

Council President Bloom called the regular meeting of the Mine Hill Township Council to order at 7:30 pm and led those present in the Pledge of Allegiance.

OPEN PUBLIC MEETINGS NOTICE

Mr. Bloom announced that adequate notice for this meeting had been given as required by law.

ROLL CALL: Present – Mr. Bloom; Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis
Absent –
Also Present – Mr. Morris, Mayor; Mr. Oostdyk, Township Attorney; Mrs. Macchia,
Municipal Clerk
Public Present – 7

PRESENTATIONS

None.

APPROVAL OF MINUTES

A motion was made by Mr. Pepperman and seconded by Ms. Kanzenbach to approve the minutes of November 13, 2014 as presented. The roll was called, and the minutes were approved by the following vote:

Ayes: Ms. Kanzenbach; Mr. Pepperman; Mr. Willis; Mr. Bloom

Nays: none

Absent: none

Abstentions: Mr. Coranato

COMMUNICATIONS & PETITIONS

The following items of correspondence were noted:

- a. Edward Bucceri re: Intent to Retire
- b. NJ DOT re: Highway Safety Fund Grant Awarded to Wharton
- c. MCMUA re: Amendment of Water Rate
- d. JCP&L re: Notice of Public Hearing
- e. Raritan Headwaters Association re: Stream Cleanup
- f. East Hanover Township re: Opposition to Pilgrim Pipeline (not included)
- g. Kinnelon Borough re: Opposition to Pilgrim Pipeline (not included)

CONSIDERATION & APPROVAL OF VOUCHERS

Bills List

Following brief discussion, a motion was made by Ms. Kanzenbach and seconded by Mr. Willis to approve the bills list as presented. Seeing no discussion, the motion was approved by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis; Mr. Bloom

Nays: none

Absent: none

Abstentions: none

PUBLIC HEARING ON ORDINANCES PREVIOUSLY INTRODUCED

None.

OPEN TO THE PUBLIC

Mike Obremski, Regional Manager from JCP&L, discussed the Thanksgiving snow storm, a voltage regulator on Route 46, and trees on Hurd Street.

ADMINISTRATIVE AGENDA

Mr. Morris reviewed dates of various holiday events.

Mr. Morris discussed the possibility of keeping garbage collection in-house if the garbage bids are too high.

Mr. Morris met with the Fire Department to budget the roof project. The Legion building is also in need of a roof, and grants may be available for both.

Mr. Morris discussed water trends, and some of the needs of the water budget for 2015.

REPORTS OF COUNCIL LIAISONS

Recreation/Community Committee

The next meeting is next Tuesday.

Board of Education

Mr. Coranato reported that new LED lighting in the classrooms is installed, and other maintenance updates have been done. The audit will be presented at the December 15th meeting.

Fire & First Aid

It was noted that the First Aid Squad is busy as usual.

Police

Mr. Pepperman reviewed statistics and reported that the renovations to headquarters are completed.

Open Space Committee

The next meeting is next week.

Planning Board

Mr. Willis reported that the last meeting was only bill paying and cleanup.

OPEN TO THE PUBLIC

John Paschal, Thomastown Road, asked for more information about the river cleanup. Mr. Bloom responded.

Bill Orlandi, Anderson Place, discussed repairs needed at the Bridget Smith House.

INTRODUCTION OF ORDINANCES

Ordinance 25-14 Sewer Ordinance

A motion was made by Mr. Pepperman and seconded by Ms. Kanzenbach to introduce the ordinance. The roll was called, and the ordinance was introduced by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis; Mr. Bloom

Nays: none

Absent: none

Abstentions: none

BE IT ORDAINED, by the Township Council of the Township of Mine Hill, in the County of Morris, and State of New Jersey, as follows:

SECTION 1. Chapter 13.16, Sewer Rates, Section 13.16.010, "Definitions", is hereby amended to revise the following definition:

EQUIVALENT DWELLING UNIT (EDU)

Each unit whether in a single- or multiple-unit structure having a demand on the sewer system equal to that of a dwelling unit which has been determined to be 60,000 gallons per year.

SECTION 2. Chapter 13.16, "Sewer Rates", Section 13.16.050, "Sewer Fee Schedule", is hereby amended to read in its entirety as follows:

"13.16.050 Sewer Fee Schedule

A. Connection Fee. The owner or occupant of a unit who desires or is required to connect said unit to a Township sanitary sewer line for the purpose of the discharge of human and/or processed waste (including only those wastes acceptable pursuant to these regulations or other acceptable requirements of the state, federal or local governments) shall pay a connection fee.

The connection unit shall be \$6,700.00 per equivalent dwelling unit (EDU).

B. Determination of EDU. Each single family residential unit and each unit in a multifamily residential property shall be one EDU. For all other units, the number of EDUs shall be calculated by dividing the anticipated flow based upon the factors listed below by 60,000 gallons per year and rounded to the next highest whole minimum fee. The design flow rate for various types of uses shall be determined by the Township utilizing the design criteria suggested by the New Jersey Department of Environmental Protection or such other established and reliable sources, including but not limited to N.J.A.C. 7:14A-23.3. The minimum connection fee shall be equivalent to that of a single-family dwelling unit as specified herein.

