

MINUTES OF THE MINE HILL TOWNSHIP COUNCIL
REGULAR MEETING – OCTOBER 4, 2012

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; Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis
Absent –
Also Present – Mr. Morris, Mayor; Mr. Ooskdyk, Township Attorney; Ms. Macchia,
Township Clerk
Public Present – 20

Ms. Kanzenbach made the following announcement:

For those members of the Public who have come in response to the mailing from the Wharton Police Department: this mailing has misinformed you. The Township Council is holding a special meeting on Thursday, October 25th specifically to address Police matters. The Township Council does not have a proposal from either Wharton or Roxbury at this time, and we do not have any additional information to discuss. The public is invited and encouraged to attend the meeting on the 25th, which will be at 7pm at the Canfield Avenue School. At that time, both Police Departments have been invited to present their proposals. Following the presentations, the Council will open the floor for public comment. We respectfully request that you hold your comments and questions until that time when we will all be better informed. Thank you.

PRESENTATIONS

Ms. Kanzenbach read portions of the Resolution Supporting the Designation of Human Trafficking Awareness Day into the record. A motion was made by Mr. Pepperman and seconded by Mr. Bloom to adopt the Resolution. Seeing no discussion, the roll was called and the Resolution was adopted by the following vote:

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

The Resolution was presented to Lesley Frost representing the New Jersey Coalition Against Human Trafficking.

APPROVAL OF MINUTES

A motion was made by Mr. Bloom and seconded by Mr. Pepperman to approve the Open Session minutes of June 28, 2012 as amended and September 20, 2012 as presented. The roll was called and the minutes were approved by the following vote:

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

COMMUNICATIONS AND PETITIONS

Ms. Kanzenbach listed the following items of communication:

- a. Wharton FOP re: Notice of Ordinance Amending District Use Regulations

ORDINANCES – Public Hearing and Adoption

**ORDINANCE 27-12 - AN ORDINANCE TO AMEND CHAPTER 10 OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF MINE HILL AND TO ESTABLISH
TRAFFIC REGULATIONS AT THE CANFIELD AVENUE SCHOOL**

A motion was made by Mr. Bloom, seconded by Mr. Coranato, and approved by a voice vote open the public hearing on this ordinance.

Mr. Bloom asked what would happen for events that would violate this ordinance such as the car show. Mr. Oostdyk noted that the Board of Education could waive these rules for special events.

Seeing no discussion from Council or Public, a motion was made by Mr. Bloom, seconded by Mr. Pepperman, and approved by a voice vote to close the public hearing on the ordinance.

A motion was made by Mr. Bloom and seconded by Mr. Willis to adopt this ordinance. The roll was called and the Ordinance was adopted by the following vote:

Ayes: Mr. Bloom; Mr. Coranato; Mr. Pepperman; Mr. Willis; Ms. Kanzenbach
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. The Revised General Ordinances of the Township of Mine Hill are hereby amended by amending Chapter 10 entitled "Vehicles and Traffic" to include the following additional Chapter 10.38 which shall be entitled "Traffic Regulations at the Canfield Avenue School" and shall read in the entirety as follows:

10.38 Traffic Regulations at the Canfield Avenue School.

10.38.010. Purpose; Site Plan.

The purpose of this Chapter is to control and regulate parking and traffic at the Canfield Avenue School pursuant to Title 39 of the Statutes of the State of New Jersey. The site plan showing the regulations established in this Chapter and referenced herein is dated September 20, 2012 and is on file in the Office of the Township Clerk.

10.28.020. Parking.

The following parking regulations shall apply at the Canfield Avenue School property.

- A. All vehicles must park in designated areas and between the lines provided.
- B. No person shall stop or stand a vehicle upon any of the streets or parts of streets described below, except in areas covered by other parking restrictions.

Name of Street	Sides	Hours	Location
All roads and aisles	Both	All	As indicated on site plan

C. Handicapped parking. All stalls shall be 12 feet wide as shown on the attached site plan and signed with the R7-8 and R7-8P (Reserved Parking Sign and Penalty Plate), in the designated parking areas for persons who have been issued the handicapped parking permit by the Division of Motor Vehicles.

D. Reserved parking. All vehicles that are granted specialty parking in this section such as police vehicles, ambulances, teachers, etc., must be properly identified and the reserved parking spaces must be shown on the attached site plan.

10.38.030. Through streets and stop intersections.

- A. Through streets. The following streets or parts of streets are hereby designated as through streets. Stop signs shall be installed on the near right side of each street intersecting the through street except where yield signs are provided for in the designation.

Name of Street	Limits
Road "A"	Entire length
Road "B"	Entire length

- B. Stop intersections. The following described intersections are hereby designated as stop intersections. Stop signs shall be installed as provided therein.

