.**

*As used in this article, the following terms shall have the meanings indicated:*

*TEMPORARY STORAGE CONTAINER — A portable containerized property storage facility or unit intended to be utilized upon the exterior of residential premises for the purpose of storing all types of items of personal and household property, either for pure storage or to facilitate the moving of persons from household unit to household unit, with the understanding that such unit, after a reasonable period of time for loading, will be moved to commercial storage facilities.*

- B. In §§ 250-15, 250-16 and 250-20, “pod” is changed to “temporary storage container.”

### **Article IV, Recycling.**

- A. Section 250-21 is amended as follows:
- (1) The first sentence of the introductory paragraph in the definition of “designated recyclable materials” is revised to read as indicated: “Those materials designated within the Sussex County District Solid Waste Management Plan (See N.J.S.A. 13:1E-99.13a.) to be source-separated for the purpose of recycling.”
  - (2) The definition of “multifamily dwelling” is amended by deleting “(See N.J.S.A. 13:1E-99.13a.)” therefrom.
- B. The last sentence of § 250-27B is revised to read as indicated: “Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this article and ~~the local sanitary code~~ Town of Newton sanitary regulations and/or the State Sanitary Code.”

**Chapter 258, Stormwater Control.**

- A. The last sentence in § 258-13B is revised to read as indicated: “In addition, the design of trash racks must comply with the requirements of ~~Subsection 8.D.~~ § 258-15A(1).”
- B. In § 258-14B(1) and (3), “N.J.A.C. 2:90-1.3(a)4” is changed to “N.J.A.C. 2:90-1.3(a)3.”
- C. Section 258-20 is added to read as follows: “Unless otherwise specified, violations of the provisions of this chapter shall be punishable as provided in Chapter 1, Article III, General Penalty.”

**Chapter 273, Tattoo and Body Piercing.**

Section 273-2 is amended as follows:

- A. Subsection B is revised to read as indicated: “For the establishments that limit body-piercing procedures to only piercing of the trailing edge of the ear (lower lobe), as described in N.J.A.C. 8:27-9.1, the annual licensing fee is \$50 as set forth in § 100-17F(4).”
- B. The first sentence of Subsection D is revised to read as indicated: “An application for an initial license shall be accompanied by a fee in the amount of ~~\$500~~ as set forth in § 100-17F(1).”
- C. Subsection E is revised to read as indicated: “The renewal license fee for engaging in the business of operating a body art establishment within the Town of Newton shall be ~~\$250 per year~~ as set forth in § 100-17F(2). All licenses shall expire on the last day of March annually. If renovations of the body art establishment occur, plans must be submitted to the Newton Construction Office and the Sussex County Health Department, and the applicant will be required to comply with § 273-4. The late fee for failure to renew the license shall be ~~\$50 per month~~ as set forth in § 100-17F(3) if not paid by the final due date of April 30 each year.”

**Chapter 279, Taxation.****Article I, Hotel and Motel Tax.**

Original Sec. 5, Effective date, is deleted.

**Chapter 283, Taxicabs and Limousines.****Article I, Taxicabs.**

- A. Throughout the first sentence of § 283-11, “\$300,000” is changed to “\$500,000.”
- B. In § 283-14, “N.J.S.A. 46:16” is changed to “N.J.S.A. 48:16-1 et seq.”

## **Chapter 294, Trailer Camps.**

Section 294-2A is revised to read as indicated: “Referral agency. The Planning Board is designated as the referral agency to the Council in administering the provisions of this chapter, pursuant to R.S. 40:55-1.13.”

## **Chapter 299, Trees.**

Original Sec. 17-10, Advisory Shade Tree Commission, is deleted.

