

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:07 pm (originally scheduled for February 9, 2015, but postponed due to inclement weather). Present were Mrs. Becker, Mrs. Diglio, Mr. Levante, Deputy Mayor Flynn, Mayor Elvidge, Thomas S. Russo, Jr., Town Manager and Angelo J. Bolcato, Esq.

Mayor Elvidge made the following declaration that “in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 31, 2014.”

Mayor Elvidge led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Mrs. Diglio, seconded by Deputy Mayor Flynn, and carried, the minutes of January 28, 2015 Special Meeting, January 28, 2015 Regular Meeting, and January 28, 2015 Executive Session were unanimously approved.

OPEN TO THE PUBLIC

Mayor Elvidge read the following statement:

“At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to limit their comments to 5 minutes. If reading from a prepared statement, please provide a copy and email a copy to the Clerk’s Office after making your comments so it may be properly reflected in the minutes.”

Mr. Jonathan Andrews, owner of Springboard Shoppes, 145 Spring Street, addressed Council with several concerns. He advised why more merchants had not attended the trips to see other special improvement districts (SID), stating “you have to have a replacement (at their own business) if you’re going to take a trip for a day like that. We don’t draw a salary. We have to replace ourselves if we’re not there. In addition to that, don’t underestimate how familiar merchants are with other towns.” Mr. Andrews remarked many merchants have visited stores in other towns and researched what it takes to have a successful downtown.

Mr. Andrews then went on to reiterate concerns regarding the stores along Spring Street that are dirty inside, “some of them for years.” He feels there is poor enforcement of both snow removal and parking limits. Other concerns include the Arch downtown, as well as the fence by the Fire Museum, blocking the visibility of stores, and the continued presence of scaffolding in front of the Spring House. Mr. Andrews states the Town should focus first on enforcing the ordinances it already has in place.

Mayor Elvidge states that he applauds Mr. Andrews’ efforts to “take-up the cause” in seeking the improved appearance of the downtown area. He then commented on the importance of including the Town in future talks and planning would perhaps lead to better results, and the Mayor and Town Council would be willing to continue dialogue regarding downtown improvements.

Mr. Andrews continued to voice his concerns and feels there has been a lack of results from his talks at Town Council meetings. Mayor Elvidge again stated there is a lack of connection which must be resolved for there to be greater results.

Mrs. Becker addressing the Town Manager, asked for clarification on the scope of property maintenance/code enforcement with regard to interiors and exteriors. Mr. Andrews went on to reiterate his frustration with the Town Council.

There being no one else from the public to speak, Mayor Elvidge closed the meeting to the public. Town Manager Russo asserted that property maintenance/code enforcement is limited to building exteriors. As such, Mr. Russo requested Mr. Andrews e-mail him a list of the vacant properties with deplorable interiors as well as properties not in compliance with Town snow removal codes and he will forward to the appropriate department. Mr. Russo went on to state that the fence at the Fire Museum is a safety issue and is required. The scaffolding in front of The Spring House is under State permit, but he will look into whether or not the permit is still current and valid. As was mentioned previously by Mayor Elvidge, Mr. Russo reasserts that Town staffing is limited, so while every effort is made to enforce codes, it is not always feasible, as with parking enforcement.

COUNCIL & MANAGER REPORTS

Lorraine Read, Town Clerk, introduced her new part-time employee, Kayleen Pickering, to the Town Council. Ms. Pickering gave a brief bio of herself and thanked the Town for the opportunity to work for the Town of Newton.

Mr. Russo advised Council Town Hall will be closed on Monday, February 16th, for Presidents' Day. In addition, he reminded the Town Council of the next budget hearing on Thursday, February 12th at 6 pm. Mr. Russo also informed them of the resignation of Tracy Villaverde, HR Director, and wished her well. Mr. Russo noted the Newton Armory will be discussed at the Executive Session meeting on Monday, February 23rd.

