

Township Council President Kristine Kanzenbach 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**

Ms. Kanzenbach announced that adequate notice for this meeting had been given as required by law.

**ROLL CALL:** Present – Mr. Bloom; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis  
Absent – Mr. Coranato  
Also Present – Mr. Morris, Mayor; Mr. Thompson, Township Administrator; Mr. Oostdyk,  
Township Attorney; Ms. Macchia, Township Clerk  
Public Present – 15

**PRESENTATIONS**

**Unveiling of Municipal Seal**

Mr. Morris presented certificates to each of the students who contributed to the new Municipal Seal.

**Committee Appointments**

Mr. Morris introduced new appointees to the Community Committee.

**Open Space Committee Presentation**

Representatives of Jersey Off-Road Bicycle Association (JORBA) presented slides pertaining to the work being done on the Recreation Trails.

**COMMUNICATIONS AND PETITIONS**

Ms. Kanzenbach listed the following items of communication:

- a. Resident re: Parking on South Second Avenue
- b. Rockaway River Watershed Cabinet re: Invoice (for discussion)
- c. Whippany River Watershed Action Committee re: Roundtable Event – June 12th
- d. Roxbury Township re: Notice of Resolution
- e. Morris County MUA re: Tonnage Report
- f. NJ Transit re: Public Hearing Notice – June 12th
- g. NJLM re: League Conference Information
- h. NJLM re: Legislative Bulletin
- i. NJDEP re: Wildfire Prevention

**PUBLIC HEARING ON ORDINANCES PREVIOUSLY INTRODUCED**

**Ordinance 14-12 Amendment to Beach/Boat Fees Ordinance**

A motion was made by Mr. Bloom and seconded by Ms. Kanzenbach to amend the ordinance to read that the \$50 fee would be “per family for unlimited boats for the season,” and to move the public hearing to June 21, 2012. Seeing no further discussion, the roll was called and the ordinance was approved by the following vote:

Ayes: Mr. Bloom; Mr. Pepperman; Mr. Willis; Ms. Kanzenbach  
Nays: none  
Absent: Mr. Coranato  
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. Ordinance No. 07-12 Amending the Beach and Boating Fees for the Mine Hill Township Beach is hereby amended in the following particulars only:

BOAT REGISTRATION FEES (all boat fees are per family for unlimited boats for the season; boat fees do not include beach membership)

|                                 |          |
|---------------------------------|----------|
| All Municipal Beach Members:    | \$ 25.00 |
| Resident Non-Members            | \$ 50.00 |
| Resident Senior Non-Members     | \$ 50.00 |
| Non-Resident/Non-Members        | \$ 50.00 |
| Non-Resident Senior Non-Members | \$ 50.00 |

Section 2. This ordinance may be renumbered for codification purposes.

Section 3. All ordinances of the Township of Mine Hill which are inconsistent with any part of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistency.

Section 4. In the event that any section, part or provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

Section 5. This ordinance shall take effect 20 days after final passage and approval by the Mayor and upon publication in the manner provided by law.

#### **CONSIDERATION AND APPROVAL OF VOUCHERS**

##### **Bill List**

Following brief discussion, Mr. Bloom made a motion to approve the bills list. The motion was seconded by Mr. Pepperman and approved by the following vote:

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

Nays: none

Absent: Mr. Coranato

Abstentions: none

#### **ADMINISTRATIVE AGENDA**

Mr. Thompson reported that the Bartek case was in Court last week and will be concluded soon. He also reported that CFO Janice Congleton has resigned and interviewing for her replacement is underway.

Mr. Thompson also reported that he has received requests from residents for a traffic light to be installed at Canfield Avenue and Randolph Avenue. Both are County Roads, and the County requires the Township to conduct a traffic study. If the study reveals that the installation of a light is prudent, installation will cost approximately \$150,000, of which the Township would be responsible for 30%.

Mr. Morris reported that he met with Debby Hirt from NJDOT. NJDOT is recommending no left turns out of Baker Street onto Route 46 and no left turns out of 2<sup>nd</sup> Street onto Canfield Avenue, at least during certain hours of the day. Ms. Hirt also informed Mr. Morris of “Complete Streets” funding which helps with curbs, sidewalks, etc. to cleanup street layouts.

Mr. Morris advised the Council that approximately 210 water meters have been installed at a rate of approximately \$30/meter, much less expensive than anticipated.

Mr. Morris added that the lake floor will be mapped for depth and the docks will be moved into more shallow water. The goal is to widen the beach so that the size of the swimmable area is comparable without venturing into such deep waters.

#### **REPORTS OF STANDING AND SPECIAL COMMITTEES**

##### **School Board Committee**

Mr. Bloom noted that the Board of Education meeting is next week so there is no report at this time.

