

Municipal Clerk Amanda Macchia 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. Macchia 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. Bucco, Township Attorney; Mr. Thompson,
Township Administrator; Ms. Macchia, Township Clerk
Public Present – 25

INVOCATION

The invocation was given by Pastor Alan Pirello of Budd Lake Chapel.

ELECTION OF COUNCIL PRESIDENT

Ms. Macchia opened the floor to nominations for Council President.

Ms. Kanzenbach nominated Mr. Willis. The nomination was seconded by Mr. Coranato.

Seeing no further nominations, the floor was closed to nominations. The roll was called, and Mr. Willis was elected by the following vote:

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

ELECTION OF COUNCIL VICE PRESIDENT

Mr. Willis opened the floor to nominations for Council Vice President.

Mr. Coranato nominated Mr. Bloom. The nomination was seconded by Mr. Pepperman.

Seeing no further nominations, the floor was closed to nominations. The roll was called, and Mr. Bloom was elected by the following vote:

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

OATHS OF OFFICE OF THE MINE HILL FIRE DEPARTMENT OFFICERS AND FIRST AID SQUAD OFFICERS

Mr. Morris administered oaths of office to the following officials:

Mine Hill Fire Department
James Ayers, Chief
Michael Iverson, Assistant Chief
Philip Wilk, Captain
Robert Dircks, 1st Lieutenant
Carey Carroll, 2nd Lieutenant

Mine Hill First Aid Squad
Edna Deacon, President
George Morris, Captain
James Greer, 1st Lieutenant

MAYORAL ADDRESS

Mr. Morris thanked Carlos Cruz from Congressman Lance's office for being in attendance.

Mr. Morris noted that he has an aggressive agenda for 2013 including:

- Complete review and restructuring of the budget to make each department more accountable
- Following budget restructuring, focus on debt reduction

- Randolph Avenue sidewalk project (waiting for response to grant applications)
- Forestry/Power grid protection plan
- Ramp up community based programs (noted recent substantial donations to food pantry)
- Development of Industrial Park (proposed idea of looking for kid-friendly businesses and/or outlets)
- Police contract (hopefully finalized soon)

He added that Mr. Thompson would be retiring mid-year.

Mr. Morris noted that an idea needed to be proposed by January 11th for this year's Community Block Grant. He is proposing lighting for the walking path that last year's grant was given for to make it safer and give it a park like atmosphere.

APPOINTMENT OF MUNICIPAL PROFESSIONALS (CONSENT AGENDA #1)

Mr. Morris appointed Steven Rogut of Rogut McCarthy, LLC as Bond Counsel and Paul Sterbenz of Maser Consulting as Municipal Engineer/Planner.

A motion was made by Mr. Coranato and seconded by Mr. Bloom to approve the consent agenda confirming these appointments. Seeing no discussion, the motion was approved by the following vote:

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

Nays: none

Absent: none

Abstentions: none

Resolution 001-13 Appointment of Bond Counsel

WHEREAS, the Township of Mine Hill has a need to obtain the services of Bond Counsel and has determined to award this contract as a professional service without obtaining competitive bids or quotations pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Rogut McCarthy, LLC has submitted a proposal indicating that they will provide the legal services of Bond Counsel subject to the terms and conditions set forth in the attached proposal; and

WHEREAS, Rogut McCarthy, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Township of Mine Hill for the previous one year, and that the contract will prohibit him from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Chief Financial Officer has certified that the funds are available for this contract.

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 of Mine Hill hereby appoints Rogut McCarthy, LLC as Bond Counsel and authorizes the execution of a contract with Mr. Bauman in accordance with the terms and conditions set forth herein; and

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification associated with this contract be placed on file with this resolution; and

BE IT FINALLY RESOLVED a notice of this action shall be printed once in the legal newspaper of the Township of Mine Hill as required by law.

This Resolution shall take effect immediately.

Resolution 002-13 Appointment of Municipal Engineer/Planner

WHEREAS, the Township of Mine Hill has a need to obtain the services of Municipal Engineer/Planner and has determined to award this contract as a professional service without obtaining competitive bids or quotations pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Township has determined and certified in writing that the value of the service will exceed \$17,500.00; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Paul Sterbenz or Maser Consulting has submitted a proposal indicating that he will provide the services of Municipal Engineer/Planner subject to the terms and conditions set forth in the attached proposal; and

WHEREAS, Mr. Sterbenz has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Township of Mine Hill for the previous one year, and that the contract will prohibit him from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Chief Financial Officer has certified that the funds are available for this contract.

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 of Mine Hill hereby appoints Paul Sterbenz of Maser Consulting as Municipal Engineer/Planner and authorizes the execution of a contract with Mr. Sterbenz in accordance with the terms and conditions set forth herein; and

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

BE IT FINALLY RESOLVED a notice of this action shall be printed once in the legal newspaper of the Township of Mine Hill as required by law.

This Resolution shall take effect immediately.

APPOINTMENT OF THE MUNICIPAL AUDITOR

Resolution 004-13 Appointment of Municipal Auditor

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

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

Nays: none

Absent: none

Abstentions: none

WHEREAS, the Township of Mine Hill has a need to obtain the services of Municipal Auditor and has determined to award this contract as a professional service without obtaining competitive bids or quotations pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Township has determined and certified in writing that the value of the service will exceed \$17,500.00; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Ardito & Co, LLP has submitted a proposal indicating that s/he will provide the services of Municipal Auditor subject to the terms and conditions set forth in the attached proposal; and

WHEREAS, Ardito & Co, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that s/he has not made any reportable contributions to a political or candidate committee in the Township of Mine Hill for the previous one year, and that the contract will prohibit him/her from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Chief Financial Officer has certified that the funds are available for this contract.

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 of Mine Hill hereby appoints Ardito & Co, LLP as Municipal Auditor and authorizes the execution of a contract with Ardito & Co, LLP in accordance with the terms and conditions set forth herein; and

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

BE IT FINALLY RESOLVED a notice of this action shall be printed once in the legal newspaper of the Township of Mine Hill as required by law.

This Resolution shall take effect immediately.

**REESTABLISHMENT AND APPOINTMENT OF THE TOWNSHIP COUNCIL TO COMMITTEES
Resolution 005-13 Reestablishing Committees of the Township Council**

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

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

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 following Committees of the Township Council are hereby reestablished for the year 2013:

Council Community Awareness Committee
Council Finance Committee
Council Interlocal Committee
Council Police Committee
Council Taxi Review Committee

Said Committees shall consist of two members of the Township Council as appointed by the Council President.

Appointment of Township Council to Committees

Mr. Willis made the following appointments:

Council Community Awareness Committee: Ms. Kanzenbach / Mr. Coranato
Council Finance Committee: Mr. Willis / Mr. Bloom
Council Interlocal Committee: Mr. Coranato / Mr. Pepperman
Council Police Committee: Mr. Willis / Mr. Pepperman
Council Taxi Review Committee: Mr. Coranato / Mr. Pepperman

APPOINTMENT OF COUNCIL LIAISONS

Mr. Willis made the following appointments:

Council Representatives to the Recreation Committee: Mr. Coranato / Ms. Kanzenbach
Council Representatives to the Board of Education: Mr. Bloom / Mr. Coranato
Council Senior Citizen Liaisons: Mr. Coranato / Ms. Kanzenbach
Council Representatives to the Environmental Commission: Ms. Kanzenbach / Mr. Bloom
Council Fire and First Aid Liaisons: Mr. Pepperman / Ms. Kanzenbach
Council Representatives to the Rockaway River Watershed Cabinet: Mr. Willis / Ms. Kanzenbach
Council Representatives to the Joint Court Committee: Mr. Bloom / Mr. Coranato
Council Representatives to the Open Space Committee: Mr. Bloom
Council Representatives to the Community Committee: Mr. Pepperman

APPOINTMENT OF MUNICIPAL OFFICIALS

Resolution 006-13 Appointment of Municipal Officials

Mr. Morris made the following appointments:

Consumer Affairs Director: Mr. Thompson
Recycling Coordinator: Ms. Macchia
Zoning Officer: Mr. Thompson
Morris County League Member: Mr. Morris
Morris County League Alternate: Ms. Kanzenbach
NJ Intergovernmental Insurance Fund Commissioner: Ms. Reiche

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

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

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 confirms the following appointments of the Mayor:

Director of Consumer Affairs – Al Thompson
Recycling Coordinator – Amanda Macchia
Zoning Officer – Al Thompson
Morris County League Member – Sam Morris
Morris County League Alternate – Kristine Kanzenbach
NJ Intergovernmental Insurance Fund Commissioner – Patricia Reiche

APPOINTMENT OF PLANNING BOARD MEMBERS

Mr. Morris made the following appointments:

Planning Board Class I Member Sam Morris
Planning Board Class II Member Tony Galarano
Planning Board Class IV Members John Gangemi, Gary Frank, Steve Sauchelli
Planning Board Alternate Members Jill Popinko, Joe Heredia

APPOINTMENT OF CLASS III PLANNING BOARD MEMBER

Resolution 007-13 Appointment of Class III Planning Board Member

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

Ayes: Mr. Bloom; Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis
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 appoints Fred Willis to be the Township Council Representative Member of the Planning Board (Class III Member) for the year 2013.

APPOINTMENTS TO COMMITTEES (CONSENT AGENDA #2)

Mr. Morris made the following appointments:

Open Space Committee: Tony Galarano
Community Committee: Marci Austin, Katie Bartnik, Deb Larson, Tim Beyrent, Kay Robinson,
Delores Falone, David Ake

A motion was made by Mr. Willis and seconded by Mr. Bloom to approve the consent agenda confirming these appointments. Seeing no discussion, the motion was approved by the following vote:

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

Resolution 011-13 Open Space Committee

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 confirms the following appointments of the Mayor:

Open Space Committee Members (5 year term)
Tony Galarano

Resolution 012-13 Community Committee

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 confirms the following appointments of the Mayor:

Community Committee Members (2 year term)
Marci Austin
Katie Bartnik
Deb Larson
Tim Beyrent
Kay Robinson
Delores Falone
David Ake

APPOINTMENTS TO THE COMMUNITY DEVELOPMENT REVENUE SHARING COMMITTEE

Mayor’s Appointments

Mr. Morris made the following appointments: Mr. Morris / Mr. Thompson

Council’s Appointment

Resolution 013-13 Community Development Revenue Sharing Committee Member

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

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

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 appoints Kristine Kanzenbach to be the Township Council Representative Member of the Community Development Revenue Sharing Committee for the year 2013.

ADMINISTRATIVE AND FINANCIAL RESOLUTIONS (CONSENT AGENDA #3)

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

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

Nays: none

Absent: none

Abstentions: none

Resolution 014-13 Establishing Council Meeting Dates

WHEREAS, the Open Public Meetings Act N.J.S.A. 10:4-19 requires that every public body shall post and maintain posted throughout the year for the purpose of public inspection, a schedule of the regular meetings of the public body to be held during the succeeding year;

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 public meetings of the Mine Hill Township Council shall be held during 2013 at the Municipal Building, 10 Baker Street in said Township at 7:30 p.m. on the following dates:

- January 3, 2013 – Reorganization
- January 17, 2013
- February 7, 2013
- February 21, 2013
- March 7, 2013
- March 21, 2013
- April 4, 2013
- April 18, 2013
- May 2, 2013
- May 16, 2013
- June 6, 2013
- June 20, 2013
- July 18, 2013
- August 1, 2013
- August 15, 2013
- September 5, 2013
- September 19, 2013
- October 3, 2013
- October 17, 2013
- November 7, 2013
- December 5, 2013
- December 19, 2013
- January 2, 2014 – Reorganization

BE IT FURTHER RESOLVED that the above schedule and any revision thereof shall be posted on the bulletin board in the Municipal Building and mailed to the Daily Record, and upon prepayment of mailing and processing costs, to all persons requesting copies of such schedule or any revision thereof.

BE IT FURTHER RESOLVED that the meetings shall be conducted in accordance with *Roberts Rules of Order*.

Resolution 015-13 Designating Official Newspapers

WHEREAS, N.J.S.A. 10:4-6 et. seq. known as the “Open Public Meetings Act” requires notices to be given on meetings of public bodies, as defined and prescribed in said statute and further provides for the fixing of a reasonable charge to be paid by any persons requesting such notices.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mine Hill, County of Morris, State of New Jersey, that:

1. The Morris County Daily Record and the Newark Star Ledger, the newspapers having the greatest likelihood of informing the public of meetings to be held by the Township Council of the Township of Mine Hill, are hereby designated as the newspapers to receive notices of all meetings of this Township Council for the calendar year 2013 as required by the Open Public Meetings Act.
2. The bulletin board in the main hallway of the Municipal Building located at 10 Baker Street, Mine Hill, New Jersey, is hereby designated as the place where all official notices of public meetings of this Township Council are to be posted for the calendar year 2013.
3. A fee of twenty-five dollars (\$25.00) per annum is hereby fixed as the charge to any person requesting individual notice of public meetings of the Township Council of the Township of Mine Hill as provided for under the Open Public Meetings Act, but as provided in N.J.S.A. 10:4-19, no charge shall be made to any newspaper requesting the mailing of such notices to its business office.
4. This Resolution shall take effect immediately.

Resolution 016-13 Cash Management Plan

WHEREAS, it is in the best interest of the Township of Mine Hill to earn additional revenue through the investment and prudent management of its cash receipts; and

WHEREAS, the Local Fiscal Affairs Law N.J.S.A. 40A:5-2, N.J.S.A. 40A:5-14 and N.J.S.A. 40A:5-15.1 requires that each local unit shall adopt a cash management plan,

NOW, THEREFORE BE IT RESOLVED that the following shall constitute the Cash Management Plan for the Township of Mine Hill and the Treasurer shall deposit and manage its funds pursuant to this plan.

Definitions

1. Treasurer shall mean the Treasurer of the Township of Mine Hill.
2. Fiscal Year shall mean the twelve month period ending December thirty-one.
3. Cash Management Plan shall mean that plan as approved by resolution.

Designation of Depositories

At least once each fiscal year the governing body shall by resolution designate the depositories for the Township of Mine Hill in accordance with N.J.S.A. 40A:5-14. The depositories shall be GUDPA approved depository banks and the New Jersey Cash Management Fund.

Audit Requirement

The Cash Management Plan shall be designed to assure to the extent practicable the investment of local funds in interest bearing accounts and other permitted investments as allowed by Statute. The Cash Management Plan is subject to the annual audit conducted pursuant to N.J.S.A. 40A:5-4.

Investment Instruments

The Treasurer shall invest at his/her discretion in any investment instrument as approved by the State of New Jersey in accordance with N.J.S.A. 40A:5-15.1.

Records and Reports

The Treasurer shall report all investments in accordance with N.J.S.A. 40A:5-15.2.

At a minimum, the Treasurer shall:

1. Keep a record of all investments.
2. Keep a cash position record which reveals, on a daily basis, the status of the cash in its bank accounts
3. Confirm investments with the governing body at the next regularly scheduled meeting.
4. Ensure all moneys are deposited in accordance with N.J.S.A. 40A:5-15.

Cash Flow

The Treasurer is authorized and directed to invest surplus funds of the Township of Mine Hill as the availability of the funds permit. In addition, it shall be the responsibility of the Treasurer to minimize the possibility of idle cash by depositing the monies in interest bearing accounts wherever practical and in the best interest of the Township of Mine Hill.

The Treasurer is charged with the custody of monies of the Township of Mine Hill and shall deposit them as designated by the Cash Management Plan and shall thereafter be relieved of any liability for loss of such monies due to the insolvency or closing of any depository designated by, or the decrease in value of any investment authorized by, the Cash Management Plan pursuant to N.J.S.A. 40A:5-14F.

Resolution 017-13 Designating Official Depositories

BE IT RESOLVED by the Township Council of the Township of Mine Hill that the Official Depositories for the Township Funds shall be:

Lakeland Bank
Bank of America
Provident Bank
Valley National Bank
Hudson Savings Bank
TD Bank
Sovereign Bank

BE IT FURTHER RESOLVED that the following persons be authorized to transfer funds by wire, sign Township Bank Account checks and transfer to and from Township Bank Accounts:

Sam Morris, Mayor
Albert Thompson, Administrator
Patricia Reiche, Chief Financial Officer
Amanda G. Macchia, Municipal Clerk

Resolution 018-13 Fixing Rate of Interest for Delinquent Payment of Taxes or Assessments

WHEREAS, N.J.S.A 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of Taxes, Assessments, Water and Sewer charges and other amounts that may be assessed by the Township (hereinafter referred to as “Municipal Charges”) subject to any abatement or discount for the late payment of Municipal Charges as provided by law; and

WHEREAS, N.J.S.A 54:4-67 has been amended to permit fixing of said rate of 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 and 6% year end penalty on any delinquent Municipal Charges due the 31st day of December in excess of \$10,000.00.

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 Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of Municipal Charges becoming delinquent after the due date and 18% per annum on any amount of Municipal Charges in excess of \$1,500.00 becoming delinquent after the due date and if a delinquency is in excess of \$10,000.00 and remains in arrears beyond December 31st of each year an additional penalty of 6% shall be charged against the delinquency.
2. The ten (10) day grace period for Municipal Charges will remain in effect for 2013.
3. Any payments not made in accordance with paragraph 2 of this resolution shall be charged interest from the date set forth on paragraph 1 of this resolution.
4. This resolution shall be published in its entirety once in the official newspaper of the Township.

Resolution 019-13 Authorizing Cancellation of Overpayments or Delinquencies Under \$10.00

BE IT RESOLVED, by the Township Council of the Township of Mine Hill, in the County of Morris and State of New Jersey, that on the recommendation of the Township Auditors all overpayments or delinquencies of taxes, water or sewer in the amount of ten dollars (\$10.00) or less be automatically cancelled by the Tax Office when they occur anytime during the current year without benefit of a specific resolution so canceling.

Resolution 020-13 Authorizing Defense by Attorney of Tax Appeals for 2013

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 Attorney is hereby authorized to file counterclaims with the Tax Court of New Jersey regarding any tax appeal filed with the Tax Court of New Jersey; and

BE IT FURTHER RESOLVED that the Township Attorney will do what is necessary or desirable to effectuate settlement of any case, without prejudice to the Township’s interest in any other pending or future tax assessment appeals.

Resolution 021-13 Authorizing the Clerk to Maintain Petty Cash in the Amount of \$300

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund.

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 a petty cash fund shall be established and maintained in the Municipal Clerk’s Office in the amount of \$300.00. Such petty cash shall be used for purchases not to exceed \$25.00.

Resolution 022-13 Authorizing Temporary Budget Appropriations

WHEREAS, N.J.S.A. 40A:4-19, Local Budget Law, provides that temporary appropriations may be made prior to the adoption of the 2013 Budget for the purposes and amounts required, in the manner therein provided, and

WHEREAS, the total appropriations in the 2012 budget, less appropriations made for Capital Improvement Fund, Debt Service and Public Assistance are as follows:

CURRENT FUND	\$3,776,412.00
WATER UTILITY	\$475,177.40
SEWER UTILITY	\$172,816.00
SOLID WASTE DISTRICT	\$390,000.00

WHEREAS, 26.25% of the total appropriations in the 2012 Budget, less appropriations made for Capital Improvement Fund, Debt Service and Public Assistance is as follows:

CURRENT FUND	\$991,308.00
WATER UTILITY	\$124,734.00
SEWER UTILITY	\$ 45,364.00
SOLID WASTE DISTRICT	\$102,375.00

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Mine Hill, County of Morris, State of New Jersey, that the following attached temporary appropriations be made and a copy of this resolution shall be transmitted to the Chief Financial Officer for her records.

INTRODUCTION OF ORDINANCES

Ordinance 01-13 Cap Ordinance

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

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. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis

Nays: none

Absent: Mr. Coranato

Abstentions: none

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Mine Hill in the County of Morris and State of New Jersey finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.5% increase in the budget for said year, amounting to \$ 25,519.85 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

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, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Township of Mine Hill shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 59,546.31, and that the CY 2013 municipal budget for the Township of Mine Hill be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Ordinance 02-13 Right to Farm Ordinance

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

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. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis

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. Chapter 25 “Zoning”, of the Revised General Ordinances of the Township of Mine Hill, shall be amended to include the following additional subsections:

§ 25-10.14.9. AOZ Agricultural Overlay Zone.

25-10.14.9.1 Permitted Uses

The following are permitted principal uses in the AOZ Agricultural Overlay Zone:

- (a) Commercial farms as permitted and regulated by §25-10.3.8
- (b) Any principal permitted use in the underlying zone district.

25-10.14.9.2 Accessory Uses

The following are permitted accessory uses in the AOZ Agricultural Overlay Zone:

- (a) Uses customary and incidental to commercial farms as permitted and regulated by §25-10.3.8
- (b) Any accessory use permitted in the underlying zone district.

25-10.14.9.3 Conditional Uses

The following are conditional uses in the AOZ Agricultural Overlay Zone:

- (a) Any conditional use permitted in the underlying zone district.

§ 25-10.3.8. Right to farm.

A. Purpose. This section is intended to:

- (1) Retain and promote farming and agricultural activities in appropriate locations within the Township of Mine Hill;
- (2) Protect the operation of commercial farms from nuisance actions where approved and recognized methods of agriculture production are followed; and
- (3) Acknowledge and hereby give notice that commercial farming involves activities that may affect adjoining properties such as, but not limited to, generation of noise, odors, fumes, dust, smoke, insects, operation of machinery, storage and disposal of manure and compost, and application by spraying or otherwise of fertilizers, soil amendments, herbicides and pesticides.

B. Where permitted. Commercial farms shall be a principal permitted use in the Agricultural Overlay Zone ("AOZ").

C. Permitted activities.

- (1) Commercial farms that comply with the requirements of this section shall be permitted to engage in the following activities in the AOZ:

- (a) Production of agricultural and horticultural crops, trees, apiary and forest products;
 - (b) Processing and packaging the agricultural output of the commercial farm;
 - (c) Operation of a farm market as an accessory use to the commercial farm, including the construction of a building and parking area in conformance with the standards set forth in §25-10.3.8F below;
 - (d) Replenish soil nutrients and improve soil tilth;
 - (e) Control pests, predators and diseases of plants and animals;
 - (f) Clear woodlands using open burning and other techniques install and maintain vegetative and terrain alterations and other physical facilities for water and soil conservation and surface water control in wetland areas;
 - (g) Conduct on-site disposal of organic agricultural wastes;
 - (h) Conduct agriculture-related education and farm-based recreational activities provided that the activities are related to marketing the agricultural or horticultural output of the commercial farm;
 - (i) Erection of essential agricultural buildings including those dedicated to processing and packaging of the output of the commercial farm;
 - (j) Construction of fences;
 - (k) Pick-your-own operations;
 - (l) The keeping or grazing of farm animals provided that there shall be a minimum of three acres for the keeping of the first two animals and an additional minimum of one acre for each additional animal. Keeping or maintaining fowl shall require three acres for the first twenty fowl and an additional acre for each additional group of twenty fowl or fraction thereof. If there are animals and fowl both maintained on the same premises, the minimum lot size shall commence at five acres. The keeping of animals shall also subject to the restrictions set forth in Chapter 6.04 of the Code of the Township of Mine Hill;
 - (m) Use of farm equipment, including irrigation pumps, aerial and ground seeding and spraying, tractors, harvest aides, and bird control devices;
 - (n) The application of manure and chemical fertilizers, insecticides and herbicides;
 - (o) Installation of wells, ponds, and other water resources for agricultural purposes such as irrigation, sanitation and marketing preparation; and
 - (p) Any other agricultural activity as determined by the State Agriculture Development Committee and adopted by rule or regulation pursuant to the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1, et seq. except that the keeping of domesticated farm animals shall be limited as set forth in (l) above.
- (2) The right to engage in these farming activities shall exist on weekdays, weekends, and holidays, during all hours of the day and night.
- (3) To qualify to engage in the activities permitted by this section, a commercial farm and its operations must:
- (a) Conform to agricultural management practices recommended by the State Agriculture Development Committee and adopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., or the commercial farm's specific operations or practices must have been determined by the Morris County Agriculture Development Board to constitute a generally accepted agricultural operation or practice;
 - (b) Conform to all relevant federal and state statutes, rules and regulations;
 - (c) Not pose a direct threat to public health and safety; and
 - (d) Comply with all applicable provisions of Chapters 25 of the Code of the Township of Mine Hill, including applicable stormwater management regulations.
- D. Limitations. Notwithstanding anything to the contrary in §25-10.3.8C above, the following regulations shall apply to all commercial farms within the Township of Mine Hill:
- (1) No farm worker housing shall be permitted on a commercial farm other than one detached single-family residence for the owner of the commercial farm and his or her family.

(2) No overnight outdoor storage of farm vehicles or equipment shall be permitted within 100 feet of any property line.

(3) No tree located within 25 feet of a property boundary of a commercial farm may be cut down or otherwise removed except in conformance with Chapter 12-20. A tree shall be deemed to be located within 25 feet of a property boundary if any part of its trunk shall be located within that area.

(4) Manure shall be stored and disposed of in conformance with the New Jersey State Agricultural Management Practices (hereinafter “AMP”) establishing standards for manure management.

(5) Fencing.

(a) No barbed wire fence shall be permitted upon or within any commercial farm.

(b) Except as permitted by the AMP establishing standards for fencing for protection against wildlife damage in N.J.A.C. 2:76-2A.9(a)(1) (permitting electric fencing for such purpose to be up to seven feet high and high-tensile woven wire fencing for such purpose to be up to 10 feet high), no fence on a commercial farm shall exceed a height of six feet above surrounding grade.

(6) Commercial farms shall maintain a twenty-five-foot setback between all property lines and all areas of the commercial farm devoted to the production, raising, or keeping of livestock, poultry, or other domesticated animals. No non-domesticated animals shall be produced, raised, or kept on a commercial farm. The keeping of livestock, poultry, or other domesticated animals shall be limited as set forth in Section 25-10.3.8C(1)(1).

(7) No silage pits or outdoor storage of silage shall be located within 100 feet of any property line.

E. Complaints against commercial farms. Any person who considers himself aggrieved by the operation of a commercial farm shall file a complaint with the Morris County Agriculture Development Board prior to instituting any action in any court.

F. Farm markets. Farm markets shall comply with the following regulations:

(1) Except as permitted by Subsection F(6) and (7) below, all farm markets shall be located within a fully enclosed building.

(2) Floor area occupied by a farm market building shall not exceed 1,000 square feet.

(3) No farm market building shall exceed one story or 20 feet in height.

(4) Farm market buildings shall comply with the following setback requirements:

(a) Setback from a public right-of-way: 60 feet.

(b) Setback from any other property line: 100 feet.

(5) A farm market shall be permitted a maximum of one business sign. The sign shall be freestanding. Maximum permitted sign area shall be 24 square feet. Only external illumination shall be permitted. Maximum permitted sign height shall be six feet. The sign must be set back at least 15 feet from any public right-of-way. Sign lighting shall be turned off within 30 minutes after the farm market closes for the day.

(6) Pick-your-own operations and Christmas tree sales (including sales where purchasers are required or permitted to cut their own tree) shall be exempt from the requirements of §F(1) above.

(7) Notwithstanding the provisions of § F(1) above, farm markets may provide for seasonal outdoor operations [in addition to those in Subsection F(6) above], subject to the limitations of this subsection. The area occupied by such seasonal outdoor operations shall not exceed 1,000 square feet. The outdoor operations area shall be set back at least 25 feet from a public right of way, and 100 feet from any other property line. No additional signage shall be permitted for seasonal outdoor farm market areas. Such seasonal outdoor operations shall be limited to March 1 through November 30 of each calendar year.

(8) Hours of operation for farm markets shall be limited to 10:00 a.m. through 7:00 p.m. Farm markets may operate seven days per week.

(9) No farm market shall utilize any sound amplification equipment for any purpose.

(10) Farm markets shall be located on a collector street unless the commercial farm lacks collector street frontage.

G. Other farm buildings. Farm buildings other than buildings devoted to farm markets ("non-farm-market buildings"), including greenhouses, shall comply with the following requirements:

(1) Floor area occupied by greenhouses used for growing agricultural or horticultural products shall not exceed, in the aggregate, 10% of the total area of the lot on which such greenhouses are located. Floor area occupied by other non-farm-market buildings shall not exceed, in the aggregate, 5% of the total area of the lot on which the buildings are located.

(2) Non-farm-market buildings shall not exceed two stories or 35 feet in height.

(3) Non-farm-market buildings shall comply with the following setback requirements:

(a) Setback from a public right-of-way: 100 feet.

(b) Setback from any other property line: 100 feet.

H. Farm market access and parking. Commercial farms shall provide access to and parking for a farm market in conformance with the requirements of this section.

(1) Vehicular access shall be provided to a farm market by a two-way driveway having a width no greater than 24 feet. The access driveway shall be set back at least 100 feet from any side property line or street intersection located on the same side of the street. The access driveway shall have a gravel surface constructed of a minimum of six inches of gravel, quarry-processed stone, or other porous stone without asphalt binder.

(2) Farm markets shall provide five on-site parking spaces for a farm market building.

(3) One on-site parking space shall be provided for each 500 square feet of outdoor area used seasonally as a farm market.

(4) Parking areas for farm markets shall have a gravel surface constructed of a minimum of six inches of gravel, quarry-processed stone, or other porous stone without asphalt binder, except that handicap parking spaces shall be paved. Parking spaces shall be delineated by landscape ties installed flush to the ground surface, or other suitable methods approved by the Planning Board.

(5) Parking spaces for a farm market shall be nine feet wide by 18 feet deep.

(6) Parking spaces serving a farm market shall be served by a twenty-four-foot-wide access aisle.

(7) Parking areas serving a farm market shall be set back at least 12 feet from a street right of way and 100 feet from any side property line or street intersection located on the same side of the street.

(8) Lighting for farm market parking areas shall meet the following standards:

(a) Fixtures shall not exceed 15 feet in height, and shall be decorative in style, with the light source recessed in the fixture head so as not to be visible from the street or surrounding properties.

(b) Parking area illumination shall be 0.5 foot candles average, and 0.1 foot candles minimum.

(c) All parking area light fixtures shall be turned off by 7:30 pm.

I. Residential buffers. When reviewing an application for construction of any building on a commercial farm, the Planning Board may require a buffer up to 25 feet deep between such building and any adjoining properties zoned or used for residential purposes. Buffer areas shall be maintained in their natural state.

J. Zoning permits. No building shall be erected, constructed, reconstructed, or altered on a commercial farm, or used as a farm market, or for any purpose other than commercial farming activities until a zoning permit has been issued by the zoning officer confirming that such activity complies with all applicable provisions of this Chapter.

K. Site plan approval. No building permit or zoning permit shall be issued for the erection, construction, reconstruction, or alteration of any building on a commercial farm, or for the use of any such building as a farm market, or for any purpose other than commercial farm activities until a site plan for such activity is first submitted to and approved by the Planning Board.

SECTION 2. Chapter 25 "Zoning", of the Revised General Ordinances of the Township of Mine Hill shall be amended by the following additional definition in Section 25-2.2, which shall read in its entirety as follows:

“Commercial Farm” shall mean a farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the “Farmland Assessment Act of 1964,” P.L. 1964, c.48 (C.54L4-23.1 et seq.), or a farm management unit less than five acres producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the “Farmland Assessment Act of 1964,” P.L. 1964, c.48 (C.54:4-23.01 et seq.).

SECTION 3. The Zoning Map of the Township of Mine Hill shall be amended to include the Agricultural Overlay Zone (AOZ) and Block 1502 Lot 1 and Block 1102 Lot 1 shall be located within the Zone.

SECTION 4. Chapter 25 “Zoning”, of the Revised General Ordinances of the Township of Mine Hill, Section 25-10.2.1, “Designation of Zones”, shall be amended to include the following additional designation: “AOZ Agricultural Overlay Zone”

SECTION 5. The Township Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Morris County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

SECTION 6. This Ordinance may be renumbered for codification purposes.

SECTION 7. 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 8. 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 9. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

NON-CONSENT RESOLUTIONS

Resolution 023-13 Authorizing Refund of Property Tax Overpayment – Block 501, Lot 15

A motion was made by Mr. Willis and seconded by Ms. Kanzenbach to approve the consent agenda. Seeing no discussion, the motion was approved by the following vote:

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

Nays: none

Absent: none

Abstentions: none

WHEREAS, Tax Sale Certificate #11-03, was sold to FWDSL & Associates on October 4, 2011 on Block 501, Lot 15 known as 25 George Street; and

WHEREAS, the amount required to redeem was received by the Tax Collector on the aforementioned property and repaid to the lienholder; however this redemption failed to include the premium paid by bidder at the time of sale.

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 Treasurer shall refund \$1,839.27 FWDSL & Associates. This refund includes the redemption amount of \$1,639.27 and the \$200.00 premium paid at time of sale.

Total \$1,839.27

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

Resolution 024-13 Acceptance of New Members of the Mine Hill Township Fire Department

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

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

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:

Christopher Kannaley
Kurt Warner

Resolution 025-13 Authorizing Redemption of Third Party Tax Lien – Block 802, Lot 14

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve the consent agenda. Seeing no discussion, the motion was approved by the following vote:

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

WHEREAS, Tax Sale Certificate #08-10, was sold to Edison Tax Service on June 19, 2008 on Block 802, Lot 14 known as 19 Spruce Street; and

WHEREAS, said Tax Sale Certificate was assigned to US Bank Custodian For TLCF2012A, LLC on May 31, 2011; and

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

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 Treasurer shall refund \$3,568.08 to US Bank Custodian For TLCF2012A, LLC.

Total \$3,568.08

US Bank Custodian For TLCF2012A, LLC
50 South 16th Street, Suite 1950
Philadelphia, PA 19102-2513

OPEN TO THE PUBLIC AND COUNCIL COMMENTS

John Paschal, Thomastown Road

Mr. Paschal questioned the interested rates approved in Resolution 018-13 for delinquent taxes, suggesting that the rates were too high in the current economy. Mr. Bucco responded that the rates are set by State Statute and explained the rationale behind them. Brief discussion followed.

ADJOURNMENT

There being no further business, a motion was made by Mr. Willis and seconded by Mr. Pepperman to adjourn the meeting at 8:23 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