Intersection	Stop Sign(s) on
Road "C" and Aisle "C"	Aisles "C" (both intersects)

10.38.040. One-way streets.

The following described streets or parts of streets are hereby designated as one-way streets in the direction indicated.

Name of Street	Direction	Limits
Road "A"	Counterclockwise	Entire length
Road "B"	Counterclockwise	Entire length
Road "C"	Counterclockwise	Entire length

10.38.050. Speed limits.

- A. The speed limit for both directions of traffic in the parking lot(s) shall be 15 miles per hour.
- B. The speed limit for both directions of travel on the following roadways are:

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Name of Roadway	Speed Limit (m.p.h.)	Location
All roads and aisles	15	Entire length

C. Regulatory and warning signs shall be erected and maintained to effect the above-designated speed limits authorized by the Department of Transportation.

10.38.060. Tow-away zones.

Any vehicle parked or standing that obstructs or impedes a normal flow of traffic, blocks, entrances or exitways, loading zones, oil fills, any grassy area, or pedestrian walkway, or presents in any way, a safety or traffic hazard may be removed by towing the vehicle at the owner's or operator's expense.

10.38.070. Loading zone(s).

The locations described are hereby designated as loading zones. No person shall park a vehicle in said location during the times indicated other than for the loading or unloading of goods and materials.

Name of Street	Sides	Hours	Location
Road "A"	East	All	As indicated on site plan
Road "C"	East north west	All	As indicated on site plan

10.38.080. Authorized vehicles only.

The following streets or parts of streets shall be designated as use for authorized vehicles only. No vehicle other than an authorized vehicle shall enter upon the below roadway.

Name of Street	Limits
Service road	As indicated on site plan

10.38.090. Signage.

All signs, posts or other necessary materials be installed and paid for by the Board of Education. All signing shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and 39:183.27.

10.38.100. Penalty.

Unless another penalty is expressly provided for by New Jersey Statute, every person convicted of a violation of this section or any supplement thereto shall be liable to a penalty of not more \$100 or imprisonment for a term not exceeding 15 days or both.

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.

CONSIDERATION AND APPROVAL OF VOUCHERS

Bill List

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

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

ADMINISTRATIVE AGENDA

Mr. Morris noted that the new DPW building will be installed by the cell tower. Mr. Thompson is negotiating the price and installation costs. Mr. Morris added that the generator for the Civic Center will also be installed soon and that the interior of the building will be painted at the end of October.

Mr. Morris reported that various sidewalk repairs will be completed in the coming weeks.

Mr. Morris discussed the numerous requests that the Township has received for tree removal. He has discussed this topic at length with Mr. Bucco and Mr. Oostdyk. He has learned that each street has to be examined to find out where the property ends to determine whether the tree belongs to the Township or the property owner. A policy will be created once more research is completed.

Mr. Morris reported that Tax/Utility Collector Ms. O'Brien conducted the first read of the entire town with the new meters. A few problems were identified and will be corrected. He noted that there are 20 vacant homes in town; those owners (mostly banks) will be advised that the meters will be installed when water service is reestablished in the future. He noted that the meters can detect leaks within the home. 51 homes with continuous leaks have been identified, as well as 57 homes with intermittent leaks. Letters will be sent out to these home owners to advise them that they have a leak and recommend that they contact a plumber to investigate the problem.

Mr. Willis asked if the town is prepared for early snowfall. Gary Frank reported the status of truck repairs, and added that if a storm was predicted we could be prepared for it in time.

REPORTS OF STANDING AND SPECIAL COMMITTEES

School Board Committee

Mr. Bloom reported that the Board of Education discussed and thanked the Township for the traffic ordinance to regulate their parking lot. Mr. Morris noted the reports of standardized testing; Dover High School's testing scores were outstanding. Brief discussion followed.

Recreation Committee

No report.

Fire Department

Mr. Pepperman noted that he attended the Inspection Dinner last week. New personal protective equipment will be purchased.

Police

Mr. Pepperman reported that he will be attending a retirement party for one of Wharton's officers tomorrow.

First Aid Squad

No report.

Open Space

No report.

Planning Board

No report.

OPEN TO THE PUBLIC

Jo Udina, Valley View Drive

Ms. Udina asked why there is no listing for Police discussion on the agenda. Ms. Kanzenbach reiterated her announcement from the beginning of the meeting. Mr. Morris noted that he met with the PBA union president from Wharton yesterday. He expressed to them, and reiterated now, that any contract that is entered into would include at least one officer assigned to Mine Hill at all times. He explained the fiscal examination and some of the factors involved.

Gary Colucci, Williams Street

Mr. Colucci noted that the Police contract with its high escalation clause was written and agreed to in a different economic era. He asked if the clause in that contract that allows the financial situation to be examined and renegotiated has been thoroughly investigated. Mr. Pepperman responded that a proposal from Wharton will be forthcoming at the meeting on the 25th. Mr. Morris added that information has not been readily forthcoming from Wharton, which is why this process is being handled in a public forum on the 25th rather than negotiating behind closed doors. Mr. Colucci also asked why Dover wasn't considered as a town to Police Mine Hill since our Court is already there. Mr. Morris responded that Dover has had difficulties that Mine Hill would likely prefer not to be involved in.

Pat Burbridge, Thomastown Road

Mr. Burbridge discussed his ongoing concern with traffic at the intersection of Randolph Avenue and Canfield Avenue. He indicated that he spoke with Morris County and was under the impression that the installation of a traffic light at that intersection would cost \$150,000, of which Mine Hill would be responsible for \$50,000.

Mr. Morris responded that those numbers would be accurate if the County were interested in installing a light at that intersection, which they are not. Discussion followed regarding plans to realign the intersection to be a hard turn to slow traffic through the intersection.

Mr. Burbridge also discussed dead trees on Thomastown Road. Mr. Morris responded that Mr. Bucco's office is looking into the issue of roadside trees throughout the Township and problems such as those on Thomastown will be handled on a case by case basis once a thorough review is conducted.

Mr. Burbridge added his support for the Wharton Police Department.

Dave Gilbride, Frank Street

Mr. Gilbride asked if the Police contract has an opening for renegotiating and whether or not the Township would be breaching the contract. Mr. Oostdyk responded that the contract would not be breached; the contract does contain a 13-month out-clause.

It was noted that the Township is satisfied with Wharton's service in Policing the Township, but that the Township cannot sustain the 5.25% contractual increase year over year.

INTRODUCTION OF ORDINANCES

ORDINANCE 28-12 - AN ORDINANCE AUTHORIZING A LEASE WITH THE MINE HILL VOLUNTEER FIRE DEPARTMENT OF LOT 17 IN BLOCK 1304, MORE COMMONLY KNOWN AS FIREMEN'S FIELD, IN THE TOWNSHIP OF MINE HILL, COUNTY OF MORRIS AND STATE OF NEW JERSEY

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

Seeing no 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. Coranato; Mr. Pepperman; Mr. Willis; Ms. Kanzenbach

Nays: none

Absent: none

Abstentions: none

Ms. Kanzenbach noted that this Ordinance would be further considered at the next regular meeting of the Township Council on Thursday, October 18, 2012.

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.; and

WHEREAS, the Mayor and Council of the Township of Mine Hill recognize the importance of providing facilities for the recreation of its residents at locations within the Township; and

WHEREAS, the Mine Hill Volunteer Fire Department (the "Department") and the Township have reached agreement on the lease of Fireman's Field, a property owned by the Department that is currently used for playing fields and recreational purposes; and

WHEREAS, the Township Council has determined that it is in the best interest of the Township to lease Block 1304, Lot 17, as described on the tax map for the Township of Mine Hill for the nominal consideration of \$1.00; and

WHEREAS, a copy of the Lease Agreement is on file in the Office of the Township Clerk and may be inspected by the public during normal business hours.

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 Township of Mine Hill hereby authorizes the acquisition of a lease hold interest in the above-referenced property for recreational purposes. The Mayor and Township Clerk are hereby authorized and directed to executed a lease with the Department for the use of Fireman's Field for recreational purposes, the form of which is on file in the Office of the Township Clerk.

SECTION 2. The acquisition of said lease hold interest is being made for the nominal consideration of \$1.00.

SECTION 3. The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Ordinance.

SECTION 4. No debt is to be authorized by the enactment and passage of this Ordinance.

SECTION 5. 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 6. 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 7. This Ordinance shall take effect upon final passage and publication as required by law.

RESOLUTIONS AND MOTIONS

Non-Consent Resolutions

Resolution 114-12 Appointment of Special Counsel

A motion was made by Mr. Bloom and seconded by Mr. Coranato to approve the resolution. Seeing no discussion, the resolution was approved by the following vote:

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

Nays: none

Absent: none

Abstentions: none

WHEREAS, there exists a need to retain the services of a special legal counsel to handle the negotiations and preparation of a shared service agreement for police services on behalf of the Township of Mine Hill; and

WHEREAS, the Township wishes to retain Michael B. Lavery, Esq. of Courter, Kobert & Cohen, P.C. as special counsel for the above-stated services; and

WHEREAS, the Township's Chief Financial Officer has certified that funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that a resolution authorizing the award of a contract for "professional services" without competitive bid and the contract itself must be made available for public inspection.

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 Township of Mine Hill hereby awards and authorizes the Mayor and Township Clerk to execute an agreement with Michael B. Lavery, Esq. of Courter, Kobert & Cohen, P.C. as Special Counsel for the purpose of handling the negotiations and preparation of a shared services agreement for police services on behalf of the Township. The Special Counsel shall be compensated at a rate of \$150.00 per hour for Attorney services rendered and \$75.00 per hour for Paralegal services. The total amount of the contract shall not exceed \$15,000.00 without the express written authorization of the Township.
2. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1) (a) (i) of the Local Public Contracts Law because said services are performed by a person authorized by law to practice a recognized profession.
3. Notice of this action shall be published once in the Township's official newspaper as required by law.
4. This Resolution shall take effect immediately.

Resolution 115-12 Approval of Closeout Payment for Safe Routes to School Project

A motion was made by Mr. Bloom and seconded by Mr. Coranato to approve the resolution. Seeing no discussion, the resolution was approved by the following vote:

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

Nays: none

Absent: none

Abstentions: none

WHEREAS, the Township Council previously awarded a contract to Tony's Concrete Construction Co., Inc. for the 2010 Safe Route to School, Canfield Avenue and West Randolph Avenue Sidewalk Improvements (hereinafter "Project"); and

WHEREAS, Tony's Concrete Construction Co., Inc. previously posted a performance guarantee from Bondex Insurance Company guaranteeing the performance of the work on said Project; and

WHEREAS, the Contractor has satisfactorily completed all work pursuant to the contract and has submitted the as-built quantities in order to close-out the Project; and

WHEREAS, the Township's Consulting Engineer has confirmed that all work has been satisfactorily completed; and

WHEREAS, Payment No. 5 (Final) is required in order to close out the contract including the release of the retainage amount for the Project; and

WHEREAS, the Contractor has submitted the required Maintenance Bond No. 3370MB dated September 11, 2012 from the Bondex Insurance Company in the amount of \$25,428.83; and

WHEREAS, the Township's Consulting Engineer has reviewed and approved of the Maintenance Bond and associated close out documents; and

WHEREAS, the Township's Consulting Engineer, in a letter dated September 25, 2012, has recommended that the above-referenced Payment No. 5 (Final) be approved, the Maintenance Bond be accepted, the Performance Bond be released, and that final payment be made to the Contractor.

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. Payment No. 5 (Final) is hereby approved. The final contract amount is hereby adjusted for the purpose of final payment to the total amount of \$254,288.26.
2. Maintenance Bond No. 3370MB dated September 11, 2012 from the Bondex Insurance Company in the amount of \$25,428.83 is hereby accepted for a period of two (2) years from the date of final payment.
3. Performance Bond No. 3370 from Bondex Insurance Company is hereby released.
4. Final payment is hereby authorized to be made to Tony's Concrete Construction Co., Inc. The Township's Chief Financial Officer is hereby authorized and directed to issue the final payment to the Contractor in accordance with the terms of this Resolution.
5. Any and all municipal officials are hereby authorized and directed to take whatever actions may be necessary to effectuate the terms and conditions of this Resolution as well as the actions necessary to receive reimbursement of the grant monies for the Safe Route to School Program.
6. This Resolution shall take effect immediately.

Resolution 116-12 Approval to Join MRESC Cooperative Pricing Program

A motion was made by Mr. Willis and seconded by Mr. Bloom to approve the resolution. Seeing no discussion, the resolution was approved by the following vote:

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

Nays: none

Absent: none

Abstentions: none

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Middlesex Regional Educational Services Commission, hereinafter referred to as the "Lead Agency", has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, the Township Council of the Township of Mine Hill, in the County of Morris and State of New Jersey wishes to participate in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mine Hill, in the County of Morris and State of Jersey that pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor and Township Clerk are hereby authorized and directed to enter into a Cooperative Pricing Agreement with the Lead Agency, the form of which is on file in the Office of the Township Clerk. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

This Resolution shall take effect immediately.

OLD BUSINESS

Right to Farm

Mr. Oostdyk reported that he is waiting to hear back from the County regarding the density of animals on the property. He also recommended that we do not include the type of clause that Chester has regarding migrant worker housing because it is too broad and has no regulation. If the Township were to allow housing it would need regulation.

NEW BUSINESS

AED Units

Mr. Coranato asked the Council to consider approving up to a certain amount of money to purchase the AEDs. Mr. Morris noted that we need a certification of funds to make a motion for the purchase; it can be put on the agenda for October 18th.

OPEN TO THE PUBLIC AND COUNCIL COMMENTS

Mr. Burbridge, Thomastown Road

Mr. Burbridge expressed his concerns with the condition of Thomastown Road's pavement. Mr. Bucco responded that the Planning Board approval for the construction of the condominium complex should be researched to see if there is any requirement for the contractor to restore the road at the conclusion of construction.

ADJOURNMENT

There being no further business, a motion was made by Mr. Coranato and seconded by Mr. Pepperman to adjourn the meeting at 9:15 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