## **Chapter 307, Vehicles and Traffic.**

A. Section 307-10B is added to read as follows:

*B. No vehicle shall be permitted to remain in any public parking lots between the hours of 4:00 a.m. and 6:00 a.m., except for 14 spaces located at the easterly side of the Central Plaza and 12 spaces located at the westerly side of Central Plaza for which parking is permitted at any hour of the day or night, provided the space is not occupied beyond the legal time as set forth in § 307-25. Vehicles may be parked in public parking lots for up to 72 consecutive hours, after which time they may be removed by the Police Department and the owner shall pay reasonable costs for removal and storage before regaining possession of the vehicle.*

B. Original Sec. 10-13, Gate-operated parking lots, is deleted.

C. Original Sec. 10-14.5e is deleted.

## **Chapter 320, Zoning.**

A. Section 320-3B is revised to read as indicated: “Zoning Map. The boundaries of the said zoning districts are hereby established as shown on the 1996 Zoning Map of the Town of Newton, as ~~last revised June, 1996~~ January 7, 1999, which accompanies and is made a part of this chapter.”

B. In § 320-4, the original definition of “gasoline station” is deleted.

C. In § 320-4, the definition of “Planning Board” is amended to read as follows:

*PLANNING BOARD – The Planning Board of the Town of Newton.*

D. In § 320-4, the original definition of “trailer camp” is deleted.

E. Section 320-121B is added to read as follows: “Temporary signs shall be permitted as indicated in Table B, Temporary Sign Regulations.”

F. Section 320-124B is amended to read as follows:

*B. Assistant Zoning Officer.*

- (1) Office created. The office of Assistant Zoning Officer is hereby created.*
- (2) Duties. It shall be the duty of the Assistant Zoning Officer, under the supervision and control of the Zoning Officer and to the extent not prohibited by law, to perform all the duties of the Zoning Officer in the absence of the Zoning Officer or at such other times as may be permitted by law or as directed by the Town Manager.*

G. Table A, Permanent Sign Regulations, is amended by adding the following at the beginning thereof:

<b>KEY:</b>
<i>P = Permitted</i>
<i>P1 = These signs must be wall signs flat against the building</i>
<i>P3 = Signs naming the business or products sold on the premises shall be permitted, provided that:</i> <ul style="list-style-type: none"> <li><i>a) The area of the sign shall not exceed 70% of that portion of the area of the front of the building occupied by the business or businesses</i></li> <li><i>b) Minimum sign height: 9 feet above ground level</i></li> <li><i>c) Sign shall be flat against the building, protruding no more than 6 inches from the building</i></li> </ul>
<i>N = Signs not permitted</i>

H. Table B, Temporary Sign Regulations, is amended by deleting the words “according to N.J.S.A. 5:23-2.5(c)2” from the first entry under the heading “Sign Function/Control.”

**ORDINANCE NO. 2012-3**

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

**AN ORDINANCE AUTHORIZING THE SALE OF  
MUNICIPAL LANDS NOT NEEDED FOR PUBLIC USE**

**WHEREAS**, the Town of Newton has title to a certain parcel of real property which is Lot **1.07** in Block **1301** as shown on the Newton Tax Map, which parcel is not needed for public use; and

**WHEREAS**, Lot **1.07** in Block **1301** is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon; and

**WHEREAS**, N.J.S.A. 40A:12-13.2 requires that such a parcel be offered to the owner or owners of real property contiguous to said parcel being offered for sale prior to it being offered at a public sale.

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

1. The Town Manager of the Town of Newton is hereby authorized to notify in writing, by certified mail, return receipt requested, all contiguous property owners of Lot **1.07** in Block **1301** that said lot is being offered for sale at a minimum price of \$24,000. Said notice shall state that:

(a) The minimum price requested for Lot **1.07** in Block **1301** as \$24,000.

(b) An acceptance of an offer by a contiguous owner to purchase said lot shall not be binding upon the Town but shall be subject to confirmation by the Town Council, which confirmation shall be done by Resolution.

(c) In the event the Town accepts the offer of a contiguous offer and the conveyance is made, that the parcel shall annex to, merge with, and be considered one tract of land with the contiguous owner's existing property.

(d) The Town of Newton reserves the right, in its sole discretion, to accept or reject any offer it deems in the best interest of the Town of Newton.

