

September 16, 2015

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 pm. Present were Mr. Elvidge, Deputy Mayor Diglio, Mrs. Becker, Mr. Levante, Mayor Flynn, Thomas S. Russo, Jr., Town Manager and Ursula H. Leo, Esq.

Mayor Flynn made the following declaration "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 Flynn led the Pledge of Allegiance to the flag and the Clerk called the roll and, upon motion of Deputy Mayor Diglio, seconded by Mr. Levante and carried, the minutes of the August 24, 2015 Regular and Executive Meetings were unanimously approved.

**OPEN TO THE PUBLIC**

Mayor Flynn 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."

Margaret Cosmos, 29 Halsted Street, Newton, addressed Council and explained the current parking problems on Jefferson Street due to events held at the school. She indicated she and her tenants cannot access their driveway at certain times of the day. Mr. Russo indicated a draft ordinance, along with a Police recommendation, is on the agenda for Council discussion.

There being no one else from the public to be heard, Mayor Flynn closed the meeting to the public.

**COUNCIL & MANAGER REPORTS**

**a. Proclamation - Childhood Cancer Awareness Month**

Mr. Russo requested the following Proclamation be incorporated into the minutes.

**PROCLAMATION**

**Childhood Cancer Awareness Month**

**September**

**WHEREAS**, each year, pediatric cancer interrupts the childhood and limits the potential of thousands of young Americans, and it remains the leading cause of disease related deaths in children; and

**WHEREAS**, September has been declared as National Childhood Cancer Awareness Month and in an effort to raise awareness everyone is encouraged to go GOLD to show support and promote recognition of those lives affected by cancer; and

**WHEREAS**, during Childhood Cancer Awareness Month, we come together to remember all those whose lives were cut short by pediatric cancer, to recognize the loved ones who know too well the pain it causes, and to support every child and every family battling cancer each day. We join with their loved ones and the researchers, health-care providers, and advocates who support them as we work toward a tomorrow where all children are able to pursue their full measure of happiness without the burden of cancer;

September 16, 2015

**NOW THEREFORE** , WE, the Mayor and Town Council of the Town of Newton, hereby proclaim September as Childhood Cancer Awareness Month in the Town of Newton.

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

\_\_\_\_\_ s/Mayor Daniel G. Flynn

Attest: \_\_\_\_\_ s/Lorraine A. Read

Date: \_\_\_\_\_ September 16, 2015

Mr. Russo thanked the Department of Public Works for the renovation of the Newton Town Hall lobby. It was long overdue to be renovated and looks great, Mr. Russo concluded.

Mr. Russo noted that he and Mayor Flynn will be attending the Best Practices conference on September 17, 2015. Mr. Russo noted that his submission to CIANJ 2015-2016 Annual Best Practices Guide was recently published in the guide. He hopes the Town will be nominated for Newton’s best practices at the conference and will keep the Council updated.

Mr. Russo reminded Council the Taste of Newton event will be held on Monday, September 21, 2015. Hope to see all in attendance, he noted.

Mr. Russo advised Council the 5<sup>th</sup> Annual Neighbors Helping Neighbors event will be held on Saturday, October 17, 2015 from 8:30 am - noon. Residents may request home assistance with submission to the Newton Town Manager. In addition, the mobile paper shredding truck will be available for residents only; no businesses. He noted several groups will be participating in this event and we look forward to another successful event.

**ORDINANCES**

Mayor Flynn directed the Clerk to read aloud the following Ordinances relative to final adoption.

**ORDINANCE 2015-21**

**AN ORDINANCE REPEALING SECTION 240-9, SIGNS, AND CHAPTER 2 66, ARTICLE III, SIGNS AND BANNERS OVER STREETS, IN THEIR ENTIRETY, ADDING DEFINITIONS TO SECTION 320-3 AND REPEALING AND REPLACING SECTION 320-25 SIGN STANDARDS**

**WHEREAS**, the Town Council of the Town of Newton requested a review of all sign standards within the Ordinance of the Town of Newton as a result of concerns raised by business owners; and

**WHEREAS**, the provisions for sign standards were located in three different sections in the Ordinance of the Town of Newton; and

**WHEREAS**, based on a review of the sign standards, the Town Council found that the sign standards should be revised to promote the health, safety and general welfare of the community; and

**WHEREAS**, the Town Council found that combining the three sign sections makes it clearer and easier to use, which promotes the general welfare of the community;

**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 240-9, Signs, is repealed in its entirety.

**SECTION 2:**

Chapter 266, Article III, Signs and Banners Over Streets, is repealed in its entirety.

**SECTION 3:**

Section 320-3 Definitions, is amended and supplemented as follows:

Roof. The outside top covering of a building.

Roof, Flat. A roof that is not pitched and the surface of which is generally parallel to the ground.

Roof, Gable. A ridged roof forming a gable at both ends of the building.

Roof, Gambrel. A gabled roof with two slopes on each of four sides, the low steeper than the upper.

Roof, Hip. A roof with sloping ends and sides.

Roof Mansard. A roof with two slopes on each of four sides, the lower steeper than the upper.

Roof, Shed. A roof with one slope.

Sign. Any object, device, display, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

Sign, Animated or Moving. Any sign or part of a sign that changes physical position, or light intensity, by any movement or rotation or that gives the visual impression of such movement or rotation.

Sign, Awning. A sign that is mounted, painted, or attached to an awning or other window, door canopy that is otherwise permitted by ordinance. Also referred to as a canopy sign.

Sign, Banner. A temporary sign of cloth, vinyl or similar material that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by means, including words, letters, figures, design, symbols, colors and/or images. A banner sign may be used for private business advertising purposes or may be used to celebrate an event, season, community, neighborhood or district when sponsored by a recognized community agency, organization or not-for-profit.

Sign, Blade. A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches from such building. Also known as a projecting sign, hanging sign or shingle sign.

Sign, Community Event. A temporary sign announcing a community event such as tricky trays, yard sales and fundraisers for public entities and not-for-profit organizations such as charities, schools, etc.

Sign, Directional. Signs limited to directional messages such as "one way," "entrance," and "exit."

Sign, Feather Flag. See Feather Flag.

Sign, Flag. A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as the symbol or emblem of a country or institution, as decoration, or for advertising.

Sign, Flashing. Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, Freestanding. Any non-movable sign not affixed to a building. Freestanding signs may include pole mounted signs, pylon signs and ground signs.

Sign, Ground Mounted. Any freestanding sign, other than a pole mounted sign, in which the entire bottom of the sign is in contact or close contact with the ground. Also known as pedestal or monument signs.

Sign, Halo Effect. An externally illuminated sign that is lit by a hidden light source which illuminates the wall or other background to the sign message, but not the face of the sign message. Halo signs may utilize neon to provide the halo effect, in which case the resulting sign is considered externally illuminated.

Sign, Home/Professional Occupation. A sign containing only the name and occupation of an permitted home or professional occupation.

Sign, Internally Illuminated. A sign lit from the inside by artificial lighting including fluorescent bulbs, neon, LED technology or some other light source that emits light from within the sign.

Sign, Externally Illuminated. A sign lit from the outside by lights shining on the face of the sign or that emit light from behind the sign (see halo effect signs).

Sign, Menu Board. A sign that contains the menu of a restaurant.

Sign, Neon. An internally illuminated sign consisting of glass tubing, bent to form letters, symbols, or other shapes and illuminated by neon or a similar gas through which an electric voltage is discharged.

Sign, Official. Any sign installed by a governmental agency and intended to direct or control traffic; identify streets, parks, public places or public or historic events; or to provide other information deemed necessary by that official agency.

Sign, Open. A window sign that displays the word "open" and may include hours of operation. The open sign may be illuminated but not flashing or moving.

Sign, Political. A temporary sign announcing support or supporting political candidates or issues in connection with any national, state or local election.