ORDINANCES

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

ORDINANCE #2015-2

AN ORDINANCE AMENDING CHAPTER 213 ENTITLED "PROPERTY MAINTENANCE" REGARDING HAZARDOUS TREES, REVISIONS TO THE CODE ADOPTED, AND REQUIRING CREDITORS IN FORECLOSURE ACTIONS TO CARE FOR AND MAINTAIN THE EXTERIOR OF VACANT AND ABANDONED PROPERTIES

BE IT ORDAINED by the Town Council of the Town of Newton, County of Sussex, and State of New Jersey that Chapter 213 of the Code of the Town of Newton entitled "P
Maintenance" is hereby amended as follows: r

Section 1. §213-1 of the Code of the Town of Newton shall be and is hereby deleted in its entirety and replaced as follows:

§ 213-1. Duty to Remove.

- A. Property maintenance. The owner, occupant, tenant and person in possession of any land within the Town shall keep such land free of brush, weeds, hazardous trees, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris where removal of the same is necessary and expedient for the preservation of the public health, safety, general welfare and/or for the elimination of a fire hazard.
- B. Street maintenance. The owner, occupant, tenant and person in possession of any land within the Town that borders upon or abuts a public street in the Town shall keep that part of the street bordering or abutting said land free of brush, weeds, hazardous trees, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris, where removal of the same is necessary and expedient for the preservation of the public health, safety, general welfare and/or for the elimination of a fire hazard.

Section 2. §213-8 of the Code of the Town of Newton shall be and is hereby deleted in its entirety and replaced as follows:

§213-8. Adoption of standards by reference.

A certain document, three copies of which are on file in the office of the Municipal Clerk and Code Enforcement Director of the Town of Newton, being marked and designated as the International Property Maintenance Code, published by the International Code Council, and which shall be amended by the International Code Council, be and is hereby adopted, as may be amended, as the Property Maintenance Code of the Town of Newton, in the State of New Jersey: for regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees thereof; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Town of Newton are hereby referred to, adopted and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in §213-9 of this article.

Section 3. §213-10 of the Code of the Town of Newton shall be and is hereby deleted in its entirety and replaced as follows:

§ 213-10. Violations, Penalties, and Responsibilities of Creditors

- A. Any person who shall violate a provision of this Article or shall fail to comply therewith or with any other requirements thereto shall be prosecuted within the limits provided by State and local statutes and shall pay a fine in an amount not to exceed \$1,250.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense. In the event that said fine shall, in total, be greater than \$1,250.00 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 Property Maintenance Code 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. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250.00 may be imposed if the Court has not determined otherwise or, upon re-inspection of the property, it is determined that the abatement has not been substantially completed.
- B. Responsibilities of Creditors, Violations and Fines.
 - 1. Pursuant to the provisions of N.J.S.A. 40:48-2.12s, the creditor filing the summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential property. This obligation applies whether the determination that the property is vacant and abandoned is made or otherwise.
 - 2. If the creditor is located out-of-State, the creditor shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor.

- 3. An out-of-State creditor shall include the full name and contact information of the in-State representative or agent in the notice required to be provided to the municipal clerk pursuant to N.J.S.A. 46:10B-51(a)(1).
- 4. An out-of-State creditor found by any court of competent jurisdiction to be in violation of §213-10.B(2) shall be subject to a fine of \$2,500.00 for each day of the violation, commencing on the day after the 10-day period set forth in N.J.S.A. 46:10B-51(a)(1) for providing notice to the Municipal Clerk that a summons and complaint in action to foreclose has been served.
- 5. The Property Maintenance Code Official, an enforcement officer appointed pursuant to N.J.S.A. 40:48-2.3 et seq., or any enforcement officer authorized to enforce the Property Maintenance Code shall be authorized to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the enforcement officer determines that the creditor has violated this Ordinance by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. The notice shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of this notice shall constitute proof that a property is “vacant and abandoned” for purposes of N.J.S.A. 2A:50-73.
- 6. A creditor found by any court of competent jurisdiction to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Ordinance shall be subject to a fine of \$1,500.00 for each day of the violation, commencing 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

Section 4. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

Section 5. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect after publication and passage according to law.

