

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

**OPEN PUBLIC MEETINGS NOTICE**

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

**ROLL CALL:** Present – Mr. Bloom; Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis  
Absent –  
Also Present – Mr. Morris, Mayor; Mr. Oostdyk, Township Attorney; Mr. Thompson,  
Township Administrator; Ms. Macchia, Township Clerk; Mr. Lavery,  
Special Counsel  
Public Present – 9

**APPROVAL OF MINUTES**

Mr. Willis asked that the minutes of December 12, 2012 be pulled for further review.

A motion was made by Ms. Kanzenbach and seconded by Mr. Bloom to approve the following minutes as presented:

- a. October 18, 2012
- b. November 15, 2012
- c. December 6, 2012
- d. January 17, 2013

The roll was called, and the minutes were approved by the following vote:

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

**COMMUNICATIONS & PETITIONS**

Mr. Willis noted the following items of correspondence:

- a. Morris County Freeholders re: Public Hearing on Waste Management Plan
- b. Senator Bucco re: Safe Routes to School Grant
- c. Health Department Monthly Report

**REPORTS**

Edna Deacon presented the First Aid Squad’s Annual Report. The squad answered 380 calls in 2012.

**PUBLIC HEARING ON ORDINANCES PREVIOUSLY INTRODUCED**

**Ordinance 01-13 Cap Ordinance**

A motion was made by Mr. Willis and seconded by Ms. Kanzenbach to open the public hearing on this ordinance. Seeing no discussion, a motion was made by Mr. Willis and seconded by Ms. Kanzenbach to close the public hearing on this ordinance.

A motion was made by Ms. Kanzenbach and seconded by Mr. Coranato to adopt the ordinance. The roll was called, and the ordinance was adopted by the following vote:

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

A motion was made by Mr. Willis and seconded by Ms. Kanzenbach to open the public hearing on this ordinance.

John Paschal asked if the ordinance would be rescinded if no property became farmland preserved. Mr. Oostdyk responded that the Council always has the right to rescind any ordinance. Mr. Paschal also noted the requirement that no farm equipment be kept within a certain distance of the property line and asked that this not include hay wagons. Mr. Oostdyk responded that to change the ordinance now would require reintroduction and additional delays.

The memorandum from the Planning Board and matters of enforcement were briefly discussed.

Seeing no further discussion, a motion was made by Mr. Willis and seconded by Ms. Kanzenbach to close the public hearing on this ordinance.

A motion was made by Ms. Kanzenbach and seconded by Mr. Bloom to adopt the ordinance. The roll was called, and the ordinance was adopted by the following vote:

Ayes: Mr. Bloom; Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis  
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 “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)(l).

(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.

**Ordinance 03-13 Canfield Avenue School Traffic Regulations**

A motion was made by Mr. Willis and seconded by Ms. Kanzenbach to open the public hearing on this ordinance. Seeing no discussion, a motion was made by Mr. Willis and seconded by Ms. Kanzenbach to close the public hearing on this ordinance.

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

Ayes: Mr. Bloom; Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis  
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 “A” at	Exit 1
Road “A” at	Exit 2

Road "B" at Road "A"            Road B

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"	Clockwise	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:

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 "B"	East	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 & APPROVAL OF VOUCHERS**

### **Bills List**

Following brief discussion, a motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve the bills list as presented. 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

## **ADMINISTRATIVE AGENDA**

Mr. Thompson reported that the new DPW storage shed has been installed and is working out so well that another may be purchased. Mr. Thompson also briefly discussed the quotes for the installation of the meeting room carpet.

Mr. Willis asked if DPW had enough salt for the coming storm. Mr. Thompson responded that our storage is full and the trucks are prepared, with plenty of additional salt on standby if needed. Discussion followed regarding JCP&L's preparations for winter storms and the progress of their tree pruning and cutting. Mr. Morris noted that he is planning a meeting with JCP&L to discuss the possible installation of additional fuses so that smaller areas of the Township are affected when lines go down.

## **REPORTS OF COUNCIL LIAISONS**

### **Recreation Committee**

Mr. Coranato reported that the Committee is discussing their budget requests. He advised the Committee that they need to better plan their expenses. The Summer Concert Series will be cut down to two concerts this year. The Committee is also attempting to start volleyball and softball programs.

### **Board of Education**

Mr. Bloom reported that there was a large audience for the Board of Education's discussion of expansion to full day kindergarten. The costs are fully contained within the budget, and the Board approved the change which will be implemented in September.

### **Fire & First Aid**

There was a brief discussion of generator needs should the impending snow storm result in power outages.

### **Police**

Chief Fernandez reported that the Department's assessment for accreditation is scheduled for February 24<sup>th</sup> beginning and 7am, and that anyone who would like to observe the process is welcome to attend.