Sign, Portable. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs to be transported on wheels and sandwich board signs. Portable signs must be stored inside the building when the business is closed in the T-6 Zone, all other zones portable signs may remain outside at the owner's risk.

Sign, Professional/Tenant Identification. A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

Sign, Quick Response (QR) Code/TAG Code. A sign containing a QR Code/TAG Code or similar technology-based bar code that consumers may scan with a smart phone, camera or other device in order to access advertising information, coupons, a website and/or other information about the business.

Sign, Real Estate. A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

Sign, Residence Designation. A sign or nameplate indicating the name and/or address of the occupants of a residential property.

Sign, Roof. A sign that is mounted on the roof of a building or that is wholly dependent on a building for support and that project above the top edge or roof line of a building with a flat roof, eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, Sandwich Board. See portable sign.

Sign, Temporary. A sign or advertising display constructed of cloth, canvas, fabric, plastic, cardboard, plywood or other light material and designed or intended to be displayed for a short period of time. Lighted advertising signs (typically beer advertising signs) hung inside windows of an establishment are considered permanent signs.

Sign, Temporary Window. A temporary sign hung inside of a window of a commercial establishment.

Sign, Temporary Banner. See Sign, Banner.

Sign, Temporary Ground. A temporary sign that is staked or otherwise affixed to the ground.

Sign, Wall. A sign fastened to, or painted on, the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve (12) inches from such building or structure.

Sign, Window. A permanent sign that is painted or mounted onto a window pane, or that is hung inside the window solely for the purpose or effect of identifying any premises from the sidewalk or street. Also referred to as a permanent window sign.

#### **SECTION 4:**

Section 320-25 Sign Standards, is repealed in its entirety and replaced by the following:

#### **SECTION 320-25 SIGN STANDARDS**

The sign standards section is intended to encourage signage which is compatible with the character of the building's architectural design and other signs and buildings 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.

#### **SECTION 320-25.A GENERAL SIGN PROVISIONS**

- 320-25.A(1) No sign shall be constructed or displayed unless a permit shall have first been obtained from the Zoning Officer, unless specifically permitted without a Zoning Permit pursuant to this Section. One (1) permit is required per sign for each location, unless otherwise stated in this Section.
- 320-25.A(2) No sign shall be placed so as to interfere with or be mistaken for a traffic light or similar safety device or interfere with traffic visibility.
- 320-25.A(3) Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need or requirement of stopping or caution or the existence of danger or which is likely to be confused with any sign displayed by public authority is prohibited.
- 320-25.A(4) No advertising sign shall be erected or located on, within or over any public right-of-way; excepting district identification signs for a business district, historic district, municipal or traffic signs, or parking directional signs over access roads to parking, and except temporary signs as permitted by this Section.
- 320-25.A(5) No permanent 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, unless the business, commodity, service or entertainment is owned or operated by the same business entity as the location of the permanent sign. Any such sign shall meet the requirements of this Section. Temporary signs that cross-market businesses or events located off-premises are permitted subject to the requirements of this Section.
- 320-25.A(6) Wall or ground traffic directional and traffic safety signs containing such wording as "one-way," "do not enter," "stop," "enter" and "exit" may be located on a property in any zone, subject to the requirements of this Section.
- 320-25.A(7) The graphic content of a sign may be modified without obtaining a Zoning Permit, provided that the proposed graphic content complies with all applicable provisions of this Section.
- 320-25.A(8) Any Official Sign or sign required by a provision of law is permitted in any Zone.
- 320-25A(9) All hanging signs, temporary or permanent must be hung so that the bottom edge of the sign is a minimum of eight (8) feet from grade.
- 320-25A(10) The Marquis Sign at the Newton Theatre (Lot 10, Block 8.06) is grandfathered and permitted to remain as is as of the date of adoption of this ordinance and can be replaced if partially or completely destroyed. Any new or additional signs at the Newton Theatre must comply with all applicable provisions of the Town Code.

**320-25.B SIGN SIZE AND LOCATION**

320-25.B(1) Number of Signs Permitted by Type

Sign Type	# of Signs if Permitted	Zones Permitted
Free Standing/ Ground Mounted	1 per building	T-4, T-5, SD 1-9
Awning/Canopy/Façade/ Wall/ Projecting/ Blade	Choose any 2 per road frontage and 1 additional per non-frontage side per business	T-4, T-5, T-6, SD 1-9
Directional	1 per ingress/egress and as needed internally to the site	All Districts
Menu Board (Window or Façade)	1 per business	T-4, T-5, T-6, SD 1-9
Portable Sign/Sandwich Board	1 per business	T-6
Portable Sign/Sandwich Board	2 per business	T-4, T-5, SD 1-9
Professional /Tenant Identification	1 per building	T-4, T-5, T-6, SD 1-9
Real Estate	1 per building	All Districts
Window (Permanent)	1 per window	T-4, T-5, T-6, SD 1-9
Window (Permanent, Internally Illuminated)	1 per window	T-4, T-5, T-6, SD1-9
Home/Professional Occupation Sign	1 per building	All Districts
Temporary Ground Sign/Banner (T-6)	1 per business	T-6
Temporary Ground Sign/Banner (T-4, T-5, SD 1-9)	5 per business	T-4, T-5, SD 1-9
Temporary Window Signs (T-4, T-5, T-6)	Any number up to max. % coverage permitted	T-4, T-5, T-6
Temporary Window Signs (SD 1-9)	Any number up to max. % coverage permitted	SD 1-9
Quick Response (QR)/TAG Code	1 per business	T-4, T-5, T-6, SD 1-9
Decorative or Open Flags	1 per business	All Districts
“Open” Signs (May be Internally Illuminated, Not Flashing)	1 per business	T-4, T-5, T-6, SD 1-9
Barber Shop Poles	1 per business	T-4, T-5, T-6, SD 1-9

320-25.B(2) Size of Signs by Type

Sign Type	Max. Size Per Sign
Free Standing/ Ground Mounted	40 square feet
Awning/Canopy	8 square feet
Façade/ Wall	1 sq. ft. per lineal foot of façade
Façade/ Wall (Internally Illuminated)	8 square feet
Projecting/Blade	12 square feet

Directional	4 square feet
Menu Board	4 square feet
Portable Sign/Sandwich Board	8 square feet
Professional /Tenant Identification	40 square feet total 3 square feet per tenant
Real Estate	24 square feet
Window (Permanent)	8 square feet per window
Window (Permanent, Internally Illuminated)	8 square feet per window
Home/Professional Occupation Sign	4 square feet
Temporary Ground Sign/Banner	24 square feet
Temporary Window Signs (T-4, T-5, T-6)	Maximum Window Coverage 50% (including permanent window signs)
Temporary Window Signs (SD 1-9)	Maximum Window Coverage 75% (including permanent window signs)
Quick Response (QR)/TAG Code	1 square foot
Decorative or Open Flags	6 square feet
“Open” Signs (May be Internally Illuminated, Not Flashing)	8 square feet (in addition to above permitted signs)
Barber Shop Poles	4 foot maximum height

**320-25.C SIGN AREA MEASUREMENT**

- 320-25.C(1) The areas of any sign face shall be measured as the product of the horizontal width and the largest vertical width of the lettering, illustration, display or background. Where there is no geometric frame to the sign, the sign size shall be determined by creating a four-sided box around the largest illustration or lettering in the sign.
- 320-25.C(2) The sign area measurement shall not include framing, trim, molding or supporting/hanging structure used to secure sign to the building.
- 320-25.C(3) For double-faced signs, only one side is considered into the measurement.
- 320-25.C(4) For sign faces that are not parallel (i.e. v-shaped signs) both faces shall be considered into the computing of sign area. Sandwich boards shall be exempt and only one side measured in sign size calculation.