(e) Any contiguous property owner who wishes to purchase said lot shall execute an Offer to Purchase in the form attached hereto and pay a deposit by cash, bank check, cashier's check or attorney's trust account check in the amount of ten percent (10%) of the offered price. The balance of the monies due pursuant to the Offer to Purchase shall be paid in cash or certified check on delivery of a Deed which shall be no later than 2:00 p.m. on May 31, 2012, at the offices of the municipal attorney, Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Gacquin, Vandenberg & Hontz, LLC, located at 40 Park Place, Newton, New Jersey 07860, or at such other location as mutually agreed upon.

(f) The Town of Newton expressly disclaims any and all implied warranties of habitability or usability with respect to this property. The Offer to Purchase shall be in a "AS IS" condition, the Offeror having had ample and sufficient opportunity to inspect premises, examine its title, and review municipal ordinances and laws affecting said premises. No representations regarding the value, character, quality, habitability or condition thereof, including environmental conditions, have been made to

the Buyer on behalf of the Town of Newton prior to making any offer. The Buyer of the lot, after closing, shall be responsible for all present and future defects of any and in any part of the property. This Agreement will survive the closing of title.

(g) The property will be conveyed by Bargain and Sale Deed and shall be subject to covenants, restrictions, conditions, reservations of record, easements of record, or by prescription and such state of facts as an accurate survey and inspection of the premises may disclose.

(h) In the event all the owners of contiguous property do not make an offer to purchase within sixty (60) days of the date of mailing of the notice of Offer to Sell to them, the lot may be sold at public auction at some future date to any member of the public at such price as will be acceptable to the Town of Newton at that time.

(i) In the event the Town receives more than one (1) offer to buy from a contiguous property owner, at the same price, said property shall then be sold to the highest bidder, at auction, from among all the contiguous property owners, after written notice of time and place of said auction, to all contiguous property owners.

(j) In the event that two (2) or more contiguous property owners would like to divide the lot between them and increase each of their properties by a portion of the offered lot, the Town may or may not agree to such division of the lot. Any legal or engineering fees necessary to accomplish such a subdivision will be the responsibility of the adjoining property owners.

2. The lot offered for sale is a portion of the same land and premises which the Town of Newton took title to by virtue of the following:

(a) A 6.873 acre tract of land as described in a Deed of Conveyance from Thomas F. Patten and Ralph S. Tyler, Jr., Trustees of the Erie Lackawanna Railway Company to the Town of Newton dated October 25, 1982 and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 1091 of Deeds on pages 682, etc.;

(b) A 4,352 square foot parcel of land as described in a Deed of Conveyance from Betty Heemer, Unmarried, to the Town of Newton, a Municipal Corporation, dated May 1979, and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 1033 of Deeds on pages 989, etc.;

(c) A parcel of land as described in a Deed of Conveyance from Peter John Kays and Beverly A. Kays, His Wife, to the Town of Newton, dated June 3, 1977 and recorded in the Sussex County Clerk's Office in Newton, New Jersey in Book 989 of Deeds on pages 470, etc.;

3. The premises shall be sold subject to:

(a) The rights of any utilities or easements of record, should any exist;

(b) The rights of the public in Sparta Avenue, also known as Sussex County Route 616;

(c) A ground lease agreement between the Town of Newton and Thor Labs, Inc. dated April 2003 as outlined in Town of Newton Ordinance No. 2003-2.

(d) Existing storm drainage infrastructure on Block **1301**, Lot **1.05**, discharging through Block **1301**, Lot **1.07**, to storm drainage in Sparta Avenue (Sussex County Route 616).

4. The purchaser of Lot **1.07** in Block **1301** shall have the right, at its sole cost and expense, to obtain a new survey of the lot. Provided such survey depicts the lot and is certified to be correct to the Town of Newton, the Town of Newton shall utilize the legal description drawn in accordance with such survey in the Deed of Conveyance provided the Purchaser provides such legal description and a copy of the certified survey to the Town of Newton not less than one (1) week prior to the date set for closing.

5. An Offer to Purchase Lot **1.07** in Block **1301** shall be accepted or rejected by a Resolution of the Newton Town Council no later than the second regular meeting of the Governing Body following March 16, 2012, or the date of any auction sale. No offer may be withdrawn prior to such Resolution.