Mayor Elvidge opened the hearing to the public.

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

The aforementioned **ORDINANCE** was offered by Deputy Mayor Flynn, who moved its adoption, seconded by Mrs. Diglio and roll call resulted as follows:

Mrs. Diglio	Yes	Mrs. Becker	Yes
Deputy Mayor Flynn	Yes	Mr. Levante	Yes
Mayor Elvidge	Yes		

This Ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE 2015-3

AN ORDINANCE AMENDING CHAPTER 2 00 “PARKS AND RECREATION AREAS ”

WHEREAS, the Town of Newton has determined that Chapter 200 of the Code of the Town of Newton, entitled “Parks and Recreation Areas” requires certain revisions.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey as follows:

SECTION 1. Section 200-1 “Jurisdiction” shall be and is hereby revised to add a new paragraph to read as follows:

E. Pine Street Park situated at the end of Pine Street.

SECTION 2. Section 200-2.A shall be and is hereby revised to read as follows:

- A. 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 from dusk to dawn. The only exceptions are: the use of parks by organized athletics on fields with lighting; approved events at the Newton Town Pool; or other activities, events, or programs approved by the Newton Town Manager or his designee. 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.

SECTION 3. Section 200-2.B. (11) shall be and is hereby revised to read as follows:

(11) Swim, bathe or wade in any waters or waterways in or adjacent to any park.

SECTION 4. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 5. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

SECTION 6. Effective Date. This Ordinance shall take effect after adoption and publication in accordance with law.

Mayor Elvidge opened the hearing to the public.

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

The aforementioned **ORDINANCE** was offered by Mr. Levante, who moved its adoption, seconded by Deputy Mayor Flynn and roll call resulted as follows:

Mrs. Diglio	Yes	Mrs. Becker	Yes
Deputy Mayor Flynn	Yes	Mr. Levante	Yes
Mayor Elvidge	Yes		

This Ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

OLD BUSINESS

There was no Old Business to be discussed.

CONSENT AGENDA

Mayor Elvidge read the following statement:

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

Mr. Russo outlined the various Resolutions on the Consent Agenda.

RESOLUTION #20-2015 *

USE A THREE-YEAR AVERAGE COLLECTION RATE FOR THE 2015 BUDGET RESERVE FOR UNCOLLECTED TAXES

WHEREAS, according to NJSA 40A:4-40 et seq., a town may utilize a three-year average tax collection rate to calculate a line item appropriation known as Reserve for Uncollected Taxes; and

WHEREAS, prior Town of Newton tax collection rates for the calendar years 2014, 2013, and 2012 were 97.73%, 98.00%, and 98.31% respectively; and

WHEREAS, the average of these aforementioned collection rates is 98.01%;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton that it hereby requests that it utilize a tax collection rate of 98.01% when calculating the line item appropriation Reserve for Uncollected Taxes in its calendar year 2015 Municipal Budget.

RESOLUTION #21-2015 *

AUTHORIZE RECEIPT OF BIDS TO LEASE SPACE ON THE HIGH STREET WATER TANK FOR THE INSTALLATION OF CELLULAR COMMUNICATION EQUIPMENT

WHEREAS, the Town Council of the Town of Newton desires to offer a lease for a term of five (5) years with three (3) five (5) year renewal options for the installation of cellular communication equipment on the Town of Newton's Water Tank located on Block 4.05, Lot 3, 150 High Street, State Highway Route 94, Newton, New Jersey; and

WHEREAS, the Town of Newton intends to award the lease to the bidder whose proposal contains the highest rental amount to be paid to the Town of Newton for the initial term of the lease; and

WHEREAS, the Town Attorney prepared the bid specification package, and the Town Council desires to authorize the bids and the receipt of bids in accordance with the *New Jersey Local Lands and Building Law*, N.J.S.A. 40A:12-14; and

WHEREAS, the anticipated bid receipt date is March 4, 2015, at the Newton Municipal Building, at 10:00 a.m.;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, as follows:

1. The Town Council of the Town of Newton authorizes the receipt of sealed bids in order to lease for space for installation of cellular communication equipment on the Town of Newton's High Street Water Tank at a minimum rental amount of \$4,500 per month (\$54,000 per year) for the first year of the lease term, with the rent to be increased by the greater of the change in CPI during the course of each year of the lease or three (3) percent. The lease also includes the option to extend the lease term for three (3) five (5) year renewal periods.
2. The Town Council intends to award the bid at the second Council meeting after the bid opening date as required by N.J.S.A. 40A:12-14.
3. The Town Council reserves the right, upon completion of the bidding process, to accept the highest bid or reject all bids.
4. The Town's Qualified Purchasing Agent is authorized to receive bids for the lease.

This Resolution shall take effect immediately.

RESOLUTION #22-2015 *

APPOINTMENT OF JEAN BOND TO THE ADVISORY RECREATION COMMISSION

WHEREAS, there is currently a vacancy for a Regular Member of the Advisory Recreation Commission; and

WHEREAS, Mrs. Jean Bond has expressed interest in serving on the Commission;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mrs. Jean Bond is hereby appointed to an unexpired five-year term on the Advisory Recreation Commission, effective immediately with said term continuing to December 31, 2018.

RESOLUTION #23-2015 *

APPOINTMENT OF RAYMOND MORRIS TO THE ADVISORY RECREATION COMMISSION

WHEREAS, there is currently a vacancy for a Regular Member of the Advisory Recreation Commission; and

WHEREAS, Mr. Raymond Morris has expressed interest in serving on the Commission;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Raymond Morris is hereby appointed to an unexpired five-year term on the Advisory Recreation Commission, effective immediately with said term continuing to December 31, 2019.

RESOLUTION #24-2015*

AWARD BID FOR ROOF REPLACEMENT & RELATED WORK AT THE NEWTON WASTEWATER TREATMENT PLANT

WHEREAS, the Town of Newton publicly accepted and opened bids for the Roof Replacement and related work at the Newton Wastewater Treatment Plant on Tuesday, December 9, 2014 at 10:00 a.m. as follows:

<u>Name and Address of Bidder</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
P. Cipollini, Inc. 171 E. Blackwell Street Dover, NJ 07801	\$216,000.00	\$207,000.00	\$190,000.00	\$115,000.00
NJK Contractors, Inc. 50 Bay 7 th Street Brooklyn, NY 11228	\$247,500.00	\$229,500.00	\$213,500.00	\$129,500.00
Arch Construction, Inc. 351 West Clinton Street Haledon, NJ 07508	\$262,000.00	\$244,000.00	\$222,000.00	\$138,000.00
Oleni Constructing Corp. 1104 62 nd Street Brooklyn, NY 11219	\$387,716.00	\$324,980.00	\$288,880.00	\$183,957.00

WHEREAS, based on review of the bid documents, John Scheri of Hatch Mott MacDonald recommends award of the Roof Replacement and related work at the Newton Wastewater Treatment Plant as stated in his letter of recommendation dated December 15, 2014, to P. Cipollini, Inc., in the amount of \$207,000; 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 contract for the Roof Replacement and related work at the Newton Wastewater Treatment Plant is awarded to P. Cipollini, Inc., Dover, New Jersey in the amount of \$207,000.00. A copy of this resolution and the proposed Contract is to be forwarded to P. Cipollini, Inc., for execution.

RESOLUTION #25-2015*

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 2014 and 2015 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