**320-25.D SIGN LIGHTING**

- 320-25.D(1) Externally illuminated sign sources shall be shielded or directed so as to not produce glare. Externally illuminated signs, including Halo Effect Signs, may be permitted with a Zoning Permit provided that they meet the standards of this Section.
- 320-25.D(2) Internally illuminated signs that are larger than eight (8) square feet may be permitted following Planning Board approval via a Minor Site Plan application, if not included in a Major Site Plan application. The Planning Board must find that the sign is in keeping with the surrounding area and the architectural features of the building, is not in conflict with the goals of the Master Plan for that zone and is not a nuisance to adjacent properties.
- 320-25.D(3) Freestanding, ground-mounted or wall/blade signs utilizing digital/LED lettering, also known as electronic message boards (EMB), may be permitted following

Planning Board approval via a Minor Site Plan application, if not included in a Major Site Plan application. The EMB shall be measured around the edges of the display board. The EMB may be a portion of or all of the sign area. The EMB must be fitted with a dimmer to adjust the lighting intensity so that it doesn't cause a nuisance or glare. The maximum luminance of the EMB shall be 80 nits. Lettering on the sign may change at a maximum of one message per 15 seconds. The Planning Board must find that the sign will not cause any traffic safety concerns and is not a nuisance to adjacent properties.

**320-25.E CONSTRUCTION SIGNAGE**

320-25.E(1) During construction, one (1) sign for each project or development phase may be displayed indicating the name of the project, developer, design professionals, general contractor, sub-contractors, financing institution, and/or public agency officials (as applicable and appropriate). Construction signage must not exceed 25 square feet. Construction signage must be removed within 48 hours of obtaining a Certificate of Occupancy.

**320-25.F TEMPORARY SIGNAGE AND BANNERS**

320-25.F(1) Temporary ground signs or banners that do not exceed the number and size as noted above may be displayed with a Zoning Permit provided that the temporary sign does not interfere with pedestrian or traffic safety and the sign remains in good condition.

320-25.F(2) Temporary window signs placed inside the window may be utilized by businesses provided they do not cover more than the percentage of window as noted above and remain in good condition. Said window signs may be displayed without a Zoning Permit so long as they remain in good condition and do not represent a hazard or nuisance. Windows of businesses that are vacant may have the windows covered 100 percent, temporarily until occupied, unless said covering is determined to represent a hazard, nuisance or security issue by the Zoning Officer or Chief of Police.

320-25.F(3) Temporary signs for elections and community events, such as tricky trays, yard sales, etc. are permitted subject to the following requirements:

- (a) Size: Maximum size in the T-1, T-2 and T-3 Zones is four (4) square feet. Maximum size in all other zones is sixteen (16) square feet.
- (b) The property owner must consent to the sign on their property.
- (c) The sign may be placed on the property up to 30 days prior to the event and must be removed within 72 hours following the event. A Zoning Permit is not required for temporary election or community event signs.

320-25.F(4) Real estate signs may be placed in front of a building for sale or lease in all zones, as noted above, until such time as the building is sold, leased or taken off of the market. The sign shall be removed within 72 hours of the closing of the sale of the property, signing of the lease on the property, or removal of the listing for the property. A Zoning Permit is not required.

**320-25.G LOCATION OF SIGNAGE**

320-25.G(1) No sign shall be placed in any location so as to block the safe movement of cars, bikes, pedestrians or other traffic at any driveway or street intersection.

320-24.G(2) No sign shall be located in an area along a sidewalk, walkway, driveway or access so as to block the safe access of the property or impact handicap accessibility standards.

320-24.G(3) Wall mounted signage may be placed above the first floor **façade** to identify a business on the upper floors of a building, or to identify the building, provided that the sign size and number meet the standards of this Section.

**320-25.H PROHIBITED SIGNAGE**

320-25.H(1) Moving, animated, flashing, blinking or rotating signs or lights, as well as streamers, pennants and similar displays, are prohibited in all zones, except EMBs and Barber Shop Poles, as noted above. This prohibition includes

balloons, other inflatable objects, searchlights, and flexible signs where movement is produced through operation of a fan or similar device, except that up to four (4) standard-sized balloons may be attached to portable signs.

320-25.H(2) Roof signs, feather flags.

**320-25.I EXEMPT SIGNAGE**

320-25.I(1) The following exemptions shall apply only to the requirement for a Zoning Permit and shall not be construed as relieving the owner of the sign from the responsibility for its erection and maintenance in good and safe condition:

- (a) Memorial tablets or signs, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials. Maximum size is four (4) square feet.
- (b) Official Signs.
- (c) Residence Designation Signs, including names on mail boxes and residences and address signs on mail boxes and buildings including 9-1-1 address signs provided that the sign does not exceed two (2) square feet.
- (d) Signs used on properties warning the public against hunting or trespassing thereon provided that the sign does not exceed two (2) square feet.
- (e) The flag of a government or noncommercial institution such as a school.
- (f) Religious symbols and seasonal decorations within the appropriate recognized season or holiday.
- (g) Temporary community event and political signs provided they meet the standards of this Section.
- (h) Portable signs, decorative or "open" flags and "open" signs provided they meet the standards of this Section.
- (i) Real estate signs provided they meet the standards of this Section.
- (j) Temporary windows signs provided they meet the standards of this Section.
- (k) Re-lettering of a previously approved sign provided that the size or location of the sign does not change.
- (l) Business or historic district directory signs, wayfinding signs, signs setting forth rules of conduct and/or light pole banners.
- (m) Temporary grand opening signs and/or banners for the first 30 days the signs are displayed.

**320-25.J SIGNS AND BANNERS OVER PUBLIC STREETS**

No person shall be permitted or allowed to place, erect or maintain, or cause to be placed, erected or maintained any sign, banner or other device over any public street in the Town of Newton, except for approved utilization of the existing decorative poles located on Spring Street, which shall be granted only for advertisement on behalf of a bona fide religious, charitable, educational, or municipal organization, in connection with the organization or a related campaign, or for an event in the interest or welfare of the public as determined by the Town Manager or his/her designee.

A fee of \$50.00 shall be charged in connection with the application for signs or banners over Spring Street under this section and the erection and removal of the sign or banner by the Town.

Applications shall be submitted to the Municipal Clerk's office; reviewed by the Director of Public Works, Supervisor of Public Works or his/her designee, to confirm sign safety; approved by the Town Manager or his/her designee and issued by the Municipal Clerk or Deputy Municipal Clerk. Any application that

does not meet the satisfaction of the Director of Public Works, Supervisor of Public Works or his/her designee as to safety shall be denied.

Only one sign or banner may be present at a time. Licenses shall be issued on a first-come, first-served basis, based upon time of submission of application.

After being granted, such approval pursuant to this section shall be valid for a maximum of four (4) weeks.

An application for a sign or banner over Spring Street shall contain:

- i. a statement of eligibility to apply for a sign or banner under the terms of this section; and
- ii. the weight and dimensions of the sign or banner, and the type of fastenings proposed to be used; and
- iii. any such other information as may be required by the Director of Public Works, Town Manager, Municipal Clerk or Deputy Municipal Clerk.

Upon application, and prior to approval of the sign or banner, the following must be obtained:

- i. Approval from the Director of Public Works, Supervisor of Public Works or his/her designee; and
- ii. Approval by the Town Manager or his/her designee; and
- iii. Executed hold harmless agreement with the Town.

**SECTION 5: SEVERABILITY AND REPEALER**

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held invalid.

**SECTION 6: NOTICE**

The Municipal Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Municipal Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

**SECTION 7: EFFECTIVE DATE**

This Ordinance shall take effect immediately upon adoption and publication in accordance with

Mayor Flynn opened the hearing to the public.