##### **Recreation Committee**

Ms. Kanzenbach reported that soccer is coming to an end and rugby will be starting soon.

##### **Fire Department / First Aid Squad Committee**

Mr. Pepperman reported that the King of the Hill Car Show was a great success and the First Aid Squad is very grateful. He added that the Fire Department Circus will be June 23<sup>rd</sup> and 24<sup>th</sup>.

##### **Police**

Mr. Pepperman noted that the Police Chief will be providing reports in the near future.

##### **Rockaway River Watershed**

Mr. Willis noted that there was no meeting.

##### **Planning Board**

Mr. Willis noted that there was no meeting.

#### **OPEN TO THE PUBLIC**

None at this time.

#### **INTRODUCTION OF ORDINANCES**

Ms. Kanzenbach noted all four ordinances introduced will have public hearings on June 21<sup>st</sup>.

**Ordinance 15-12 Amending Parking Regulations on Specified Streets**

A motion was made by Mr. Bloom and seconded by Mr. Willis to introduce the ordinance.

Mr. Bloom noted that Chestnut connects Clover and Fairfield. He would like to see no parking on both sides of Chestnut from Fairfield all the way out to Glen. Mr. Bloom made a motion to amend the ordinance to include Chestnut. The motion was seconded by Mr. Willis.

Discussion followed regarding parking problems on South Second Avenue. That matter will be referred to the Police Department.

Seeing no further discussion from the Council or the Public, the roll was called and the ordinance was introduced as amended by the following vote:

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

Nays: none

Absent: Mr. Coranato

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. Title 10, Vehicles and Traffic, Chapter 10.24, Parking, Section 10.24.030, Parking prohibited at all times on certain streets, Schedule I, No Parking, is hereby amended and supplemented by designating the following additional streets as prohibiting the stopping or standing of a motor vehicle thereon:

| <u>NAME OF STREET</u> | <u>SIDES</u> | <u>LOCATION</u>                          |
|-----------------------|--------------|--|
| Clover Place          | North        | Entire length                            |
| Fairfield Avenue      | North        | Entire length                            |
| Chestnut Lane         | Both         | Between Fairfield Avenue and Glen Avenue |
| Bassett Lane          | Both         | Entire length                            |

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 20 days after final passage and approval by the Mayor and upon publication in the manner provided by law and upon the posting of the appropriate No Parking signs.

**Ordinance 16-12 Bond Ordinance Providing for Various Capital Improvements**

A motion was made by Mr. Bloom and seconded by Mr. Pepperman to introduce the ordinance.

Mr. Morris explained that this is a spending ordinance with very little actual bonding/borrowing. This allows the Township to spend the money for the completion of the sidewalk project and other projects with allowances to bond if necessary. Most of these projects are being paid for through grants that the Township has already obtained.

Seeing no discussion from the Council or the Public, the roll was called and the ordinance was introduced by the following vote:

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

Nays: none

Absent: Mr. Coranato

Abstentions: none

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MINE HILL, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Mine Hill, in the County of Morris, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each

MINUTES OF THE MINE HILL TOWNSHIP COUNCIL  
REGULAR MEETING – June 7, 2012

improvement or purpose, such sums amounting in the aggregate to \$916,000, including (i) a \$170,000 grant from the State of New Jersey Department of Transportation (the “State Grant”) for improvements to the Randolph Avenue sidewalks, as described in Section 3(f) hereof, (ii) a \$80,000 Community Building Development Grant (the “CBDG”) for Dolores Place sidewalk repairs, as described in Section 3(d) hereof, (iii) \$13,000 funds from the reserve for sidewalks (the “Sidewalk Funds”) for repairs to the Township sidewalks, as described in Section 3(e) hereof, (iv) \$27,380 funds from the reserve for roof replacement, as described in Section 3(a) hereof (the “Roof Replacement Funds” and, together with the State Grant, the CBDG and the Sidewalk Funds, the “Funds”), and (v) the aggregate sum of \$7,281 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the improvements to the Randolph Avenue sidewalks since the project is being partially funded by the State Grant.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or the above mentioned Funds, negotiable bonds are hereby authorized to be issued in the principal amount of \$618,339 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