CURRENT FUND

<u>CHECK #</u>	<u>COMPANY</u>	<u>AMOUNT</u>
34655	Quill Corporation	\$ 344.07
34656	Harold Pellow & Assoc., Inc.	\$ 3,627.75
34657	Municipal Software, Inc.	\$ 6,425.40
34658	Abcode Security, Inc.	\$ 177.00
34659	G&G Diesel Service, Inc.	\$ 258.69
34660	JCP&L	\$ 12,627.39
34661	New Jersey Herald, Inc.	\$ 236.40
34662	SCMUA	\$ 706.18
34663	Michael D. Teets	\$ 10.70
34664	Rowe & Company, Inc.	\$ 917.95
34665	Campbell's Small Engine, Inc.	\$ 179.12
34666	NeoPost Leasing, Inc.	\$ 504.00
34667	Tri-State Rentals, Inc.	\$ 206.19
34668	FedEx	\$ 51.36
34669	Sussex County Economic	\$ 250.00
34670	Willco, Inc.	\$ 3,035.00
34671	Vital Computer Resources, Inc.	\$ 119.40
34672	NJLM	\$ 65.00
34673	Treasurer, State of New Jersey	\$ 300.00
34674	T.A. Mountford Company, Inc.	\$ 3,310.00
34675	Sussex County Detectives Assoc.	\$ 125.00
34676	Microsystems-NJ Com, LLC	\$ 1,500.00
34677	Sebring Auto Parts, Inc.	\$ 41.24
34678	Zee Medical, Inc.	\$ 147.50
34679	Airgas East	\$ 166.76
34680	L-3 Comm. Mobile-Vision	\$ 54.95
34681	Sussex County Clerk's Assoc.	\$ 120.00
34682	Boonton Tire Supply Inc.	\$ 221.80
34683	Treasurer, State of New Jersey	\$ 165.00
34684	Vision Service Plan	\$ 739.19
34685	Verizon Wireless, Inc.	\$ 192.68
34686	Medtronic Physio-Contrl Corp.	\$ 315.00
34687	Advance Auto Parts	\$ 134.83
34688	Home Depot, Inc.	\$ 1,000.30
34689	Fairclough Fuel	\$ 22.00
34690	Poster Compliance Center	\$ 172.50
34691	Staples Business Advantage, Inc.	\$ 392.40
34692	Language Line Services, Inc.	\$ 17.00
34693	Nestle Waters, Inc.	\$ 70.76
34694	The Emblem Authority	\$ 22.64
34695	Treasurer, State of NJ - Burial	\$ 5.00

34696	Rachles/Michele's Oil Co., Inc.	\$ 3,055.48
34697	Taylor Oil Co., Inc.	\$ 5,063.75
34698	Civic Plus Inc.	\$ 3,297.58
34699	JCP&L	\$ 847.15
34700	Atlantic Tactical Inc.	\$ 7,602.44
34701	Penteledata	\$ 658.73
34702	NJMEBF	\$ 145,571.00
34703	Morris Cnty Police Chief Assoc.	\$ 125.00
34704	WhenToWork Inc.	\$ 315.00
34705	American Society of Composers	\$ 167.50
34706	Van Meter & Assoc. Inc.	\$ 150.00
34707	Clear Channel Radio, Inc.	\$ 300.00
34708	J. Caldwell & Assoc., LLC	\$ 431.25
34709	United Telephone/Century Link	\$ 251.32
34710	Cintas Fire Protection	\$ 45.85
34711	Discount Safe Outlet	\$ 2,398.00
34712	FBI - LEEDA	\$ 50.00
151006	Payroll Account	\$ 188,243.37
		<u>\$ 397,551.57</u>

DOG RESERVE ACCOUNT

8547	Municipal Software, Inc.	\$ 408.00
8548	Read, Lorraine	\$ 9.78
		<u>\$ 417.78</u>

CAPITAL

8398	McManimon, Scotland & Baumann, LLC	\$ 1,677.00
8399	Edge Property Maintenance	\$ 11,912.39
		<u>\$ 13,589.39</u>

WATER/SEWER ACCOUNT

14712	ESC Enterprises	\$ 420.00
14713	Schmidt's Wholesale, Inc.	\$ 37.47
14714	Pellow, Harold & Assoc., Inc.	\$ 750.00
14715	Municipal Software, Inc.	\$ 5,273.40
14716	Aurora Electrical Supply, LLC	\$ 98.67
14717	JCP&L	\$ 10,158.64
14718	NJ Herald, Inc.	\$ 14.70
14719	Pumping Services, Inc.	\$ 2,717.66
14720	SCMUA	\$ 326.60
14721	Sussex County P&H, Inc.	\$ 136.65
14722	Willco, Inc.	\$ 508.94
14723	NJLM	\$ 65.00
14724	Sebring Auto Parts, Inc.	\$ 5.86
14725	Treasurer, State of New Jersey	\$ 200.00
14726	Vision Service Plan	\$ 169.50
14727	Passaic Valley Sewerage Comm.	\$ 5,440.00
14728	Cooper Electric Supply Co.	\$ 12.90
14729	Home Depot, Inc.	\$ 304.85