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

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

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

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

**ORDINANCE 2015-22**

**AN ORDINANCE AMENDING CHAPTER 144 "HOUSING STANDARDS" OF THE TOWN OF NEWTON'S CODE IN ORDER TO ADOPT THE NEW JERSEY STATE HOUSING CODE**

**WHEREAS**, the Mayor and Town Council of the Town of Newton desire to amend existing Chapter 144 "Housing Standards" of the Town Code by adopting the New Jersey State Housing Code requirements in order to better protect the health, safety and welfare of Town residents; and

**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.** Existing Code §§144-3 through 10 are repealed in their entirety.

**SECTION 2.** New §144-3 is enacted as follows:

**§144-3 Adoption of New Jersey State Housing Code.**

Pursuant to the provisions of N.J.S.A. 40:49-5.1 et seq. the New Jersey State Housing Code, as approved by the New Jersey Department of Community Affairs and adopted as N.J.A.C. 5:28-1.1, et seq., is hereby accepted and adopted by reference as a standard to be used in determining whether dwellings in the Town of Newton are safe, sanitary, and fit for human habitation, occupancy and/or use.

**SECTION 3.** New §144-4 enacted as follows:

**§144-4 Public Record.**

Three (3) copies of the New Jersey State Housing Code are on file at the office of the Town Clerk for use and examination by the public.

**SECTION 4.** New §144-5 is enacted as follows:

**§144-5 Enforcing Authority and Public Officer.**

The administrative authority for the provisions of this Chapter shall be the Town Manager or his/her designee. The Public Officer, responsible for enforcement depending on the nature of the enforcement item, shall be the Town's Construction Official, for construction related items; Code Enforcement Director, for property maintenance items; or the Town's Health Officer for health related items, including the public health practice standards referenced in N.J.S.A. 8:52-3.2 and 8:52-14.1, including any statutes or codes referred therein, which is currently the Sussex County Department of Health and Environmental Services, or such other individual or entity designated by the Town Manager or his/her designee shall be responsible.

**SECTION 5.** New §144-6 is enacted as follows:

**§ 144-6. Standards.**

This chapter contains the standards to guide the Public Officer in determining the fitness of any dwelling, dwelling unit, rooming unit or premises (collectively referred to as "dwelling" in this Chapter) for human habitation, use or occupancy.

**SECTION 6.** New §144-7 is enacted as follows:

**§ 144-7. Rules and regulations.**

The Town Council may make written rules and regulations which interpret the provisions of this Chapter or for the enforcement of the provisions of this Chapter. However, such rules and regulations shall not be inconsistent with nor alter, amend or supersede any provision of this Chapter. Violations of such rules and regulations shall be subject to the same penalties as other violations of this Chapter.

**SECTION 7.** New §144-8 is enacted as follows:

§144-8. Occupancy Prohibited.

No person shall occupy as owner-occupant, or rent or otherwise allow anyone to occupy any building, dwelling or dwelling unit for the purpose of living therein which does not conform to the provisions of the New Jersey State Housing Code adopted hereby as the standard to be used in determining if a building, dwelling or dwelling unit is safe, sanitary and fit for human habitation.

**SECTION 8.** §144-11 is repealed in its entirety and replaced by new §144-9 as follows:

§ 144-9. Enforcement.

- A. The Public Officer, with the assistance, as necessary of any other Department, including but not limited to, the Uniform Construction Code Department and Department of Code Enforcement, may offer technical assistance to the Public Officer with enforcing the provisions of this chapter.
- B. The Public Officer is authorized and directed to make inspections to determine the condition of buildings, dwellings, dwelling units, rooming units and premises (collectively defined as "dwelling" for purposes of this §144-8) located within the Town, in order that the Public Officer may perform their duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making inspections, upon providing at least 24 hours advanced written notice, except in the case of an emergency in which case, no advance notice is required, the Public Officer is authorized to enter, examine and survey all dwellings, and the person in charge shall give the Public Officer access to the dwelling for the purposes of inspection, examination and survey. Upon advance notice of at least 24 hours, except in the case of an emergency, in which case, advance notice is not required, the occupant of a dwelling shall give the owner or their agent or employee access to any part of such dwelling at reasonable times for the purpose of making repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter.
- C. Whenever the Public Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, the Public Officer shall give notice of the alleged violation to the person or persons responsible as hereinafter provided. The notice shall be in writing, include a statement of the reasons why it is being issued, allow a reasonable time for the performance of any act it requires, and be served upon the owner or their agent or the occupant, as the case may require, provided that the notice shall be deemed to be properly served upon the owner or agent or upon the occupant if a copy thereof is served upon him or her personally; if a copy thereof is sent by registered mail to his or her last known address; if a copy is posted in a conspicuous place in or about the dwelling affected by the notice; or if he or she is served with such notice by any other method authorized or required under the laws of this state. The notice may contain an outline of the remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted.
- D. Every notice served by the Public Officer pursuant to Subsection C of this chapter shall contain a statement in bold type which states as follows: "**Any person aggrieved by any provision contained within the notice may, within 10 calendar days from the date of service, appeal to the Town Manager or his/her designee by filing a notice of appeal with the Town Clerk.** "
- E. Any notice served pursuant to this chapter shall automatically become an order if written petition of appeal is not filed in the office of the Clerk within 10 calendar days after the notice is served as hereinabove provided.
- F. The Public Officer is authorized, subject to approval of the Town Manager or his/her designee, to make and adopt written rules and regulations as they may deem necessary for the proper enforcement of the provisions of this Chapter, provided that rules and regulations shall not be in conflict with the provisions of this Chapter nor in any way alter, amend or supersede any of the provisions thereof. The Public Officer shall file a certified copy of all rules and regulations which they may adopt in their office and in the offices of the Town Clerk, Board of Health and Town Manager and have the rules and regulations published once in the official newspaper of the Town.

**SECTION 9.** Existing §144-12 “Board of Appeals” is repealed in its entirety.

**SECTION 10.** Existing §144-13 “Appeals” is renumbered as §144-10 “Appeals” and is replaced in its entirety as follows:

**§144-10.1 Appeals to the Town Manager.**

- A. Any person aggrieved by any notice or order which has been issued in connection with the enforcement of any provisions of this chapter or any rule or regulation may request and be granted a hearing on the matter before the Town Manager or his/her designee, provided that the person files in the office of the Town Clerk a written petition requesting the hearing, setting forth a brief statement of the grounds, within 10 calendar days after the day the notice or order was served or within 10 calendar days from the date that the action complained of occurred and pays a fee as set forth in §100-21.F to help defray the costs of the appeal.
- B. Upon receipt of the petition and fee, the Town Manager or his/her designee shall set a time and place for the hearing and shall give the petitioner written notice thereof.
- C. At the hearing, the petitioner shall be given an opportunity to be heard and show why the notice, order or other action complained of should be modified or reversed. The hearing shall be scheduled not later than 30 calendar days after the day on which the petition was filed, provided that, upon application of the petitioner or upon the Town Manager’s (or designee) own motion, the hearing date may be postponed beyond the 30 day period.
- D. At the time and place set for the hearing, the petitioner may present evidence or testimony in their behalf as may be deemed necessary and desirable. The proceedings at the hearing, including the findings and decision of the Town Manager or designee, shall be summarized, reduced to writing and entered as a matter of public record. The records shall include a copy of every notice or order issued in connection with the matter.
- E. Upon completion of the hearing, the Town Manager or his/her designee, within 30 calendar days, shall make their findings of fact and conclusions of law. Copies of the decision shall be filed with the Town Clerk and mailed to the appellant.