| <u>Purpose</u>  | <u>Appropriation<br/>and Estimated<br/>Cost</u> | <u>Estimated Maximum<br/>Amount of Bonds or<br/>Notes</u> | <u>Period of<br/>Usefulness</u> |
|---|---|---|---------------------------------|
| (a) Replacement of the Firehouse roof, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.  | \$63,000 <sup>(1)</sup>                         | \$33,839  | 10 years                        |
| (b) Acquisition of a generator for the Civic Center, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.  | \$30,000  | \$28,500  | 15 years                        |
| <sup>(1)</sup> Includes the Roof Replacement Funds (\$27,380).  |   |   |                                 |
| (c) Improvements to the Recreation Center parking lot, including all work and materials necessary therefor and incidental thereto.  | \$18,000  | \$17,100  | 10 years                        |
| (d) Dolores Place sidewalk repairs, including all work and materials necessary therefor and incidental thereto.   | \$85,000 <sup>(2)</sup>                         | \$4,750   | 10 years                        |
| (e) Township sidewalk repairs, as more fully described on a list on file in the Office of the Clerk and hereby approved, which is hereby incorporated by reference as if set forth at length, including all work and materials necessary therefor and incidental thereto. | \$70,000 <sup>(3)</sup>                         | \$54,150  | 10 years                        |
| (f) Randolph Avenue sidewalk repairs, including all work and materials necessary therefor and incidental thereto.   | \$650,000 <sup>(4)</sup>                        | \$480,000   | 10 years                        |
| TOTAL:  | \$916,000                                       | \$618,339   |                                 |
| (2) Includes the CBDG (\$80,000).   |   |   |                                 |
| (3) Includes the Sidewalk Funds (\$13,000).   |   |   |                                 |
| (4) Includes the State Grant (\$170,000).   |   |   |                                 |

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose and, as applicable, the Funds.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Township may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.23 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$618,339, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$70,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or, if other than as referred to in Section 1 hereof, to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such additional funds are so used.

Section 8. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**Ordinance 17-12 Regulating the Placement of Temporary Structures**

A motion was made by Mr. Pepperman and seconded by Mr. Bloom to introduce the ordinance.

Mr. Bloom noted that he would like to see some amendments to the ordinance; Mr. Willis added that he would like the Planning Board to review and amend it. Mr. Oostdyk noted that the ordinance does not prohibit temporary structures, but rather forces them to be temporary by requiring a permit.

Seeing no discussion from the Council or the Public, the roll was called and the ordinance was introduced by the following vote:

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

Nays: Mr. Willis

Absent: Mr. Coranato

Abstentions: none

It was noted that this ordinance will be referred to the Planning Board for comment. The Planning Board does not meet before the June 21<sup>st</sup> meeting, so the public hearing on this ordinance will be held on July 19<sup>th</sup>.

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 Revised General Ordinances of the Township of Mine Hill, shall be amended by the inclusion of new Chapter 5.50 which shall be entitled "Temporary Storage Units" and read, in its entirety, as follows:

**Chapter 5.50 Temporary Storage Units**

**5.50.010 Definitions**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

TEMPORARY STORAGE UNIT - Any temporary structure or container unit designed for the temporary outdoor storage of personal property, including any temporary garage or other structure used for storage that does not require a certificate of occupancy under the construction codes or a portable on-demand storage structure ("POD") or similar storage container, which is typically rented to owners or occupants of property for their temporary use and which is delivered and removed by vehicle.

SITE or PROPERTY - A piece, parcel, tract, or plot of land occupied or that may be occupied, by one or more buildings or uses and their accessory buildings and accessory uses which is generally considered to be one unified parcel.

TYPE I PERMIT – Any temporary storage unit used for the purposes of storing the personal property of people who are moving in or out of the property.

TYPE II PERMIT – Any temporary storage used for the storage of personal property during renovations or rehabilitation of the structure.

USER - The owner or occupant of property using a temporary storage unit or entering into an agreement with a temporary storage unit company or other person or entity for the placement of a temporary storage unit on a site located in the Township of Mine Hill.

**5.50.020 Placement**

A. No temporary storage unit shall be placed or maintained by any private person or entity in or on any Township property, street or right-of-way without a valid permit issued by the Zoning Officer.

B. No temporary storage unit shall be placed or maintained on any private property unless it complies with one or more of the following provisions:

(1) Such containers must be placed or maintained on a driveway or other suitably paved area at the furthest accessible point from the street for purposes of packing or unpacking goods and materials of the owner or occupant of the property in preparation for or subsequent to moving into or out of the property for a period of not more than 60 consecutive days.

(2) Such containers must be placed or maintained on a driveway or other suitably paved area at the furthest accessible point from the street for purposes of storing the personal property of the owner or occupant of the property when necessary during renovation or rehabilitation of the structure located on the property in which the personal property would otherwise be located during the period of renovation or rehabilitation, but in no event more than a total of 60 consecutive days.

#### **5.50.030 Permit Required**

Prior to the placement of a temporary storage unit on any private property a site plan showing the proposed location of the temporary storage unit must be submitted by the owner of the property using the temporary storage unit or the person contracting for the use of such temporary storage unit who shall apply for and receive a permit from the Township in accordance with the requirements and standards set forth herein.