C. Tapping Fee. The property owner shall pay any and all actual costs incurred by the Township associated with the connection of the individual property to the public sewer main.

SECTION 3. Chapter 13.16, "Sewer Rates", Section 13.16.060, "Sewer Charges", is hereby amended to read in its entirety as follows:

"13.16.060 Sewer charges.

The annual sewer charge shall be \$840.00 per equivalent dwelling unit (EDU).

- A. Single-family or multi-family residential per unit. 1.0 EDU
- B. Commercial, office, retail:
The number of equivalent units based on the estimated annual flow. Number/ EDU
- C. Industrial:
The number of equivalent units based on the estimated annual flow. Number / EDU
- D. All other uses:
The number of equivalent units based on the estimated annual flow. Number / EDU

SECTION 4. Chapter 13.08, Section 13.08.035, “Connection Fee; Method of Payment”, shall be amended to read, in its entirety, as follows:

“13.08.035 Connection fee; method of payment.

Customers of the Mine Hill sewer system who are required to pay the connection fee to the Township, shall pay the connection fee as follows:

(2) owners of existing residential or non-residential buildings served by individual sewage disposal systems which are being connected to the sewer system may opt to pay the full fee when the application to connect to the sewer system is filed or may opt to pay one-eighth of the total connection fee at the time of filing of the application for permits to connect to the Mine Hill sewer system and one-eighth on the due date for each of seven (7) succeeding sewer service payments plus interest (if applicable) and fees. Sewer service payments are currently due quarterly, on the first day of March, June, September and December in each year. In the event that the dates for payment of sewer service shall change, such changes are incorporated herein by reference. Interest shall be charged on late payments due for connection fees for property owners selecting to make payments over time. Interest shall be charged commencing on the date on which the last payment was due. Interest shall accrue at the same rate as delinquent tax payments, currently eight (8) percent per annum on the first one thousand five hundred dollars (\$1,500.00) and eighteen (18) percent per annum on the remaining balance.

(3) owners of new residential or non-residential buildings shall pay 50% of the connection fee prior to the issuance of a building permit and the remaining 50% before the issuance of a certificate of occupancy.”

SECTION 5. This Ordinance may be renumbered for codification purposes.

SECTION 6. All Ordinances of the Township of Mine Hill which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 8. This Ordinance shall take effect as required by law.

Ordinance 26-14 Amending Zoning Fees

A motion was made by Mr. Pepperman and seconded by Ms. Kanzenbach to introduce the ordinance. The roll was called, and the ordinance was introduced by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis; Mr. Bloom

Nays: none

Absent: none

Abstentions: none

BE IT ORDAINED by the Township Council of the Township of Mine Hill, County of Morris and State of New Jersey, as follows:

SECTION 1. The Revised General Ordinances of the Township of Mine Hill shall be amended by the following amendment to Chapter 8.49, Section 8.49.05 entitled “Fee” which shall read in its entirety as follows:

§ 8.49.05. Fee.

The fee for a Certificate of Habitability combined with the fee for the fire safety inspection shall be:

With 15 or more days prior to closing - \$100.00.

Between 6 and 14 days prior to closing - \$125.00

5 or less days prior to closing - \$175.00

SECTION 2. This Ordinance may be renumbered for codification purposes.

SECTION 3. All Ordinances of the Township of Mine Hill which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall take effect as required by law.

Ordinance 27-14 Vacation of Second Street

A motion was made by Mr. Pepperman and seconded by Ms. Kanzenbach to introduce the ordinance. The roll was called, and the ordinance was introduced by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis; Mr. Bloom

Nays: none

Absent: none

Abstentions: none

WHEREAS, there exists in the Township of Mine Hill, County of Morris and State of New Jersey, a certain portion of an unimproved right-of-way known as Second Street; and

WHEREAS, the public necessity and general welfare of the inhabitants of the Township of Mine Hill do not require that the unimproved Second Street right-of-way be opened and maintained as a public street; and

WHEREAS, the Township Council adopted Ordinance 23-14A on November 13, 2014 which renamed as “Baker Street” the traveled portion of what was formally known “Second Street” leaving that unimproved section which shall be vacated.

WHEREAS, the release and extinguishment of the public rights and interests in the Second Street right-of-way would be in the public interest.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Mine Hill, in the County of Morris, and State of New Jersey, as follows:

Section 1. The right-of-way known as the “Second Street right-of-way” as shown on the Tax Map of the Township of Mine Hill and excepting the portion know known as “Baker Street” be and the same is hereby vacated and the public rights therein be and the same are hereby forever extinguished, and the said lands referred to shall be held by the adjacent property owner or owners thereof free and discharged from any public rights, as if said public rights had never existed.

Section 2. Any and all rights and privileges now possessed by public utilities, including Township utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L. 1972, c. 1986 (N.J.S.A. 40A:5A-1, et seq.), to maintain, repair and replace existing facilities in, adjacent to, over and under the streets or portions thereof hereby vacated be and the same are hereby expressly reserved and excepted from said vacation.