6. The notice of any auction sale of said lot shall be advertised in The New Jersey Herald at least once a week during two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date of such sale.

**ORDINANCE 2012-3**

**NOTICE**

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on January 13, 2012. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on February 13, 2012 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk

**TOWN OF NEWTON**

**ORDINANCE # 2012-4**

**AN ORDINANCE TO EXCEED THE 2012 MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Town Council of the Town of Newton in the County of Sussex finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Newton Town Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$262,084.48 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Newton Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Town of Newton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$262,084.48, and that the CY 2012 municipal budget for the Town of Newton be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, February 13, 2012. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on Monday, February 27, 2012 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #21-2012

February 13, 2012

**“Approval of a Renewal Application for Taxicab Driver’s License Submitted by Barbara Fitzmaurice”**

**WHEREAS**, the Newton General Revised Ordinances require that under **9-2, License Required**. “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

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

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Barbara Fitzmaurice, 220 Route 519, Sussex, New Jersey, representing D.A.D.S. Taxi and Limo, with said license set to expire on October 13, 2012.

#### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a meeting of said Governing Body conducted on Monday, February 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #22-2012

February 13, 2012

**“Authorize the Mayor to Execute a Developer’s Agreement with Martorana Enterprises, LLC for Block 1201, Lots 5 & 5.03, Martorana Village, Phase I”**

**WHEREAS**, at a regular meeting of the Newton Planning Board on March 1, 2010, the application from Developer, Martorana Enterprises, LLC, received preliminary site plan approval, with said approval being memorialized in a Resolution of the Planning Board on April 21, 2010 to construct a retail space to be known as Martorana Village, Phase I on the property known as Block 1201, Lots 5 & 5.03 on the Tax Map of the Town of Newton located at 104 Sparta Avenue, Newton, and

**WHEREAS**, one of the conditions of approval was that the Developer enter into an appropriate Developer’s Agreement with the Town of Newton for the purpose of mutual acceptance of requirements, safeguards, and limitations under which on-site construction will proceed, and

**WHEREAS**, at a regular meeting of the Newton Utility Advisory Board conducted on March 15, 2011, representatives of Martorana Enterprises, LLC appeared to request an allotment of water and sewer gallonage for the proposed Martorana Village, Phase I, retail space, and

**WHEREAS**, the Governing Body concurred with the recommendation of the Utility Advisory Board and approved a 3,550 gallons per day gallonage allotment of water and sewer by the adoption of Resolution #61-2011 adopted on March 28, 2011; and

**WHEREAS**, the Town Attorney and Town Engineer have reviewed said Developer’s Agreement on behalf of the Town;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that it hereby authorizes and directs the Mayor and Municipal Clerk to execute a Developer’s Agreement with Martorana Enterprises, LLC for the construction of a retail space known as Martorana Village, Phase I to be located at Block 1201, Lots 5 & 5.03, at 104 Sparta Avenue, Newton, New Jersey, a copy of which is attached hereto and made part of this resolution.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #23-2012

February 13, 2012

### “Award Bid for Proposed Retaining Wall Renovation Project”

**WHEREAS**, the Town of Newton publicly opened and read bids for the Proposed Retaining Wall Renovation Project on Tuesday, January 24, 2012 at 10:00am as follows:

<u>Name and Address of Bidder</u>	<u>Bid Price</u>
<b>SZ Construction, LLC</b> <b>38 Grove Avenue</b> <b>Rochelle Park, NJ 07662</b>	<b>\$68,300.00</b>
Covino & Sons Construction Co., Inc. 39 North Drive Rochelle Park, NJ 07662	\$68,500.00
Tony's Concrete Construction, Co., Inc. 316 E. Kinney Street Newark, NJ 07105	\$88,300.00
P.A. Contractors, Inc. 105 Davis Avenue Kearny, NJ 07032	\$89,500.00
Zinno Construction, LLC P.O. Box 333 Vernon, NJ 07462	\$91,099.00
Ferraro Construction Corp. 5 Park Drive Franklin, NJ 07416	\$96,200.00
T.M. Brennan Contractors, Inc. 3505 Route 94 Hamburg, NJ 07419	\$98,000.00
JAK Construction Corp. T/A Diamond Construction 35 Beaverson Boulevard Brick, NJ 08723	\$130,750.00