14730	Suburban Propane, LP	\$ 2,068.32
14731	Poster Compliance Center	\$ 172.50
14732	Airmati Compressor Systems, Inc.	\$ 1,674.89
14733	Civic Plus, Inc.	\$ 1,974.58
14734	William Grennille, LLC	\$ 4,000.00
14735	Penteledata	\$ 119.90
14736	NJMEBF	\$ 28,861.00
14737	American Society of Composers	\$ 167.50
14738	Hatch Mott MacDonald	\$ 2,847.41
14739	Hanna Instruments	\$ 655.00
156002	Payroll Account	\$ 30,494.17
		<u>\$ 99,676.11</u>

WATER/SEWER ACCOUNT

CAPITAL

2374	NJ Herald, Inc.	\$ 18.60
2375	Hatch Mott MacDonald	\$ 8,882.33
		<u>\$ 8,900.93</u>

**TRUST
ACCOUNT**

3327	Pellow, Harold & Assoc., Inc.	\$ 2,467.50
3328	Vogel, Chait, Collins, Schneider, PC	\$ 915.00
3329	J. Caldwell & Associates, LLC	\$ 1,035.00
157102	Payroll Account	\$ 1,686.01
		<u>\$ 6,103.51</u>

DEVELOPER'S ESCROW

1217	Pellow, Harold & Assoc., Inc.	\$ 436.25
1218	Dolan & Dolan, Inc.	\$ 100.80
1219	Hatch Mott MacDonald	\$ 2,458.13
		<u>\$ 2,995.18</u>

GRAND TOTAL	<u><u>\$ 529,234.47</u></u>
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RESOLUTION #26-2015 *

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

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

WHEREAS, on April 23, 2007, the Town of Newton (the “Town”), designated certain properties within its borders as an area in need of rehabilitation in accordance with the Act (the “Rehabilitation Area”); and

WHEREAS, in November 2010, after review and comment by the Town’s Planning Board in accordance with the Act, the Town implemented a redevelopment plan (as thereafter amended from time to time, the “Redevelopment Plan”) for a portion of the Rehabilitation Area

then identified on the official tax map of the Town as: Block 18.03, Lot 10 (then Block 1104, Lot 22); Block 22.02, Lots 8, 9 and 10 (then Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (then Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5 (portion), 13, 14 and 15 (then Block 1308, Lots 1 (portion), 1.01, 1.02, 10, 11, 12, 13 and 14), together with the public streets and rights-of-way adjacent thereto (collectively, the "Plan Area"); and

WHEREAS, the Town wishes to amend the Redevelopment Plan to permit single-use commercial buildings and certain other amendments as further detailed in the Redevelopment Plan; and

WHEREAS, in accordance with the Act, the Town has prepared a proposed amendment to the Redevelopment Plan, which is attached hereto as Exhibit A (the "Proposed Amendment"); and

WHEREAS, the Town Council desires to utilize the Planning Board's expertise and experience in considering the Proposed Amendment;

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

I. **GENERAL**

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

II. **PLANNING BOARD DIRECTED TO REVIEW PROPOSED AMENDMENT**

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

III. **SEVERABILITY**

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

IV. **AVAILABILITY OF THE RESOLUTION**

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

V. **EFFECTIVE DATE**

This Resolution shall take effect upon final passage.