**§144-10.2 Appeals to the Town Council**

- A. In the event the petitioner desires to appeal the decision of the Town Manager, or his/her designee, the petitioner may request a hearing before the Town Council, provided that the petitioner files a written petition with the Town Clerk within 10 calendar days from the date that the Town Manager’s decision was served on the petitioner. The petitioner must also pay the appeal fee, as set forth in §100-21(F), with his/her appeal petition.
- B. Upon receipt of the petition and fee, the Town Council designee shall set a time and place for the hearing and shall give the petitioner written notice thereof. Such hearing shall be open to the public, in accordance with the New Jersey Open Public Meetings Act.
- C. At the hearing, the petitioner shall be given an opportunity to be heard and show why the Town Manager’s decision should be modified or reversed. The hearing shall be scheduled not later than 30 calendar days after the day on which the petition was filed, provided that, upon application of the petitioner or upon the Town Council’s own motion, the hearing date may be postponed beyond the 30 day period.
- D. At the time and place set for the hearing, the petitioner may present evidence or testimony in their behalf as may be deemed necessary and desirable. The proceedings at the hearing, including the findings and decision of the Town Council shall be summarized, reduced to writing and entered as a matter of public record. The records shall include a copy of every notice or order issued in connection with the matter.
- E. Upon completion of the hearing, the Town Council shall, within 30 calendar days, make their decision. Copies of the decision shall be filed with the Town Clerk and mailed to the petitioner. In the event the petitioner seeks to challenge the decision of the Town

Council, the petitioner may file an appeal with a court of competent jurisdiction within the time provided for in the New Jersey Court Rules.

**SECTION 11.** §144-14 is repealed in its entirety.

**SECTION 12.** §144-15 is repealed in its entirety.

**SECTION 13.** Existing §144-16 “Issuance of inspection and status reports” is renumbered as §144-11 “Issuance of inspection and status reports”.

**SECTION 14.** Existing §144-17 “Violations and penalties” is renumbered as §144-12 “Violations and penalties”.

**SECTION 15.** Chapter 100, Fees and Costs, §100-21 entitled “Property Maintenance Code”, is hereby amended to add the following:

F. Fee to file an appeal to the Town Manager: \$100.

Fee to file an appeal to the Town Council: \$100.

**SECTION 16. 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 17. 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 18. Effective Date.** This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

Mayor Flynn opened the hearing to the public.

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

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

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

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

**ORDINANCE #201 5-23**

**AN ORDINANCE AMENDING CHAPTER 2 13 ENTITLED “PROPERTY MAINTENANCE ” AND CHAPTER 266 ENTITLED “STREETS AND SIDEWALKS ” OF THE CODE OF THE TOWN OF NEWTON TO REVISE AND ESTABLISH ADDITIONAL MEASURES TO ASSIST IN THE PUBLIC SAFETY OF TOWN RESIDENTS, BUSINESS OWNERS AND VISITORS**

**WHEREAS,** the Town of Newton has determined that additional measures may assist in the public safety of Town residents, business owners and visitors; and

**WHEREAS,** the Town of Newton’s Police Department has determined that automatic shutting doors would assist in the public safety of all business occupants and in crime prevention and disruption; and

**WHEREAS**, preventing individuals from dropping items onto public streets and sidewalks will increase public safety;

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

**Section 1.** A new Section 213-10.A shall be and is hereby enacted as part of the Town Code, as follows:

213-10.A For every residential building that has more than one unit, any and all exterior doors connected to a common hallway must be self-closing and self-securing, and have a lock and door viewer. No person shall tamper with, alter, disable or otherwise thwart the operation of the door closing and securing.

**Section 2.** A new Article VII to Chapter 266, "Streets and Sidewalks", shall be and is hereby enacted as part of the Town Code, as follows:

**Article VII Depositing Items on Public Streets and Sidewalks**

266-46 No person shall throw, drop, propel, deposit or dump any item including keys, packages, litter, garbage, fluids, including bodily fluids, or rubbish from any building onto any public street or sidewalk or to any person or thing on any public street or sidewalk below.

266-47 Violations and Penalties. Violations of the provisions of this Article shall be punishable as provided in Chapter 1, Article III, General Penalty.

**Section 3. Severability.** If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**Section 4. 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 5. Effective Date.** This Ordinance will take effect after publication and passage according to law.

Mayor Flynn opened the hearing to the public.

Richard Heckman, 27 Donald Avenue, asked where to find the Ordinances which are on the agenda for this evening and was advised by Mr. Russo that all Ordinances are on the website and directed Mr. Heckman where to view same. Mr. Heckman addressed areas to be addressed by code enforcement which was addressed by Mr. Russo.

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

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

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

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

**ORDINANCE 2015-24**

**AN ORDINANCE AMENDING SECTIONS 320-3, DEFINITIONS, AND 320-24.A, FENCES OR WALLS, OF THE TOWN CODE OF THE TOWN OF NEWTON TO CREATE ADDITIONAL STANDARDS FOR FENCE INSTALLATION**

**WHEREAS**, the Mayor and Town Council of the Town of Newton find that it is not directly noted in Section 320-24.A of the Town Code that a fence permit is needed; and

**WHEREAS**, the Mayor and Town Council of the Town of Newton find that an additional standard to require fences to be constructed one (1) foot off of the property line would limit conflicts between property owners; and

**WHEREAS**, the Mayor and Town Council, with suggestions from the Town planner, desire to make additional revisions to fencing regulations and to definitions, Town Code Section 320-3, related to fencing;

**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 320-3 Definitions, of the Town Code is amended by the addition of the following:

Fence: an artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas. Fences are generally erected as permanent or long-term structures utilizing fence posts set into the ground with concrete or other stabilizing material.

Temporary Fence: an artificially constructed barrier made of any material or combination of materials erected to temporarily enclose, screen or separate areas. Temporary fences may include deer fencing, garden enclosures, edging, and the like, which are not permanently affixed into the ground and can be easily removed without special equipment or machinery.

**SECTION 2:** Section 320-24.A Fences and Walls, of the Town Code shall be supplemented by the addition of the following:

- (11) No fence or wall shall be placed within one (1) foot of any property line unless a single fence is placed along a common property line as agreed to by adjoining property owners.
- (12) Fences and walls shall be erected in a manner so as to permit the flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding.
- (13) Temporary fences must meet all setback and height requirements of permanent fencing.
- (14) A fence permit is required to be issued by the Zoning Officer prior to the erection or replacement of any fence, except that temporary fences do not require a permit, however they must meet all height and setback requirements of permanent fences. An application for a fence permit shall contain such information as to ensure conformance with the above standards and, at a minimum, should include a plot plan indicating the location of fencing, fence material, the lot's front, side and rear yard setback requirements, and an indication of the proposed fence height in relation to the front yard setback and remainder of lot as applicable.

**SECTION 3: SEVERABILITY AND REPEALER**

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held invalid.

**SECTION 4: NOTICE**

Upon the adoption of this Ordinance, after public hearing, the Town Clerk is directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

**SECTION 5: EFFECTIVE DATE**

Mayor Flynn opened the hearing to the public.

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

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

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

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

**ORDINANCE #2015-25**

**AN ORDINANCE AMENDING CHAPTER 307 "VEHICLES AND TRAFFIC " OF THE CODE OF THE TOWN OF NEWTON TO REVISE PARKING REQUIREMENTS FOR PORTIONS OF SPRING STREET**

**WHEREAS**, the Town Council recently adopted Ordinance #2015-19 designating a portion of Spring Street as one-way to vehicular traffic in a northwesterly direction from Madison Street-Union Place to Route US 206; and

**WHEREAS**, the Town Engineer, Harold E. Pellow, has recommended revisions to the parking ordinance sections, based upon the changes to Spring Street; and

**WHEREAS**, the one-way designation of Spring Street will allow parking on both sides of the street from Madison Street-Union Place to Route US 206, including "handicapped parking" spaces, as further indicated on the map prepared by Harold E. Pellow & Associates, Inc., entitled "Proposed Resurfacing & Improvements to Spring Street", last revised August 19, 2015; and

**WHEREAS**, certain sections of Chapter 307 must be revised to be consistent with vehicle parking as a result of this one-way vehicular traffic designation on Spring Street;

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

**Section 1. §307-48 "Schedule I: No Parking"** shall be and is hereby amended to delete the following:

Spring Street; Southwest Side; Between Main Street (US #206) and Madison Street.