A. Application for a permit shall be made to the Township Zoning Officer on a form provided by the Township. The application shall require the full name, address and other contact information for the owner of the temporary storage unit, the owner of the property with which the use of the temporary storage unit is associated, and the person contracting for the use of the temporary storage unit (if such person is not the owner of the property for which the temporary storage unit is to be used). Every application for a permit shall be accompanied by a permit fee of \$50.00 for a Type I permit and \$100.00 for a Type II permit.

B. Any temporary storage unit placed on private property shall be placed on a suitable base to assure stability. If, in the opinion of the Police Department or the Township Engineer, the location is sufficiently close to a vehicular intersection or pedestrian path, the permit may require that the unit be equipped with appropriate reflectors or other safety markings so that the unit will not constitute a hazard to traffic or pedestrians. The specific number, location and type of markings shall be determined by the Police Department or the Township Engineer and noted on the permit at the time of its issuance or at any time thereafter.

C. Any permit issued for placement of a temporary storage unit on private property shall be valid for a period of 60 days, and a sticker or notice shall be prominently displayed on the temporary storage unit or on the property upon which the unit is placed indicating the commencement and expiration dates of the permit.

D. Upon a showing of continued need for the temporary storage unit (such as during the course of major construction projects), the Construction Official may renew a permit for up to two additional periods, not to exceed 90 days for Type II permits and 30 days for Type I permits, upon the filing of an application for renewal and payment of the additional fee for the type of permit renewal requested.

#### **5.50.040 General Restrictions and Requirements**

A. No more than one temporary storage unit may be placed on any property at one time and no more than one permit may be issued for any property, including any renewals of said permit, during a twelve-month period.

B. No hazardous material or organic waste shall be placed in a temporary storage unit.

C. No temporary storage unit shall be used for the storage of construction debris, business inventory, commercial goods, or any personal property which is not owned by the owner or occupant of the property where the unit is located. Upon reasonable notice to the permit holder, the Township may inspect the contents of any temporary storage unit for compliance with this chapter.

D. The owner of the temporary storage unit and the owner of the site on which the unit is located shall be jointly responsible to ensure that the temporary storage unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks.

E. A temporary storage unit shall be no larger than 130 square feet in area and no higher than 10 feet above grade.

#### **5.50.050 Responsibility for Compliance**

The person contracting for the use of a temporary storage unit and the owner of the property associated with its use shall be jointly responsible for compliance with the provisions of this chapter. Copies of the penalty provisions of this chapter shall be appended to the permit and shall be mailed with a copy of the permit to the owner of the temporary storage unit, the property owner, and any other interested party.

#### **5.50.060 Violations and Penalties**

A. It shall be unlawful for a temporary storage unit to remain on any property in excess of the time period set forth in the permit issued by the Township. Each day a temporary storage unit remains on a property in violation of the provisions of this chapter shall be considered a separate violation subject to the penalty provisions set forth below.

B. Any person who violates any provision of this chapter shall, upon conviction in Municipal Court or any other court having jurisdiction, be liable for a fine not exceeding \$2,000, or imprisonment for a term not exceeding 90 days, or community service for a term not exceeding 90 days, or any combination of the above.

SECTION 2. 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 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This ordinance shall take effect 20 days after final passage and approval by the Mayor and upon publication in the manner provided by law.

**Ordinance 18-12 Amending Salary Ordinance**

A motion was made by Mr. Pepperman and seconded by Mr. Willis to introduce the ordinance.

Mr. Morris noted that this ordinance lowers the bottom of the salary ranges so that a part time CFO could be hired without being bound by the range currently in place. It also increases the bottom of the salary ranges of various positions to be in line with changes to minimum wage.

Seeing no discussion from the Council or the Public, the roll was called and the ordinance was introduced by the following vote:

Ayes: Mr. Bloom; Mr. Pepperman; Mr. Willis; Ms. Kanzenbach  
Nays: none  
Absent: Mr. Coranato  
Abstentions: none

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MINE HILL, IN THE COUNTY OF MORRIS, NEW JERSEY AS FOLLOWS:

Section 1. Ordinance No. 02-12 Fixing the Salary and Wage Ranges of Certain Officials and Employees is hereby amended in the following particulars only:

| <u>TITLE</u>                                | <u>SALARY</u>            |
|---|--------------------------|
| Chief Financial Officer                     | \$ 10,000 – 50,000       |
| Part-time Clerical                          | \$ 8.50 – 20.00 per hour |
| Part-time Help - Department of Public Works | \$ 8.50 – 18.00 per hour |
| Part-time Fire Safety Inspector             | \$ 8.50 – 25.00 per hour |
| Part-time Construction Records Clerk        | \$ 8.50 – 20.00 per hour |
| Administrative Clerk                        | \$ 2,500 – 30,000        |
| Lifeguards                                  | \$ 8.50 – 15.00 per hour |
| Snack Bar Employees                         | \$ 8.50 – 12.00 per hour |
| Bus/Van Drivers                             | \$ 8.50 – 25.00 per hour |