RESOLUTION #27-2015 *

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTS IDE LIEN
HOLDER FOR BLOCK 4.02 LOT 23**

WHEREAS, at the Municipal Tax Sale held on October 25, 2012, a lien was sold on Block 4.02, Lot 23, also known as 123 High Street, for 2011 delinquent water and sewer charges; and

WHEREAS, this lien, which is known as Tax Sale Certificate #1374, was sold to US Bank Cust for Pro Capital I LLC for 0% redemption fee with a premium of \$300.00; and

WHEREAS, Ocwen Financial Corporation, the mortgage holder for the owner, has effected redemption of Tax Sale Certificate #1374 in the amount of \$2,016.11;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust for Pro Capital I LLC is entitled to the redemption in the amount of \$2,016.11 along with the premium in the amount of \$300.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$2,016.11 for the redemption of Certificate #1374 as well as a check in the amount of \$300.00 for the return of premium payable to US Bank Cust for Pro Capital I LLC, 50 So. 16th Street, Suite 1950, Philadelphia, PA 19102.

RESOLUTION #28-2015 *

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR
BLOCK 7.01, LOT 1**

WHEREAS, at the Municipal Tax Sale held on November 5, 2014, a lien was sold on Block 7.01, Lot 1, also known as 48 West End Avenue, for 2013 delinquent water and sewer charges; and

WHEREAS, this lien, which is known as Tax Sale Certificate #1394, was sold to Another Lien LLC for 0% redemption fee; and

WHEREAS, Ocwen Financial Corporation the mortgage holder for the owner, has effected redemption of Certificate #1394 in the amount of \$290.46;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Another Lien LLC is entitled to the redemption in the amount of \$290.46; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$290.46 for the redemption of Certificate #1394 payable to Another Lien LLC, 1 Vista Drive, Sparta, NJ 07871.

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

Mrs. Diglio	Yes	Mrs. Becker	Yes
Deputy Mayor Flynn	Yes	Mr. Levante	Yes
Mayor Elvidge	Yes		

DISCUSSION

A. ZONING ORDINANCE - DRAFT ORDINANCE

Mr. Russo outlined the points of interest to be discussed surrounding the Zoning Ordinance.

Jessica Caldwell, Town Planner, advised Council of the recent Light Study, which recommends the existing streetlights be upgraded to 0.5 footcandle. This upgrade can be completed with the replacement of the new LED fixtures, which are currently installed on Lower Spring Street. Mr. Russo noted that 65 light fixtures will be upgraded.

Mrs. Caldwell advised Council that the vapor stores and tobacco stores are not permitted in our ordinance, therefore several zoning permit applications for vapor stores/tobacco stores have been denied. As a new and growing use, it makes sense for the Town to review the zones and determine if they can be permitted in the Town. Ms. Caldwell will draft an ordinance and submit to Council for their review.

Mrs. Caldwell briefly reviewed the generator ordinance with Council. Noting the desire by more homeowners to add permanent home generators and are currently treated as an accessory structure. Mrs. Caldwell will further review and draft an ordinance to suggest reasonable setbacks and noise considerations for permanent home generators in residential locations.

Mrs. Caldwell, Town Planner and Kathy Citterbart, Zoning Officer, made a lengthy presentation on the sign ordinance. Mrs. Citterbart made the following presentation along with her recommendations on the sign ordinance.

**TOWN OF NEWTON
240-9 SIGNS
320-25 SIGN STANDARDS**

Katherine Citterbart
Zoning Officer

Purpose

- In order to preserve the Town as a desirable area in which to live and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the Town is a highly contributive means by which to achieve this desired end. These sign regulations are prepared with the intent of enhancing the environment and promoting the continued well-being of the Town.

Intent

- The sign standards section is intended to encourage signage which is compatible with the character of the building's within the vicinity of the business.
- These standards encourage efficient use of signage and minimization of visual clutter.
- Creativity and unique designs are encouraged that develop distinctive images using high –quality craftsmanship and materials.



240-9.A(12)

No sign or advertising structure shall be erected which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises.