**Section 2. §307-50 "Schedule III: Parking Time Limited on Certain Streets"** shall be and is hereby revised to the following:

Spring Street; Southwest Side; One hour parking; 8:00 a.m. to 6:00 p.m. Monday to Saturday; Beginning at a point in the southwesterly curblineline of Spring Street, 131 feet north of where the same intersects with the northerly curblineline of Madison Street, thence, northerly along the southwesterly curblineline of Spring Street and all appropriately marked parking spaces, other than those reserved for handicapped persons, as listed in Schedule XVII to a point 45 feet south from the southerly curblineline extension of New Jersey Route 206.

Spring Street; Northeast Side; One hour parking; 8:00 a.m. to 6:00 p.m. Monday to Saturday; Beginning at a point in the northeasterly curblineline of Spring Street, 41 feet north of where the same intersects with the northerly curblineline of Union Place, thence northerly along the northeasterly curblineline of Spring Street in all appropriately marked parking spaces, other than those reserved for handicapped persons as listed in Schedule XVII, to a point 118 feet north of Moran Street's northerly curblineline intersection with Spring Street's northeasterly curblineline.

**Section 3. §307-67 "Schedule XVII: Handicapped Parking"** shall be and is hereby amended as follows:

Spring Street; Northeast Side; Beginning 41 feet north from the northerly curblin extension of Union Place and ending 71 feet north from said curblin extension of Union Place.

Spring Street; Northeast Side; Beginning 98 feet north from the northerly curblin extension of Moran Street and ending 118 feet north from said curblin extension of Moran Street.

Spring Street; Southwest Side; Beginning 182 feet north from the northeast curblin intersection of Madison Street and ending 206 feet northeast from said curblin extension of Madison Street.

**Section 4.** Pursuant to N.J.S.A. 39:4-138.6, the Town of Newton, via this Ordinance, hereby mandates that a person may park a motor vehicle on either side of Spring Street in designated spaces no less than twenty (20') feet from a crosswalk, curblin extension of an intersecting street or intersecting highway, as such is depicted on the map prepared by Harold E. Pellow & Associates, Inc., titled "Proposed Resurfacing & Improvements to Spring Street", last revised August 19, 2015.

**Section 5. Severability.** If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**Section 6. 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 7. Effective Date.** This Ordinance will take effect after publication and passage according to law.

Mayor Flynn opened the hearing to the public.

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

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

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

Deputy Mayor Diglio and Councilman Levante requested Resolutions 153-2015 and 155-2015, respectively, be removed from the Consent Agenda for separate discussions.

**RESOLUTION # 152-2015\***

**AFFIRM THE ISSUANCE OF A \$4,139,000 BOND ANTICIPATION NOTE**

**WHEREAS**, when Bond Ordinances are adopted by the Town Council of the Town of Newton, the Chief Financial Officer is authorized to issue Bond Anticipation Notes (BAN's) to provide temporary financing for the Town; and

**WHEREAS**, the Town of Newton needs to finance the debt authorized by Ordinances #2012-13 adopted April 9, 2012, #2013-11 adopted April 22, 2013, #2014-3 adopted March 10, 2014, #2014-6 adopted April 14, 2014, #2015-16 adopted April 27, 2015 and #2015-20 adopted June 22, 2015; and

**WHEREAS**, the Town received three quotations ranging from .9995% to .64% Net Interest Cost (NIC) as listed on the attached Note Sale Bid Results; and

**WHEREAS**, the Chief Financial Officer, with advice of Phoenix Advisors, financial advisors and McManimon, Scotland & Baumann, LLC, bond counsel for the Town of Newton, accepted the quotation of TD Securities (USA) LLC for a Bond Anticipation Note totaling \$4,139,000 at an interest rate of 1.5% requiring a 2016 interest payment of \$61,912.54, together with a premium of \$35,471.23 bringing the net interest cost (NIC) to .64%; and

**WHEREAS**, the appropriate Town Officials have executed said Note in the amount of \$4,139,000 with an interest rate of 1.5% (NIC.64%) dated August 27, 2015 for a term of 359/360 days and maturing August 26, 2016; and

**WHEREAS**, to comply with N.J.S.A. 40A:2-28 of the Local Bond Law, which requires the Chief Financial Officer report certain information in writing to the Mayor and Council at the next Town Council meeting, herewith attached is the Certificate of Determination and Award.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it does hereby affirm the issuance of a \$4,139,000 Bond Anticipation Note issued August 27, 2015 and maturing August 26, 2016 bearing an interest rate of 1.5% (together with premium making the NIC .64%) by the Chief Financial Officer and the execution of said note by the appropriate Town Officials.

**RESOLUTION # 154-2015\***

**APPROVING REVISED TOWN OF NEWTON PERSONNEL POLICIES AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK**

**WHEREAS**, the Town of Newton has adopted a Personnel Policies and Procedures Manual and Employee Handbook ("Handbook"), which applies to all Town officials, appointees, employees, volunteers and independent contractors, providing guidelines covering public service by Town employees, and is not a contract; and

**WHEREAS**, the Town of Newton has completed a review of the Handbook and has determined that certain portions of the Handbook are in need of revision; and

**WHEREAS**, amendments and supplements to the Handbook become effective via resolution of the Town Council, per Ordinance 2013-34;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that the Handbook is hereby amended, as set forth in the copy of the Handbook dated October 2015 which is on file in the Municipal Clerk's Office.

**RESOLUTION #1 56-2015\***

**INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2015 TOWN OF NEWTON BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (C. 159, PL 1948)**

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

**WHEREAS**, the Town of Newton has been awarded a grant in the amount of \$5,000.00 from the State of New Jersey Section 405 - National Priority Safety Program - CFDA 20.616 for 2015 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown grant;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following items in the 2015 Budget of the Town of Newton which is now available as revenue from:

Miscellaneous Revenues:

Section F: Special Items of Revenue

Public and Private Revenues Off-set with Appropriations:

New Jersey Drive Sober or Get Pulled Over Grant ..... \$5,000.00

General Appropriations:

(A) Operations - Excluded from CAPS

Public and Private Programs Off-Set by Revenues:

New Jersey Drive Sober or Get Pulled Over Grant..... \$5,000.00

**BE IT FURTHER RESOLVED**, that an electronic version of this Resolution be forwarded to the Director of the Division of Local Government Services.

**RESOLUTION #1 57-2015\***

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

**WHEREAS**, the Water and Sewer Collector has determined 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 aforementioned accounts for amounts billed incorrectly due to the reasons stated:

**Utility Board Recommends Credit of Excess Sewer Charges Due to Leaks from Frozen Pipes:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
3442	39 Clinton Street	\$500.00
11267	205 Main Street	\$665.00
7172	33 Liberty Street	\$250.00
10390	7 Main Street	\$950.00
10464	41-47 Main Street	\$1,820.00

**RESOLUTION # 158-2015\***

**AUTHORIZE CREDITS FOR WATER USAGE FOR 125 SPARTA AVENUE**

**WHEREAS**, the Department of Public Works, Water Division has determined that since the 10” watermain has been shut down due to the break in Fox Hollow Lake, creating a dead-end line, there have been unexplained spikes in usage at 125 Sparta Avenue when the valve is open and the line is flushed; and

**WHEREAS**, the Department of Public Works, Water Division has determined that air is passing through the line during flushing, and that has caused the meter to register inaccurate water usage; and

**WHEREAS**, the Board has approved the Utility Collector to credit the quarters in question and charge the above property a minimum water bill until the Fox Hollow 20” watermain is placed back in service;