Section 2. All ranges of salaries or compensation herein above fixed shall be effective January 1, 2012. When an hourly rate is stated, payment shall be made on the basis of properly approved time sheets. All salaries shall be payable bi-weekly except for Council members, the Emergency Management Coordinator and the Elevator Subcode Official, who shall be paid quarterly.

Section 3. All Ordinances inconsistent with the Ordinance are hereby repealed.

Section 4. This ordinance shall take effect 20 days after final passage and approval by the Mayor and upon publication in the manner provided by law.

**RESOLUTIONS AND MOTIONS**

**Resolution 056-12 Acceptance of 2011 Municipal Audit**

A motion was made by Mr. Willis and seconded by Mr. Pepperman to introduce the resolution.

Seeing no discussion from the Council or the Public, the roll was called and the resolution was adopted by the following vote:

Ayes: Mr. Bloom; Mr. Pepperman; Mr. Willis; Ms. Kanzenbach  
Nays: none  
Absent: Mr. Coranato  
Abstentions: none



WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transaction; and

WHEREAS, The Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Township Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52-27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled: "General Comments" and "Recommendations;" and

WHEREAS, the members of the governing body have personally reviewed at a minimum the annual Report of Audit, and specifically the sections of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least , the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB52 to wit: R.S. 52:27BB52- "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

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, that the Township Council hereby states that it has complied with the regulations of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**Resolution 057-12 Corrective Action Plan**

A motion was made by Mr. Bloom and seconded by Mr. Pepperman to introduce the resolution.

Seeing no discussion from the Council or the Public, the roll was called and the resolution was adopted by the following vote:

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

Nays: none

Absent: Mr. Coranato

Abstentions: none

WHEREAS, the Division of Local Government Services requires preparation of a Corrective Action Plan in accordance with the Single Audit Act, U.S. Office of Management and Budget, and New Jersey Office of Management and Budget; and

WHEREAS, Chief Financial Officer has prepared the following Corrective Action Plan for the Township of Mine Hill;

Recommendation #1

The receipts, disbursements and reconciliations functions of the Treasury department are performed by one employee.

1. Analysis: The Township of Mine Hill is a small municipality and it tries to keep the budget in check by limiting staffing. At this time, duties are segregated as best they can be within the Township.
2. Corrective Action: The Township will initiate training another staff member to reconcile the bank accounts.

Recommendation #2

Over \$326,000 of tax title liens remain as of December 31, 2011. Property tax levies on these properties are added to liens in excess of \$16,000 annually, of which the township has to bear the full cost of the related local school and county tax levies.

1. Analysis: The Tax Collector is working with the Collection Attorney and the Administrator to expedite the in-rem foreclosure process. Research on titles and liens continues but is a lengthy process with some owners impossible to trace.
2. Corrective Action: The Township has initiated in-rem foreclosure procedures to liquidate existing tax title liens and will continue to work with the attorney.

Recommendation #3

Various aged grant receivables and spending reserves are pending.

1. Analysis: The Township needs to investigate the disposition of aged grant receivables and reserves.
2. Corrective Action: The CFO/treasurer will cancel by resolutions grants receivable that are no longer valid. The administration will investigate ways to use the grant reserves for the Township.

Recommendation #4

Approximately \$9,331 in tax overpayments remain from 2002 to 2009.

1. Analysis: The tax collector needs to investigate the refunding or applying of the tax overpayments to current taxes.
2. Corrective Action: The tax collector will continue to investigate the tax overpayments.

Recommendation #5

Dog and cat fund licensing receipts and disbursements are co-mingled.

1. Analysis: The township needs to segregate the funds and separately track dog and cat activity.
2. Corrective Action: The township clerk currently segregated the receipts from dog and cat activity. The treasurer will segregate disbursements for dogs and cats.

Recommendation #6

The water fund has a deficit in 2011 of \$23,644, over expended appropriations of \$10,916 and over expended appropriation reserves of \$1,972.

1. Analysis: The Township needs to implement controls to ensure the water fund current year and prior year budget appropriations are not over-expended, and that water revenues are properly forecasted to prevent operating deficits.
2. Corrective Action: The Township performed a leak detection study in 2011 and repaired water main and fire hydrant leaks to eliminate “lost” water and lower expenditures in the 2012 budget.