**WHEREAS**, the Qualified Purchasing Agent and the Town's Engineer, Harold E. Pellow and Associates, Inc., have reviewed the bids and recommend the contract for Proposed Retaining Wall Renovation Project be awarded to SZ Construction, LLC, of Rochelle Park, New Jersey whose low bid was \$68,300.00; and

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

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the bid submitted for the Proposed Retaining Wall Renovation Project be awarded to SZ Construction, LLC, of Rochelle Park, New Jersey in the amount of \$68,300.00.

**CERTIFICATION**

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



TOWN OF NEWTON

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

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 23-2012

APPROVING: SZ CONSTRUCTION, LLC

FOR THE PURPOSE OF: RETAINING WALL RENOVATION AT MUNICIPAL  
BUILDING

IN THE AMOUNT OF: \$68,300.00

APPROPRIATED BY: CAPITAL - ORD.#2011-5

#30911054

\$68,300.00

DATED THIS 13<sup>TH</sup> DAY OF FEBRUARY 2012

BY *Dawn L. Babcock*

DAWN L. BABCOCK

CHIEF FINANCIAL OFFICER



## TOWN OF NEWTON

### RESOLUTION #24-2012

February 13, 2012      “Approve 2011 Appropriation Reserve Transfers”

**BE IT RESOLVED** by the Town Council of the Town of Newton that the following 2011 appropriation reserve transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
<b><u>CURRENT</u></b>		
Court SW 1059101A	Legal OE 1058201A	\$7,000.00
Court SW 1059101A	Fire OE 1070260A	\$1,700.00
Court SW 1059101A	Planning Board OE 1062216A	\$1,350.00
<b>TOTAL CURRENT TRANSFERS</b>		<hr/> <b>\$10,050.00</b>

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #25-2012

February 13, 2012

**“Approval of a Renewal Application for a Junk Dealer’s License for George’s Salvage Company”**

**WHEREAS**, the Newton Revised General Ordinances, **Section 6-5** require that no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Town Council; and

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

**WHEREAS**, Section 6.5-8 requires that the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junk yards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 6; and

**WHEREAS**, George's Salvage Company has been inspected and approved as required in Section 6-5.8; and

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

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by George Miller, of George's Salvage Company, 10 South Park Drive, Newton, N.J., with said license expiring on December 31, 2012.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #26-2012

February 13, 2012      **“Approval of a Renewal Application for a Junk Dealer’s License for Newton Auto Salvage, LLC”**

**WHEREAS**, the Newton Revised General Ordinances, **Section 6-5** require that no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Town Council; and

**WHEREAS**, said renewal application for the Junk Dealer's License lists the business as Newton Auto Salvage, LLC at 79 Mt. View Street, Newton, N.J.; and

**WHEREAS**, Section 6.5-8 requires that the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junk yards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 6; and

**WHEREAS**, Newton Auto Salvage, LLC has been inspected and approved as required in Section 6-5.8; and

**WHEREAS**, Newton Auto Salvage, LLC has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of junk dealer;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by Mike Sesera, of Newton Auto Salvage, 79 Mt. View Street, Newton, N.J., with said license expiring on December 31, 2012.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #27-2012

February 13, 2012

### “Resolution to Accept the Certified List of Qualifying 2011 LOSAP Participants”

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

**WHEREAS**, the Newton Volunteer Fire Department has certified a list of members who are eligible, in accordance with guidelines outlined in Ordinance 2003-12, to receive an amount between \$115.00 and \$1,150.00 based on points credited for volunteer services rendered in 2011 as per the 2011 LOSAP LIST attached; and

**WHEREAS**, the total number of qualifying volunteers for the Fire Department is 38 for a total contribution of \$33,522.50; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2011 to cover the cost of this contract;

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council do hereby accept the certified list from the Fire Department dated January 3, 2012.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk

**2011 LOSAP List - Newton Fire Department**

prepared 1/18/2012

<b>Last</b>	<b>First</b>	<b>MI</b>	<b>Contribution 2011</b>
ALVAREZ	MICHAEL	P	1,150.00
BENCIVENGA	MICHAEL	J	1,150.00
BLAKELY	CHRISTO		1,150.00
BOWNE	DOUGLAS	R	1,150.00
CARD	JEAN		287.50
COLE	JENNIFER		115.00
COOMBS	JEFFREY		1,150.00
COOPER	GARY	R	575.00
DIENER	JEFFREY	R	287.50
ESTLER	STEVEN		1,150.00
FARENCE	BRYAN	L	1,150.00
FOX	BRIAN		1,150.00
FOX	THOMAS		1,150.00
FREEBORN	EDWARD		575.00
INGA	JOSEPH	SR	1,150.00
INGA	KYLE		1,150.00
MCCARTY	EUGENE	R	1,150.00
MILLER	JASON	J	1,150.00
MULDOON	EDWARD	III	115.00
OLIVIERI	NICK		1,150.00
PHALON	KEVIN	J	575.00
PHLEGAR	JAY		1,150.00
PRUITT	JOSH		1,150.00
PRUTZMAN	JOHN		1,150.00
RAZZANO	ANTHONY MICHAEL	JR	1,150.00
RAZZANO	ANTONIO		1,150.00
ROSSANO	JUSTIN		287.50
SAPIO	JOSEPH	A	115.00
SCHIFFNER	JEFFREY	B	1,150.00
STREETER	MICHAEL	E	1,150.00
TEETS	KENNETH	A	115.00
TEETS	MICHAEL		1,150.00
THOM	CHARLES		1,150.00
VELASTEGUI	STEVEN		287.50
VERKON	SCOTT	J	1,150.00
VETTER	JASON		1,150.00
WARD	DOUGLAS		287.50
WECHTLER	DEREK	J	1,150.00
			<b>33,522.50</b>

Prepared by:  
*Charlie Thom*  
Newton Fire Department.

Certified by:  
*Dawn L. Babcock*  
Chief Financial  
Officer



## TOWN OF NEWTON

### RESOLUTION #28-2012

February 13, 2012

### “Authorizing Waiving of Water and Sewer Utility Charges for the Newton First Aid Squad”

**WHEREAS**, the Newton First Aid Squad, “NFAS”, is a not-for-profit entity, comprised solely of volunteers that provide emergency assistance to the Newton community; and

**WHEREAS**, the “NFAS” owns Block 22.01, Lot 24 also known as 66 Sussex Street, which houses their vehicles, equipment, and provides for a meeting place; and

**WHEREAS**, the “NFAS” operating expenses are funded through donations and fundraising efforts; and

**WHEREAS**, the “NFAS” Captain, in a letter dated January 30, 2012, has requested the Town of Newton Governing Body assist the squad with payment of their 2012 water and sewer utility bills; and

**WHEREAS**, the Newton Town Council supports the efforts of the “NFAS” and would like to assist, so they may continue to provide this valuable emergency service to the people of Newton;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby waives the water and sewer utility charges incurred at Block 22.01, Lot 24 by the Newton First Aid Squad for calendar year 2012.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #29-2012

February 13, 2012

**“Acceptance of the Paving of  
Various Streets, Parking Lots &  
Alleyways Project as Complete”**

**WHEREAS**, the Town Council of the Town of Newton awarded a contract for the Paving of Various Streets, Parking Lots & Alleyways Project to Tilcon New York, Inc. and Denville Line Striping, in the amount of \$271,398.55 by Resolution #179-2011, which was adopted on August 22, 2011; and

**WHEREAS**, the Town Council approved Changer Order No. 1 for the Tilcon portion of the project reducing their portion of the project by \$11,487.18; and

**WHEREAS**, the Town Council approved Change Order No. 1 for the Denville Line Striping portion of the project increasing their portion by \$108.30; and

**WHEREAS**, Harold E. Pellow & Associates, Inc., the Project Engineer, has recommended in his letter dated February 7, 2012 that the project be accepted as complete by the Town Council so the final paperwork can be started;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby accepts the Paving of Various Streets, Parking Lots & Alleyways Project as complete based on the recommendation of the Town Engineer, so that the final paperwork can be started.