**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 aforementioned account for amounts billed incorrectly due to the reason(s) stated:

**Utility Board Recommends Credit for Excess Usage Due to Air in Water Line:**

September 16, 2015

<u>Account</u>	<u>Address</u>	<u>Amount</u>
23015	125 Sparta Avenue	\$6,957.84

**RESOLUTION #159 -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**

119.60	Quill Corporation	35595
343.00	Pellow, Harold & Assoc., Inc.	35596
3,701.81	Partac Peat Corporation	35597
404.42	Elizabethtown Gas	35598
13,193.63	JCP&L	35599
125.85	Centurylink Communications, Inc.	35600
85.78	Campbell's Small Engine Inc.	35601
121.00	Fire Fighters Equipment Co. Inc.	35602
90.98	Federal Express	35603
100.00	Sussex County Economic	35604
24.13	Hayek's Market Inc.	35605
62.50	Holzauer, Scott	35606
5,000.00	Dog Reserve Account	35607
5,900.00	KML Technology Inc	35608
225.61	Galls Incorporated	35609
135.00	Minisink Press Inc.	35610
41.89	Sebring Auto Parts, Inc.	35611
105.34	Sherwin-Williams, Inc.	35612
100.00	Greater Newton Chmbr of Comm.	35613
65.61	Airgas East	35614
14.65	Service Electric Cable TV	35615
750.00	McCullough Tree Exoerts LLC	35616
75.83	Bennett Sand & Grave, LLC	35617
1,154.57	Boonton Tire Supply Inc.	35618
686.19	Vision Service Plan	35619
194.00	Verizon Wireless, Inc.	35620
335.10	Medtronic Physio-Contrl Corp	35621
39.00	NJ Div Alcohol Beverage Contr	35622
812.50	Alternate Power Inc.	35623
178.67	Home Depot, Inc.	35624
579.07	Fire & Safety Services, LTD., Inc.	35625
485.00	Treasurer, State of NJ	35626
120.00	Thomson West, Inc.	35627
533.97	Buckman's Inc.	35628
1,215.29	Staples Business Advantage, Inc.	35629
40.33	Staples Business Advantage, Inc.	35630
250.00	CSS Test Inc.	35631
60.11	Nestle Waters, Inc.	35632
4,012.64	Rachels/Michele's Oil Company, Inc.	35633
863.81	Taylor Oil Co., Inc.	35634
3,482.00	Laddey, Clark & Ryan, LLP	35635
599.00	Ricciardi Brothers, Inc.	35636
729.00	Gramco Business Communications Inc.	35637
60.00	Tire King, Inc.	35638
550.00	NJLM	35639
12,035.16	Atlantic Tactical Inc.	35640
1,875.00	Trimboli & Prusinowski, LLC.	35641
133,522.00	NJMEBF	35642
1,770.00	Chelbus Cleaning Co., Inc.	35643
1,065.64	NJ Div Pension & Benefit	35644
205.11	Thyssenkrupp Elevator Corp.	35645
3,664.30	Some's World Wide Uniforms, Inc.	35646

September 16, 2015

48.00	Daniel Flynn	35647
126.36	United Telephone/Century Link	35648
540.59	Sunlight General	35649
210.00	USA Hoistco., Inc.	35650
256.22	Morris Asphalt Co.	35651
190.60	Cintas Fire Protection	35652
1,209.98	STS Tire & Auto, Inc.	35653
142.00	AAA	35654
500.00	Commerce and Industry Association O	35655
141.30	V.E. Ralph & Son, Inc.	35656
943.68	Anytime World Wide/Anytime Products	35657
900.00	Total Traffic Network	35658
188,052.88	Payroll Account	151056
95.43	Elavon	151055
133,618.00	NJMEBF	35594
374,700.00	Bank of New York	151054
70,000.00	Capital Account	151053
34,020.98	JP Morgan Chase Bank	151052
185,087.52	Payroll Account	151051
1,031,649.83	Newton Board of Education	151050

**CAPITAL**

10,767.29	Pellow, Harold & Asso, Inc.	8453
2,378.82	Weldon Asphalt Company, Inc.	8454
93,917.32	Tony's Concrete Constr Co, Inc	8455
204.47	Home Depot, Inc.	8456
1,753.75	Excel Environmental Resources	8457
2,500.00	Kozdeba & Son LLC.	8458
9,992.70	Edge Property Maintenance, Inc.	8459
123,430.02	FAI-GON Electric, Inc.	8460
1,814.23	Payroll Account	153006
3,411,575.00	JP Morgan Chase Bank	153005
9,154.13	Payroll Account	153004

**Total TOWN BILLS    \$ 5,891,825.19**

**WATER AND SEWER ACCOUNT**

11,202.03	Schmidt's Wholesale, Inc	15160
1,819.00	Pellow, Harold & Asso, Inc.	15161
400.16	Hach Company	15162
1,175.80	CCP Industries, Inc.	15163
31.85	Aurora Electrical Supply, LLC.	15164
294.49	Elizabethtown Gas	15165
12,389.56	JCP&L	15166
8,875.00	Pumping Services, Inc.	15167
25.68	Sussex County P & H, Inc.	15168
8,844.63	Coyne Chemical Corp., Inc.	15169
1,035.00	Garden State Laboratories Inc	15170
240.15	Hamburg Plumbing Supply Co Inc	15171
835.42	Willco, Inc.	15172
4,110.85	Current Account	15173
2,891.71	Water & Sewer Operating Acct	15174
1,385.00	T.A. Mountford Company, Inc.	15175
7.24	Sebring Auto Parts, Inc.	15176
2,720.00	R&D Trucking Inc	15177
198.48	Airgas East	15178
176.00	Vision Service Plan	15179
4,800.00	Passaic Valley Sewerage Comm.	15180
649.35	Main Pool & Chemical Company, Inc.	15181
1,335.00	Alternate Power Inc.	15182
171.70	Home Depot, Inc.	15183
1,096.00	Process Tech Sales and Service	15184
4,465.02	Pall Corporation	15185
973.62	Serfilco, LTD	15186
544.40	Staples Business Advantage, Inc.	15187
35.28	Lowe's, Inc.	15188
136.00	Spectrum Communications, Inc.	15189

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704.00	Laddey, Clark & Ryan LLP	15190
6,955.00	Kieffer Electric, Inc.	15191
729.00	Gramco Business Communications Inc.	15192
1,272.00	Accurate Waste Removal Inc.	15193
4,000.00	William Grennille, LLC	15194
982.76	Ryan Herco Flow Solutions, INC.	15195
28,861.00	NJMEBF	15196
14,252.01	Hatch Mott Macdonald	15197
993.73	Sunlight General	15198
189.88	Morris Asphalt Co.	15199
700.00	Hunterdon County Poly Tech	15200
900.00	Total Traffic Network	15201
369.99	Azul Core	15202
32,848.77	Payroll Account	156028
496.30	State of New Jersey - PWT	156027
150.00	NJ Dept of Environmental Protection	15159
28,861.00	NJMEBF	15158
21.69	Sparta Postmaster	15157
949.34	Sparta Postmaster	15156
30,310.84	Payroll Account	156026

**CAPITAL**

1,158.86	Pellow, Harold & Asso, Inc.	2400
4,706.32	Hatch Mott Macdonald	2401

**Total WATER & SEWER Bills \$ 233,276.91**

**TRUST ACCOUNT**

2,140.25	Pellow, Harold & Asso, Inc.	3402
216.00	Hollander, Strelzik, Pasculli, Hinkes	3403
73.28	Walmart	3404
420.00	Vogel, Chait, Collins, Schneider, PC,	3405
556.18	Country Club Ice Cream, LLC.	3406
103.80	Shop Rite, Inc.	3407
7,165.52	Payroll Account	157119
11,029.27	Payroll Account	157118