Recommendation #7

The prior year water fund appropriation reserve was \$11,700 higher than the 2010 audit report.

1. Analysis: The Township needs to implement controls to ensure beginning balances are properly stated.
2. Corrective Action: Journal entries were made to correct the beginning balances in the water fund so that it matches the audit report.

Recommendation #8

The clerk’s cash book and accounts of record were not reconciled to the bank statements on a timely basis throughout the calendar year.

1. Analysis: The clerk bank account should be reconciled on a monthly basis.
2. Corrective Action: The clerk will reconcile the clerk bank account on a monthly basis.

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, that the Corrective Action Plan is hereby approved as submitted.

BE IT FURTHER RESOLVED that a copy of the Plan be submitted to the Division of Local Government Services as required.

**Resolution 058-12 Cancellation of Grants**

A motion was made by Mr. Pepperman and seconded by Mr. Willis to introduce the resolution.

Seeing no discussion from the Council or the Public, the roll was called and the resolution was adopted by the following vote:

Ayes: Mr. Bloom; Mr. Pepperman; Mr. Willis; Ms. Kanzenbach  
Nays: none  
Absent: Mr. Coranato  
Abstentions: none

WHEREAS, the Township of Mine Hill has a balance of \$9,172.50 for the grant receivable for the Highlands Conformance Grant and \$5,158.78 as the remaining appropriation for the Highlands Conformance Grant; and

WHEREAS, there remains a grant appropriation for NJ DOT Grant 2009 in the amount of \$79,128.97; and

WHEREAS, the grant work is completed and the balances are no longer necessary and will not be received;

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, that the grant receivable balances and grant appropriations balances as outlined above shall be cancelled.

**Resolution 059-12 Authorization of Tax Sale**

A motion was made by Mr. Pepperman and seconded by Mr. Bloom to introduce the resolution.

Seeing no discussion from the Council or the Public, the roll was called and the resolution was adopted by the following vote:

Ayes: Mr. Bloom; Mr. Pepperman; Mr. Willis; Ms. Kanzenbach  
Nays: none  
Absent: Mr. Coranato  
Abstentions: none

WHEREAS, There remains on the records and the books of the Township of Mine Hill delinquent taxes, utility charges and maintenance charges owing as of December 31, 2011; and

WHEREAS, The statutes of the State of New Jersey, expressly N.J.S.A. 54:5 et seq, provide for the enforcement and collection of such delinquencies through a tax lien sale; and

WHEREAS, The Tax Collector is empowered by statute to conduct and preside over the sale of liens;

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, that the Mine Hill Township Tax Collector is hereby authorized and directed to conduct a tax lien sale for 2011 and prior delinquent taxes, utility charges and maintenance charges on or before December 31, 2012.

**Resolution 060-12 Redemption of Third Party Liens**

A motion was made by Mr. Pepperman and seconded by Mr. Bloom to introduce the resolution.

Seeing no discussion from the Council or the Public, the roll was called and the resolution was adopted by the following vote:

Ayes: Mr. Bloom; Mr. Pepperman; Mr. Willis; Ms. Kanzenbach  
Nays: none  
Absent: Mr. Coranato  
Abstentions: none

WHEREAS, Tax Sale Certificate #11-06, was sold to FWDSL & Associates, LP on October 4, 2011 on Block 802, Lot 27 known as 42 Randall Avenue; and

WHEREAS, the amount required to redeem was received by the Tax Collector on the aforementioned property.

**THEREFORE, 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 Treasurer shall refund \$22,964.17 for redemption of the Certificate to FWDSL & Associates, LP. This redemption amount includes the \$7,000.00 premium that was paid at the time of sale and \$15,964.17 for the tax certificate and subsequent payments.

**Total \$22,964.17**

FWDSL & Associates, LP  
290 US Highway 22  
Green Brook, NJ 08812

**Resolution 061-12 Approval of Interlocal Agreement for Water Operator**

A motion was made by Mr. Pepperman and seconded by Mr. Willis to introduce the resolution.

Sam noted that we have to have a water operator and a secondary water operator, and we are entering into an agreement with Roxbury. Roxbury has already done a water meter replacement project with the same system that we are installing now, so they are well versed in the system. This puts us in compliance with the requirement for secondary operator and saves money.