240-9.A(9)-No Banner or portable signs shall be permitted except as provided in Chapter 320



Adopted

- **May 2, 2012 Zoning Form Based Code** which allowed for temporary signs/banners under:
- **Chapter 320-25D.(1) Temporary Signage and Banners** temporary signs/banners that **do not exceed the number & size noted may be displayed with a zoning permit** for a maximum of **30 days** provided the temporary sign **does not interfere with pedestrian or traffic safety.**

320-25.A(1)(2)(3) – Sign Standards

Number of	Sign Type	Maximum Size	Permitted Zone
1	Free-standing/Ground Mounted	40 squarefeet	T4, T5, T6 and SD1-9
1	Real Estate Sign	16 squarefeet	All Zones
1	Window Sign	6 squarefeet	T4, T5, T6, SD1-9
1	Temporary Sign or Banner	24 squarefeet	T3, T4, T5, T6 and SD1-9

Visual Clutter



Window Signs



Window Signs



Temporary Banners



Temporary Signs



REAL ESTATE
Permitted 16 square feet



Freestanding/Ground Mounted

Real Estate Signs

Exceeds 16 square feet



Prohibited Signage



- 320-25.E(3) Feather Flags

Process

- Complaints are received via email, phone, letter or on-site inspections by this office.
- First: An informational letter is sent
- Second: If compliance is not achieved, a notice of violation is sent with photo with a provision of 5 days to comply.
- Third: If compliance still not achieved, a summons with mandatory court appearance is served.
- A monthly report of all zoning violation activities is provided to the Town Manager for dissemination to the governing body.

Conclusion

- It is the function of this section to promote public health, safety, and general welfare through a comprehensive system of reasonable, consistent and non-discriminatory sign standards and requirements.

Zoning Officer’s Recommendations

Number of Signs Permitted	Sign Type	Maximum Size	Recommended
1 per business	Temporary Sign/Banner	24 square feet	4 per business 24 square feet each
1 per business	Window Sign	6 square feet	4 per business 16 square feet
1 per building	Real Estate	16 square feet	1 per building 40 square feet
None	Feather Flag		1 per building Max. 8 ft T-5 Zone

Councilman Levante suggested internal illumination signs should be included in the sign ordinance. He feels the 206 corridor businesses should be excluded from the sign ordinance, suggesting the advertisement signs are necessary for businesses to survive. Councilman Levante does not feel the “Country Cool” in the new slogan “City Style, Country Cool” and feels

our sign ordinance is too stringent.

B. SHADE TREE COMMISSION RECOMMENDATIONS - DRAFT ORDINANCE

Mrs. Caldwell reviewed the Tree Protection Ordinance and Tree Bank Ordinance proposed by the Newton Shade Tree Commission. Mrs. Caldwell met with the Shade Tree Commission on January 14, 2015 and obtained their comments and feedback. Mrs. Caldwell outlined the recommendations and after a brief discussion, Mr. Russo advised he would work with the Town Planner to draft an Ordinance for Council's review.

OPEN TO THE PUBLIC

Robert Woods, 37 Linwood Avenue, thanked the Council for the necessary review of the sign ordinance in Newton and suggested a committee be created and allow merchants to assist with the sign ordinance. Mr. Russo noted he will put the proposed sign ordinance on the Town website for review of all merchants and residents.

Tony Torre, 23 Paterson Place and new business owner on Spring Street, believes the sign ordinance is important to the businesses on Spring Street. He suggested the Town needs to be "trendy" and the signs should reflect same. He suggested there should be no restrictions on signs even though Spring Street is a Historic District.

Sara Megletti, owner of PB&J, commended the Council for re-visiting the sign ordinance. Mrs. Megletti suggested the Town create a booklet for new businesses in the Town of Newton for clarifications on signs and Town requirements.

COUNCIL & MANAGER COMMENTS

Mayor Elvidge thanked the merchants for coming forward with their comments, and acknowledges that the Town needs the merchants, just as the merchants need the Town.

There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Deputy Mayor Flynn and unanimously carried, the meeting was adjourned at 9:00 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lorraine A. Read". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lorraine A. Read, RMC
Municipal Clerk