**Total TRUST ACCOUNT Bills \$ 21,704.30**

**DEVELOPER'S ESCROW ACCOUNT**

2,905.50	Pellow, Harold & Asso, Inc.	1240
90.00	Vogel, Chait, Collins, Schneider, PC,	1241
636.50	Ferriero Engineering Inc.	1242
1,652.00	J. Caldwell & Associates, LLC.	1243

**Total DEVELOPER'S ESCROW ACCOUNT Bills \$ 5,284.00**

**SUI ACCOUNT**

240.00	S/NJ Dept of Labor & Workforce Dev	1104
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**Total SUI ACCOUNT Bills \$ 240.00**

**HOUSING TRUST FUND (COAH)**

1,178.00	Laddey, Clark & Ryan, LLP	134
177.00	J. Caldwell & Associates, LLC.	135

**Total HOUSING TRUST FUND (COAH) Bills \$ 1,355.00**

**DOG RESERVE**

8,180.00	Township of Wantage	8550
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**Total DOG RESERVE Bills \$ 8,180.00**

**FEDERAL/STATE GRANTS**

6,254.18	Atlantic Tactical Inc.	1282
799.89	Shop Rite, Inc.	1283
966.70	Payroll Account	151106
1,472.65	Federal & State Grant	151105

**Total FEDERAL/STATE/GRANTS \$ 9,493.51**

A motion was made by Deputy Mayor Diglio to approve the modified **COMBINED**

**ACTION RESOLUTIONS** , seconded by Mrs. Becker, and roll call resulted as follows:

Mr. Elvidge	Yes	Deputy Mayor Diglio	Yes
Mrs. Becker	Yes	Mr. Levante	Yes
	Mayor Flynn	Yes (Recused himself on Check #1242)	

Deputy Mayor Diglio inquired whether newly planted lawns could water their lawn with the current restrictions and was advised by Mr. Russo they could only water with a watering can, not with a hose.

**RESOLUTION #153-2015**

**WATER RESTRICTIONS FOR THE TOWN OF NEWTON EFFECTIVE SEPTEMBER 17, 2015**

**WHEREAS**, the Town of Newton’s reservoir at Morris Lake, Sparta, New Jersey is currently more than 26 inches below the top of the spillway; and

**WHEREAS**, due to the continued drop in water at Morris Lake, water restrictions will be implemented and take effect on September 17, 2015;

**WHEREAS**, §228-22. Prohibited water use. of the Code of the Town of Newton prohibits the following:

1. Water customers are prohibited from watering their lawns or gardens; and
2. Washing cars, trucks, boats, or any recreational vehicles; and
3. Washing public or private driveways, walkways, or sidewalks; and
4. Filling swimming pools and ornamental reflecting pools or fountains.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that we hereby impose water restrictions for the Town of Newton and authorize the Town Manager, through the Chief of Police and the Police Department, to enforce the provisions of Chapter 228, Article VI, Water Restrictions; Water Bans, of the Code of the Town of Newton.

A motion was made by Mr. Elvidge to approve the above **RESOLUTION #153-2015** , seconded by Mrs. Becker, and roll call resulted as follows:

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

Councilman Levante inquired whether the Town is being compensated for the millings from Fredon and was advised the Town would not be compensated but the Town will not have to pay to remove the millings. Therefore the Town will save money on the final cost of the project.

**RESOLUTION #155-2015**

**APPROVING USE OF MILLINGS FROM NEWTON 'S TRINITY STREET PROJECT TO THE TOWNSHIP OF FREDON**

**WHEREAS**, the Town of Newton has scheduled street improvement projects on Trinity Street that will result in excess millings; and

**WHEREAS**, the Mayor of Fredon Township requested to take Newton's millings from the Trinity Street project; and

**WHEREAS**, the millings shall be removed and disposed of in accordance with New Jersey Department of Environmental Protection ("NJDEP") regulations; and

**WHEREAS**, Fredon Township shall be responsible for utilizing the millings in a manner consistent with NJDEP regulations;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that Fredon Township's request to utilize the millings from the Town of Newton's Trinity Street project is hereby granted.

A motion was made by Mr. Levante to approve the above **RESOLUTION #155-2015**, seconded by Mr. Elvidge and roll call resulted as follows:

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

**INTERMISSION** - None

**DISCUSSION**

**a. Ordinance Draft - Pet Leash Requirements**

Mr. Russo and Mrs. Leo, Esq. reviewed the current ordinance pertaining to "Parks and Recreation Areas" and requested amendments to same. Mr. Russo outlined the amendments to include "animal(s) in any public park or recreational area within the Town, unless animal waste is immediately picked up and properly disposed of..." The proposed Ordinance will allow for the recreational areas in Town to be pet friendly. After a brief discussion, Council unanimously agreed to the proposed amendments as presented. The Ordinance will be introduced at the next Council meeting.

**b. Ordinance Draft - Wireless Communication**

Mrs. Leo, Esq. outlined the draft ordinance pertaining to wireless communication facilities. After a brief discussion, the Governing Body unanimously agreed to the draft ordinance as submitted and reviewed by the Town Attorney. Mr. Russo noted this Ordinance will go to the Newton Planning Board for their review.

**c. Ordinance Draft - Court Violation Schedule**

Mr. Russo briefly outlined the minor amendment to the draft ordinance pertaining to Chapter 307, "Vehicles and Traffic". After a brief discussion, the Governing Body unanimously agreed to the changes in the draft ordinance as submitted.

**d. Ordinance Draft - Jefferson Street No Parking**

Mr. Russo outlined the amendments to Chapter 307-48 Schedule 1, "No Parking". This is the Ordinance discussed by Ms. Cosmos this evening, he noted. He also advised this recommendation was submitted by Detective VanNieuwland of the Newton Police Department and the Town agrees with the recommendation due to safety reasons. After a brief discussion, the Governing Body unanimously agreed to the changes to the draft ordinance as submitted.

**e. Ordinance Draft - No Right Turn on Madison Street**

Mr. Russo read a memo from Det. Steve VanNieuwland dated August 18, 2015. Mr. Russo noted this recommendation by the Police will be forwarded to the Town Engineer for review and approval.

Councilman Levante, addressing the parking violators who consistently park their vehicle on Spring Street all day, believes the parking violators cars should be "booted" and have a hefty fine attached. Mr. Russo noted there are several areas to review now that Spring Street is one-way. He will review all options and keep Council updated.

**OPEN TO THE PUBLIC**

Margaret Cosmo, 29 Halsted Street, questioned when the Ordinance for Jefferson Street would be in effect and was advised by Mr. Russo of the approval process and timeframe.

Sara Migeletti, Owner of PB&J, 219 Spring Street, addressed the parking abuse on Spring Street and advised Council the Downtown Newton Organization (DNA) will continue to work with the Newton Parking Authority on the current parking issues. She indicated there is an "app" which would assist with the parking time limits.

**COUNCIL & MANAGER COMMENTS**

Councilman Levante expressed his concern with the intersection on Spring Street and Water Street. He noted this intersection is currently being enforced by the Police but feels this is a dangerous intersection for pedestrians to walk across. After a lengthy discussion, the Council expressed their frustration with the State DOT who recently disapproved an "active device" at that intersection.

Councilman Elvidge reviewed some deficiencies around Town and asked Mr. Russo to address same.

Councilman Levante asked Mr. Russo to look into the timing of traffic lights at the intersection of Park Place and Spring Street.

Mayor Flynn advised he went on a walk with the Deputy Town Manager today and updated Council on the "punch list" items to be fixed on Spring Street.

Mayor Flynn thanked all involved with the one-way Spring Street project. He noted communication was great and project went smoothly.

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There being no further business to be conducted, upon motion of Mr. Elvidge, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 8:02 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lorraine A. Read". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Lorraine A. Read, RMC  
Municipal Clerk