Seeing no discussion from the Council or the Public, the roll was called and the resolution was adopted by the following vote:

Ayes: Mr. Bloom; Mr. Pepperman; Mr. Willis; Ms. Kanzenbach  
Nays: none  
Absent: Mr. Coranato  
Abstentions: none

WHEREAS, the Township of Roxbury has offered to provide the Township of Mine Hill with the services of a Water Operator; and

WHEREAS, Mine Hill wishes to utilize said services; and

WHEREAS, the Township Council of the Township of Mine Hill wishes to enter into an interlocal services agreement with Roxbury for the provision of said services;

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. An interlocal services agreement for the receipt of Water Operator services from the Township of Roxbury is hereby approved pursuant to the provisions of the Uniform Shared Services and Consolidation Act, NJSA 40A:65-1 et seq. Said agreement is on file in the office of the Municipal Clerk and may be inspected by the public during normal business hours.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute said interlocal services agreement on behalf of the Township.
3. The Municipal Clerk is hereby authorized and directed to provide a copy of the fully executed agreement and resolution to Amy Rhead, Township Clerk of Roxbury.

**Resolution 062-12 Approval of ADP Contract**

A motion was made by Mr. Pepperman and seconded by Mr. Bloom to introduce the resolution.

Sam: with Janice leaving, payroll functions need to be covered. It took Janice approximately 6 hours per two week payroll period to complete the payroll functions. ADP process is automated which will substantially reduce the time required by a township employee. Cost will probably be about \$3100 – proposal is being rewritten based on the realization that we need to draft payroll from multiple accounts.

Seeing no discussion from the Council or the Public, the roll was called and the resolution was adopted by the following vote:

Ayes: Mr. Bloom; Mr. Pepperman; Mr. Willis; Ms. Kanzenbach  
Nays: none  
Absent: Mr. Coranato  
Abstentions: none

WHEREAS, the Township of Mine Hill has a need to award a contract for the services of payroll processing; and

WHEREAS, the Township is permitted to acquire such services through a “non-fair and open” process (as defined by N.J.S.A. 19:44A-20.4), meaning that the award is made by the Township Council in its judgment

of which provider will best serve the interests of the citizens of Mine Hill, and not by a “fair and open” process (as defined by N.J.S.A. 19:44A-20.4) such as awarding to the lowest bidder; and

WHEREAS, the cost of this contract is not anticipated to exceed \$17,500, as certified in writing by the appropriate Township official; and

WHEREAS, ADP has submitted a proposal dated June 6, 2012; and

WHEREAS, ADP has submitted the required Business Entity Disclosure Certification; and

WHEREAS, funds are available for this purpose and a Certificate of Availability has been filed by the Chief Financial Officer with the Municipal Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2.

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, that the Council President and Municipal Clerk are hereby authorized to enter into a contract with ADP pursuant to the filed proposal; and

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this contract will be published as required by law within ten days of the passage of this Resolution.

**Resolution 063-12 Fee Waiver for First Aid Squad Raffle License**

A motion was made by Mr. Willis and seconded by Mr. Pepperman to introduce the resolution.

Seeing no discussion from the Council or the Public, the roll was called and the resolution was adopted by the following vote:

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

Nays: none

Absent: Mr. Coranato

Abstentions: none

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, that the raffle license fee be and is hereby waived for the 50/50 raffle license issued to the Mine Hill Township First Aid Squad for the King of the Hill Car Show held on May 19, 2012.

**Resolution 064-12 Fee Waiver for Cub Scouts Food Handler’s License**

A motion was made by Mr. Willis and seconded by Mr. Pepperman to introduce the resolution.

Seeing no discussion from the Council or the Public, the roll was called and the resolution was adopted by the following vote:

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

Nays: none

Absent: Mr. Coranato

Abstentions: none

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, that the food handler’s license fee be and is hereby waived for the temporary food handler’s license issued to the Cub Scout Pack 45 for their event scheduled for June 9, 2012, at the Mine Hill Township Fire House.

**Acceptance of Volunteer Fire Fighter**

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve the addition of Anthony Fortunato to the Mine Hill Fire Department. Seeing no discussion, the roll was called and the motion was approved by the following vote:

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

Nays: none

Absent: Mr. Coranato

Abstentions: none

**NEW BUSINESS****Discussion of Chapter 88 Health Benefits**

Mr. Oostdyk explained Chapter 88 regarding retiree health benefits. He noted that employees who are already qualified to receive this benefit are grandfathered and cannot have it taken away. Employees not yet having reached the qualifying event will be subject to any changes made in Township policy. Mr. Oostdyk can draft a resolution to make these policy changes.

Mr. Bloom indicated that he would like to know what other towns' policies are regarding retiree benefits.

**Discussion of Xenia Court Sidewalk Subsidence**

Mr. Morris reported that the sidewalk on Xenia Court has dropped approximately 8 inches and has been cordoned off so that no one enters the area. A mining engineer has looked at the area and believes an air vent gave way. The Township will be doing borings to find out what exactly is under that area. If it is mine related, Federal funds may be available to assist with the remediation.