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



# HAROLD E. PELLOW & ASSOCIATES, INC.

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS

Established 1969

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

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NJ - P.E., NJ - C.M.E.,  
PA - P.E.

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

JESSICA C. CALDWELL  
NJ - P.P.; A.I.C.P.

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

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

THOMAS G. KNUTELSKY  
NJ - P.E.

February 7, 2012

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



**MEMORANDUM TO:** Mr. Thomas S. Russo, Jr., Newton Town Manager

**FROM:** Harold E. Pellow, P.E., L.S., Town Engineer

**SUBJECT:** **RECOMMENDATION TO ACCEPT PROJECT**

Proposed Resurfacing & Line Striping of Various Streets, Parking Lots & Alleyways  
Town of Newton, Sussex County

HPA Nos.:

- 11-088 – Resurfacing of Hillside Avenue;
- 11-089 – Resurfacing of Overlook Road;
- 11-090 – Resurfacing of Slate Hill Road;
- 11-091 – Resurfacing of Shady Lane;
- 11-130 – Western Plaza Parking Lot;
- 11-213 – Theater Parking Lot;
- 11-132 – Resurfacing of Alley Next to Brenda's Diner – Spring Street;
- 11-133 – Resurfacing of Alley Between Springboard Shop & Eaton's Out to Moran Street; and
- 11-130 – Milling & Resurfacing Parking Lot No. 4 – Trinity Street

Dear Tom:

The above referenced project has been completed by the contractors, Tilcon New York, Inc. and Denville Line Painting, Inc., and I recommend the project be accepted by the Town Council.

Once this project has been accepted by the Council, please notify this office so that the final paperwork can be started.

Very truly yours,

Harold E. Pellow, P.E., L.S.  
**HAROLD E. PELLOW & ASSOCIATES, INC.**  
Town of Newton Engineer

HEP:mac  
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\11-088 - RESURFACING VARIOUS STS, PARKING LOTS AND ALLEYWAYS\RUSO12.DOC

cc: Debra Millikin, Newton Deputy Town Manager (Via Fax 973-383-8961)



**TOWN OF NEWTON  
RESOLUTION #30-2012**

**February 13, 2012**

**“Authorize Credits Due Water and Sewer Utility  
Accounts”**

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

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

**Payment Applied to Incorrect Account**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
12990	17 Lawnwood Avenue	(\$292.60)
13000	17-2 Lawnwood Avenue	\$292.60

**Late Payment Erroneously Applied**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
13000	17-2 Lawnwood Avenue	(\$29.26)

**Penalty Charged to Incorrect Account**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
11683	22 Halsted Street	(\$7.50)
11669	20 Jefferson Street	\$7.50

**CERTIFICATION**

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 13, 2012

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #31-2012

February 13, 2012      **“Support Submission of Application for 2012 Recreational Trails Program through NJDEP Green Acres”**

**WHEREAS**, the Town of Newton is applying for funding in the amount of \$50,000 to conduct non-motorized improvements to the Sussex Branch Trail within the Town of Newton; and

**WHEREAS**, this project will help promote use of the trails and allow for further economic growth; and

**WHEREAS**, the Town of Newton will meet the requirement to provide a 20% match of in-kind services; and

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby supports the submission of a grant application for the 2012 Recreational Trails Program through the State of New Jersey Department of Environmental Protection Green Acres and authorizes the Mayor, Town Manager, and Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application.

#### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #32-2012

February 13, 2012      “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 2011 and 2012 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

#### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



# TOWN OF NEWTON

## RESOLUTION #33-2012

February 13, 2012

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

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

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

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

(1) Contract Negotiations

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton, assembled in public session on February 13, 2012, that an Executive Session closed to the public shall be held on February 13, 2012, at \_\_\_\_\_ PM 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.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a public meeting of said Governing Body conducted on Monday, February 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk