

MINUTES OF THE MINE HILL TOWNSHIP COUNCIL  
REGULAR MEETING – NOVEMBER 15, 2012

Township Council President Kristine Kanzenbach called the rescheduled 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. Willis  
Absent – Mr. Pepperman  
Also Present – Mr. Morris, Mayor; Mr. Oostdyk, Township Attorney; Mr. Thompson,  
Township Administrator; Ms. Macchia, Township Clerk  
Public Present – 4

### **COMMUNICATIONS AND PETITIONS**

Ms. Kanzenbach listed the following items of communication:

- a. Dover re: Notice of Board of Adjustment Public Hearing

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

#### **Bill List**

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

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

Nays: none

Absent: Mr. Pepperman

Abstentions: none

### **ADMINISTRATIVE AGENDA**

Mr. Thompson reported that he has received several positive comments regarding DPW's response during the storm. A one-time brush pick up is still in the process of being organized.

Mr. Morris thanked John McNiece and Mike Florio, as well as the DPW, for their assistance during the storm; their efforts improved the restoration of power throughout town. He also thanked the volunteers and businesses who helped keep the Civic Center open as a shelter. Discussion followed regarding storm response.

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

#### **School Board Committee**

No report.

#### **Recreation Committee**

No report.

#### **Fire Department**

Ms. Kanzenbach reported that the Fire Department is having a poinsettia sale.

#### **Police**

Lt. Young reiterated how well storm response was handled, particularly from a communication standpoint.

Mr. Pepperman arrived at this time.

### **OPEN TO THE PUBLIC**

John Paschal, Thomastown Road

Mr. Paschal noted that there is a vehicle parked on Canfield Avenue in the no parking zone on the northbound side. Mr. Morris acknowledged that this vehicle has been an ongoing problem and asked the Police to investigate.

Sam Morris, Indian Falls Road

Mr. Morris congratulated Mr. Bloom on winning the recent election.

**INTRODUCTION OF ORDINANCES**

Ms. Kanzenbach announced that each of these ordinances would have a public hearing at the next meeting on December 6, 2012.

**Ordinance 29-12 Establishing a Service Charge for Returned Checks**

A motion was made by Mr. Coranato and seconded by Mr. Bloom to introduce the ordinance. Seeing no discussion, the roll was called and the ordinance was introduced 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. Title 3 of the Revised General Ordinances of the Township of Mine Hill entitled “Revenue and Finance” shall be amended by the inclusion of new Subsection 3.14 which shall be entitled “Checks returned for insufficient funds,” which shall read in its entirety as follows:

3.14 Checks returned for insufficient funds.

3.14.010 Service charge for checks returned for insufficient funds. There shall be a service charge of twenty five dollars (\$25.00) charged when a check or other instrument used to pay any township charge is returned for insufficient funds. This service charge shall be collected in the same manner prescribed by law for the collection of the account for which the check or other written instrument was tendered.

3.14.020 Future payments after check returned for insufficient funds. After a check or other written instrument used to pay any township charge is returned for insufficient funds on two (2) occasions by the same individual, all future payments for all municipal charges shall be tendered in cash or by certified or cashier’s check.

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

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

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

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

**Ordinance 30-12 Revising Rental Property License Fees**

A motion was made by Mr. Bloom and seconded by Mr. Willis to introduce the ordinance. Seeing no discussion, the roll was called and the ordinance was introduced 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. Chapter 5.44 of the Revised General Ordinances of the Township of Mine Hill entitled “Rental Property Regulations and Licensing of Landlords” shall be amended by the following revision to Section 5.44.040 entitled “License fee,” which shall read in its entirety as follows:

5.44.040 License fee.

The annual license fee shall be one hundred fifty dollars (\$150.00) per year, provided that in the past year the licensee has not been convicted of any violation of the ordinance codified in this chapter or any other township ordinance, statute or regulation concerning rental property. In the event of any such conviction, the annual fee shall be five hundred dollars (\$500.00). The annual fee shall not decrease unless the landlord and all units in the rental property have been violation free for a period of one year.

In the event the rental property is a multiple dwelling requiring an annual renewal of the certificate of occupancy, the cost for the annual certificate of occupancy shall be included in this license fee unless the annual certificate of occupancy fee would be greater than the license fee in which case the greater fee shall be

charged. This shall not apply to any certificate of occupancy required by change of tenant or owner, for which the normal fee shall be charged.

In the event ownership of the property is transferred during the license year, the new owner shall apply for a license within ten (10) days of transfer and the fee shall be prorated accordingly.

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

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

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

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

**Ordinance 31-12 Revising Alcoholic Beverage Licensing Fees**

A motion was made by Mr. Willis and seconded by Mr. Bloom to introduce the ordinance. Seeing no discussion, the roll was called and the ordinance was introduced 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. Chapter 5.04 of the Revised General Ordinances of the Township of Mine Hill entitled “Alcoholic Beverage Licenses” shall be amended to include the following revision to the fees set forth in Subsection 5.04.030 which shall be as follows:

<u>Class of License</u>	<u>Annual License Fee</u>	<u>Number of Licenses</u>
1. Plenary retail consumption license	\$1,200.00	5
2. Plenary retail distribution license	\$750.00	1
3. Club license	\$63.00	1

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

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

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

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

**Ordinance 32-12 Abolishing the Board of Adjustment**

A motion was made by Mr. Bloom and seconded by Mr. Coranato to introduce the ordinance. Seeing no discussion, the roll was called and the ordinance was introduced 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. Chapter 25 of the Revised General Ordinances of the Township of Mine Hill entitled “Land Development” shall be amended by the following revision to Section 25-4 entitled “Zoning Board of Adjustment,” which shall be amended to read in its entirety as follows:

25-4.1 Findings. The Zoning Board of Adjustment was created by ordinance pursuant to the terms of N.J.S.A. 40:55D-69. The aforementioned statute mandates the creation of a Zoning Board of Adjustment

upon the adoption of a Zoning Ordinance unless the municipality is eligible for, and exercises, the option of creating a nine-member Planning Board to exercise all of the powers and duties of the Board of Adjustment as provided by N.J.S.A. 40:55D-25c. The Borough meets the criteria, established in N.J.S.A. 40:55D-25c and has determined that it is in the public's interest to abolish the Zoning Board of Adjustment and allow the Planning Board to exercise its powers and duties.

25-4.2 Abolishment of Zoning Board of Adjustment; discharge of members.

a. The Zoning Board of Adjustment is hereby abolished, and all of the powers and duties granted by law to the Board are hereby transferred to the Planning Board pursuant to the authority established in N.J.S.A. 40:55D-25c.

b. All members, officers and employees of the Zoning Board of Adjustment as of the effective date of this article shall be discharged from their positions, offices or employment.

25-4.3 Reference to Board of Adjustment. All references to "Board of Adjustment" contained in this chapter or elsewhere in the Township Code shall be deemed to refer to the Planning Board.

SECTION 2. Chapter 25 of the Revised General Ordinances of the Township of Mine Hill entitled "Land Development" shall be amended by the repeal in the entirety of Section 25-9 entitled "Appeals."

SECTION 3. This Ordinance may be renumbered for codification purposes.

SECTION 4. 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 5. 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 6. This Ordinance shall take effect as required by law.

## **RESOLUTIONS AND MOTIONS**

### **Consent Resolutions**

A motion was made by Mr. Coranato and seconded by Mr. Bloom to approve the consent agenda. Seeing no discussion, the roll was called and the resolutions were approved by the following vote:

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

Nays: none

Absent: none

Abstentions: none

### **Resolution 120-12 Amending Games License**

WHEREAS, the Township Council, by Resolution 102-12, approved the issuance of a License to Saint Clare's Hospital Auxiliary for an On-Premise Merchandise Raffle (Tricky Tray) to be held on November 1, 2012, at 12:00 pm; and

WHEREAS, this event was postponed due to Hurricane Sandy.

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 License issued to Saint Clare's Hospital Auxiliary for an On-Premise Merchandise Raffle (Tricky Tray) to be held on November 1, 2012, at 12:00 pm, be amended for the event to be held on December 13, 2012; all other terms and conditions of the prior approval remain in effect.

### **Resolution 121-12 Amending Games License**

WHEREAS, the Township Council, by Resolution 103-12, approved the issuance of a License to Saint Clare's Hospital Auxiliary for an Off-Premise Cash Raffle (50/50) to be held on November 1, 2012, at 12:00 pm; and

WHEREAS, this event was postponed due to Hurricane Sandy.

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 License issued to Saint Clare's Hospital Auxiliary for an Off-Premise Cash Raffle (50/50) to be held on November 1, 2012, at 12:00 pm, be amended for the event to be held on December 13, 2012; all other terms and conditions of the prior approval remain in effect.

**NEW BUSINESS**

Ms. Kanzenbach asked for volunteers from the Council to assist with the formation of a committee to work on improvements to the storm response plan. Mr. Willis and Mr. Coranato volunteered.

**OLD BUSINESS**

Ms. Kanzenbach noted that the second quote received for recodification of the Township Code was more expensive and not nearly as comprehensive as the first quote. It was concluded that the first quote would be pursued after the first of the year.

Mr. Oostdyk provided an update on the progress of the Right to Farm Ordinance. Discussion followed. It was concluded that the ordinance would be introduced in January because there isn't enough time to pass an ordinance that has to go through the Planning Board this year.

**OPEN TO THE PUBLIC AND COUNCIL COMMENTS**

Gary Frank, Thomastown Road

Mr. Frank asked how the abolishing of the Board of Adjustment would be handled with application currently scheduled to come in in December. Mr. Oostdyk responded that the Board of Adjustment would become part of the Planning Board and the Planning Board could hear the application in January.

John Paschal, Thomastown Road

Mr. Paschal asked if a proposal was ever completed for a contractor to handle the mulch site. Mr. Morris responded that the town is not currently proceeding with any contract, and that the site is being kept open on Saturday mornings only at this time.

Mr. Morris noted that at least the first, possibly both meetings in December would be held at the Civic Center while the meeting room is remodeled.

**ADJOURNMENT**

There being no further business, a motion was made by Mr. Willis and seconded by Ms. Coranato to adjourn the meeting at 8:27 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