**Discussion of Fire Truck Accidents**

Mr. Morris reported that two fire trucks were damaged earlier this week, but both are serviceable. The driver has been removed from the drivers list and will no longer be permitted to drive any of the trucks. The Fire Chief is looking into quotes for repairs. The insurance deductible is very high, so the repairs will have to be paid for out of pocket.

**OLD BUSINESS****Discussion of Capital Projects.**

Mr. Morris discussed the list of capital projects in the bond ordinance that was introduced earlier.

**OPEN TO THE PUBLIC AND COUNCIL COMMENTS**

John Paschal, Thomastown Road

Mr. Paschal asked about the litigation matter vs. Wolosky on the agenda for closed session. Mr. Oostdyk explained Mr. Wolosky's history of Government Records Council complaints.

**CLOSED SESSION**

A motion was made by Mr. Pepperman and seconded by Mr. Bloom to entertain Resolution 065-12 to enter closed session for the purposes of discussing two matters of litigation (Bartek and Wolosky) and one matter of attorney client privilege (affordable housing). It was noted that action may be taken upon return to open session. The roll was called and the resolution was approved by the following vote:

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

Nays: none

Absent: Mr. Coranato

Abstentions: none

Upon conclusion of closed session discussion, a motion was made by Ms. Kanzenbach, seconded by Mr. Pepperman, and approved by a voice vote to return to open session.

**RESOLUTIONS AND MOTIONS****Resolution 066-12 Wolosky v. Mine Hill Township Settlement**

A motion was made by Mr. Pepperman and seconded by Mr. Bloom to introduce the resolution.

Seeing no discussion from the Council or the Public, the roll was called and the resolution was adopted by the following vote:

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

Nays: none

Absent: Mr. Coranato

Abstentions: none

WHEREAS, an action was filed with the New Jersey Government Records Council captioned Wolosky v. Township of Mine Hill under docket number 2010-161; and

WHEREAS, the Government Records Council determined that the Township was responsible to reimburse the Claimant for reasonable attorney's fees related to this action; and

WHEREAS, the Claimant has agreed to accept the sum of \$1,400.00 in full and final satisfaction in this matter; and

WHEREAS, The Township Council finds that it is in the best interest of the Township to resolve this matter by settlement.

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 that the matter of Wolosky v. the Township of Mine Hill shall be resolved by the payment of \$1,400.00 representing reasonable reimbursement of attorney's fees and the appropriate municipal officials are hereby authorized to finalize this settlement accordingly.

**Resolution 067-12 Mine Hill Township v. Bartek Settlement**

A motion was made by Ms. Kanzenbach and seconded by Mr. Bloom to introduce the resolution.

Seeing no discussion from the Council or the Public, the roll was called and the resolution was adopted by the following vote:

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

Nays: none

Absent: Mr. Coranato

Abstentions: none

WHEREAS, an action was filed with the Superior Court of New Jersey captioned "Township of Mine Hill v. Dirchick Enterprises, Michael Bartek, Toni Fry," under docket number MRS-C-122-09; and

WHEREAS, a settlement of this matter was placed on the record subject to Governing Body approval; and

WHEREAS, The Township Council finds that it is in the best interest of the Township to resolve this matter by settlement.

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 that the matter of Township of Mine Hill v. Dirchick Enterprises, Michael Bartek, Toni Fry, shall be resolved on the following terms and conditions:

1. The Defendants shall keep their property known as 1 Randall Avenue, Mine Hill, New Jersey, properly maintained by cutting the grass on a weekly basis and keeping all brush and other vegetation properly trimmed in accordance with the Township's Property Maintenance Ordinance.
2. No used cars or other merchandise shall be sold or marketed for sale on this site until a dealer's license is obtained from the State of New Jersey for the sale of used cars.
3. All items on the property will be removed no later than August 1, 2012, and no new items will be placed on the property except in conformance with this judgment.
4. The Township will execute an application for a New Jersey Used Car Dealer's License for the subject property when the Zoning Officer is satisfied that all items have been removed from the site and that the site has been marked out and prepared as shown on plans prepared by the Township Engineer.
5. Upon issuance of a Dealer's License by the State of New Jersey, the owners, their tenants and/or operators, will comply with the license requirements and this shall be the exclusive use on the property.
6. The Township agrees that the sale of only serviceable used cars will be permitted as a pre-existing non-conforming use on the property. The Defendants agree that any and all other alleged pre-existing non-conforming uses on the subject property shall be deemed abandoned with the exception of the sale of Christmas trees in December.
7. Defendants' Counterclaims are dismissed.

MINUTES OF THE MINE HILL TOWNSHIP COUNCIL  
REGULAR MEETING – June 7, 2012

**ADJOURNMENT**

There being no further business, a motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to adjourn the meeting at 10:10pm. 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