Section 3. The Township Clerk shall, after the introduction and passage of this Ordinance on first reading, publish a copy of the Ordinance in the Township’s official newspaper at least once not less than 10 days prior to the time fixed for further consideration and final passage pursuant to N.J.S.A. 40:49-6. The Township Clerk shall mail a copy of the Ordinance, along with a notice of its introduction, to the contiguous property owners as shown on the Official Tax Maps of the Township of Mine Hill. Said notice shall be mailed by certified mail, return receipt requested and shall indicate the time and place when the Ordinance will be further considered for final passage by the Township Council.

Section 4. A notice of the passage of this Ordinance shall be published by the Township Clerk in accordance with the requirements of N.J.S.A. 40:49-2.

Section 5. The Township Clerk shall, within 60 days after this Ordinance becomes effective, file a certified copy thereof under the seal of the Township of Mine Hill, together with a copy of the proof of publication thereof, in the Office of the Clerk of Morris County.

Section 6. All Ordinances of the Township of Mine Hill, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 8. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

CONSENT RESOLUTIONS

None.

NON-CONSENT RESOLUTIONS

Resolution 142-14 Approval of Cross River Fiber Agreement

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve the resolution. The roll was called, and the resolution was approved by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis; Mr. Bloom

Nays: none

Absent: none

Abstentions: none

WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey and intends to provide telecommunication services in accordance with that Order and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities; and

WHEREAS, Pursuant to such authority granted by the New Jersey Board of Public Utilities, Cross River Fiber may locate, place, attach, install, operate and maintain facilities within Public Rights-of-Way for purposes of providing telecommunications services; and

WHEREAS, Cross River Fiber proposes to place its telecommunication facilities aerially on existing utility poles or in underground conduit in the Public Rights-of-Way within the Township of Mine Hill for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, it is in the best interests of the Township of Mine Hill to grant consent to Cross River Fiber to occupy said Public Rights-of-Way within the Township for this purpose; and

WHEREAS, the consent granted herein is for the non-exclusive use of the Public Rights-of-Way within the Township of Mine Hill for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mine Hill, in the County of Morris, and State of New Jersey as follows:

1. The appropriate municipal officials are hereby authorized and directed to execute the Rights of Way Use Agreement with Cross River Fiber, Inc. in the form attached hereto.
2. Any and all municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.
3. This Resolution shall take effect immediately.

Resolution 143-14 Approval of Fire Department Member Luis Silva

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve the resolution. The roll was called, and the resolution was approved by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis; Mr. Bloom

Nays: none

Absent: none

Abstentions: none

BE IT RESOLVED by the Township Council of the Township of Mine Hill in the County of Morris and State of New Jersey that the Township Council accepts the following new members of the Mine Hill Township Fire Department:

Luis Silva

Resolution 144-14 Request for Extension of Time for Sidewalk Improvement Project

A motion was made by Ms. Kanzenbach and seconded by Mr. Coranato to approve the resolution. The roll was called, and the resolution was approved by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis; Mr. Bloom

Nays: none

Absent: none

Abstentions: none

WHEREAS, the Township of Mine Hill (“Township”) was awarded a grant from the Municipal Aid portion of the Transportation Trust Fund in the amount of \$180,000.00 from the NJDOT for the construction of sidewalks on Route 46 and Canfield Avenue in the 2013 calendar year; and

WHEREAS, the grant agreement for the project required the Township to award a construction contract by December 2014 to avoid losing the grant allocation; and

WHEREAS, the Township is unable to meet the December 2014 deadline to award a construction contract and is in need of an extension of time; and

WHEREAS, the economic downturn that began in 2008 in the United States has had a significant impact on the Township, particularly as it relates to State aid and tax revenues; and

WHEREAS, the Township through its budget process, determined that it did not have the ability due to anticipated revenues and tax collections to incorporate monies for the completion of design and the construction of the improvements in the 2014 calendar year budget; and

WHEREAS, the Township will allocate the required monies for design and construction in the 2015 calendar year; and

WHEREAS, the Township is in need of a six (6) month extension of time to allow for a contract for construction to be awarded in 2015 as opposed to 2014; and

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE Township of Mine Hill, that a request be filed with the NJDOT’s Division of Local Aid and Economic Development for a six (6) month extension of time on the Route 46 and Canfield Avenue Sidewalk Improvement Project; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the NJDOT’s Division of Local Aid and Economic Development.

NEW & OLD BUSINESS

None.

OPEN TO THE PUBLIC

Bill Orlandi, Anderson Place, discussed the drilling that was done on Route 46 to find the mine. Mr. Morris discussed the project.

CLOSED SESSION

None.

ADJOURNMENT

There being no further business, a motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to adjourn the meeting at 8:42 PM. The motion was approved by a voice vote.

Respectfully Submitted,

Amanda G. Macchia, RMC
Mine Hill Municipal Clerk

Approved on this _____ day of _____, 20____

Council President