Lt. Young commended a Township resident for reporting a suspected burglary which lead to the arrest of the suspects.

### **Rockaway River Watershed**

No report.

### **Open Space Committee**

No report.

### **Community Committee**

Ms. Kanzenbach reported that the Committee is discussing ways to expand assistance to residents in need.

### **Planning Board**

Mr. Willis reported that the last meeting of the Board was spent discussing the Right to Farm Ordinance.

## **OPEN TO THE PUBLIC**

Anthony Fernandez, Wharton Police Chief

Chief Fernandez expressed his concern that Wharton was told that deliberations were concluded and that the Township would be moving forward with a revised contract with Wharton, and then he found out that additional conversations have been had with Roxbury.

Mr. Morris responded that when he called Roxbury to inform them that the Township would remain with Wharton, Roxbury's response was that Wharton was permitted to submit a second proposal so they should have the same opportunity. Mr. Morris felt he couldn't argue with that reasoning. The meeting held this morning with Roxbury will be the topic of the closed session this evening. Mr. Willis added that he believed this topic would be put to a public vote at the next meeting.

Several residents expressed their concerns that these discussions were being held in closed session. Mr. Lavery explained that there are several matters that a Council is permitted to discuss in closed session. One

of those matters is contract negotiation because unfair advantage can be inadvertently given to one side if matters are discussed in public. Closed session prevents this and protects the Township from being sued by either party.

Mr. Morris provided additional summary information of the terms of the offers and noted that a vote would be held in public session at an upcoming meeting.

#### **NON-CONSENT RESOLUTIONS**

##### **Resolution 040-13 Redemption of Third Party Lien – Block 1308, Lot 1**

A motion was made by Ms. Kanzenbach and seconded by Ms. Coranato to approve the resolution. The roll was called, and the resolution 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 #11-09, was sold to U S Bank Cust for Pro Capital I LLC on October 4, 2011 on Block 1308, Lot 1 known as 1 Fairfield Avenue; 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 \$2,467.15 to U S Bank Cust for Pro Capital I LLC. This amount includes the redemption amount of \$2,167.15 and the return of the premium paid at the time of sale in the amount of \$300.00

Total \$2,467.15

U S Bank Cust for Pro Capital I LLC

U S Bank TLSC

50 S. 16<sup>th</sup> St., Ste. 1950

Philadelphia, PA 19102

##### **Resolution 041-13 Authorizing and Adopting a Standard Tort Claim Notice Claim Form**

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

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

Nays: none

Absent: none

Abstentions: none

WHEREAS, the Township of Mine Hill is a member of the New Jersey Intergovernmental Insurance Fund (NJIF); and

WHEREAS, the NJIF and the Township of Mine Hill have determined that it is reasonable and necessary to develop a standard form and procedure by which persons are required to notify the Township of claims which arise under the authority of N.J.S.A 59:1-1, et seq. (“Tort Claims Act”);

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 adopts the tort claim notice form in the format attached hereto.

##### **Resolution 042-13 Authorizing Agreement with Roxbury Township for Animal Control Services**

A motion was made by Mr. Bloom and seconded by Mr. Coranato to approve the resolution. The roll was called, and the resolution 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 Roxbury has offered to provide the Township of Mine Hill with Animal Control Services; 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 Animal Control Services from the Township of Roxbury is hereby approved.
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 043-13 Transfer Resolution**

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

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

Nays: none

Absent: none

Abstentions: none

WHEREAS, there appears to be inadequate funds in various 2012 reserve budget appropriation accounts to meet the demands thereon, and

WHEREAS, there appears to be a surplus in various other accounts over and above the demand necessary for the 2012 expenditures,

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, as authorized by N.J.S.A. 40A:4-58, the CFO is hereby authorized and directed to make the following transfers:

<b>Current Fund</b>		
<b>From:</b>		
<b>Account No.</b>	<b>Description</b>	<b>Amount</b>
10510010A	(2012) General Admin – Salary & Wages	\$459.00
10510040A	(2012) OE – Admin – IT Communications	\$35.00
10510050A	(2012) OE – Admin – IT Infrastructure	\$95.00
10510530A	(2012) Human Resources – S&W	\$95.00
10511010A	(2012) Mayor and Council – S&W	\$6.00
10511020A	(2012) Mayor and Council – Other Expenses	\$115.00
10512010A	(2012) Municipal Clerk: Salaries & Wages	\$75.00
10512020A	(2012) Municipal Clerk: Other Expenses	\$55.00
10513010A	(2012) Financial Admin: Salaries & Wages	\$305.00
10514510A	(2012) Tax Collector: Salaries & Wages	\$110.00
10514520A	(2012) Tax Collector: Other Expenses	\$60.00
10515010A	(2012) Tax Assessment: Salaries & Wages	\$75.00
10515020A	(2012) Tax Assessment: Other Expenses	\$72.00
10516520A	(2012) Engineering Services: Other Expenses	\$5495.00
10518010A	(2012) Planning Board: Salaries & Wages	\$320.00
10518020A	(2012) Planning Board: Other Expenses	\$915.00
10518510A	(2012) Zoning Bd of Adj: Salaries & Wages	\$130.00
10518520A	(2012) Zoning Bd of Adj: Other Expenses	\$25.00
10519410A	(2012) Plumbing Sub-Code Official: Salary & Wages	\$525.00
10519510A	(2012) Construction Official: Salaries & Wages	\$710.00
10519520A	(2012) Construction Official: Other Expenses	\$75.00
10519610A	(2012) Bldg Sub-Code Official: Salaries & Wages	\$45.00
10519710A	(2012) Electrical Official: Salaries & Wages	\$510.00
10519810A	(2012) Fire Sub-Code Official: Salaries & Wages	\$95.00
10519910A	(2012) Smoke Detector Inspector: Salaries & Wages	\$155.00
10520010A	(2012) Zoning Officer: Salaries & Wages	\$35.00
10520020A	(2012) Zoning Officer: Other Expenses	\$175.00

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10521520A	(2012) Worker’s Compensation Insurance	\$395.00
10522020A	(2012) Employee Group Insurance	\$25.00
10524010A	(2012) Police Department: Salaries & Wages	\$570.00
10524020A	(2012) Police Department: Other Expenses	\$20.00
10525210A	(2012) Emergency Management: Salaries & Wages	\$265.00
10525220A	(2012) Emergency Management: Other Expenses	\$95.00
10526020A	(2012) Contribution to First Aid Organization	\$258.00
10526510A	(2012) Uniform Fire Safety Official: S&W	\$1,395.00
10526520A	(2012) Uniform Fire Safety Official: Other Expenses	\$115.00
10527010A	(2012) Transportation – Salaries & Wages	\$35.00
10527020A	(2012) Transportation – Other Expenses	\$95.00
10529010A	(2012) Dept of Public Works: Salaries & Wages	\$3,240.00
10533120A	(2012) Mandated Inoculations Hepitis B	\$95.00
10533320A	(2012) NJ Public Employees OSHA	\$95.00
10534010A	(2012) Animal Control: Salaries & Wages	\$8.00
10534020A	(2012) Animal Control: Other Expenses	\$45.00
10535010A	(2012) Director Community Programs S&W	\$256.00
10535020A	(2012) Community Programs – OE	\$100.00
10537010A	(2012) Recreation: Salaries & Wages	\$45.00
10537020A	(2012) Recreation: Other Expenses	\$30.00
10537510A	(2012) Recreation Beach: Salaries & Wages	\$55.00
10537520A	(2012) Recreation Beach: Other Expenses	\$165.00
10542020A	(2012) Celebration of Public Events: Other Expenses	\$85.00
10543020A	(2012) Electricity	\$1,885.00
10543520A	(2012) Street Lighting	\$6,497.00
10544020A	(2012) Telephone	\$680.00
10544620A	(2012) Gasoline	\$1,030.00
10544720A	(2012) Heating Fuel	\$1,140.00
10544820A	(2012) Sewer Charges	\$240.00
10544920A	(2012) Water Expenses	\$760.00
	<b>TOTAL</b>	\$30,486.00
	<b>To:</b>	
<b>Account No.</b>	<b>Description</b>	<b>Amount</b>
10510020A	(2012) General Admin: Other Expenses	\$2,780.00
10513020A	(2012) Financial Admin: Other Expenses	\$380.00
10515520A	(2012) Legal: Other Expenses	\$7,850.00
10525520A	(2012) Aid to Volunteer Fire Department	\$1,150.00
10529020A	(2012) Dept of Public Works: Other Expenses	\$17,996.00
10539020A	(2012) Aid to Library	\$330.00
	<b>TOTAL</b>	\$30,486.00

**Resolution 045-13 Crosswalk Maintenance**

A motion was made by Ms. Kanzenbach and seconded by Mr. Bloom to approve the resolution. The roll was called, and the resolution 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 New Jersey Department of Transportation will be undertaking a restriping project on US Highway Route 46 within the Township of Mine Hill; and

WHEREAS, the Township requests the continued presence and maintenance of a crosswalk currently located in front of the Mine Hill Presbyterian Church located at 213 US Highway Route 46; and

WHEREAS, the NJDOT requires that a Resolution be passed to memorialize this request.

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 hereby formally requests that the NJDOT continue to maintain a crosswalk in front of the Presbyterian Church at 213 US Highway Route 46 in the Township of Mine Hill.

**NEW & OLD BUSINESS**

**Discussion of Water Tower Alarm**

Mr. Willis raised the suggestion of placing a meter in the overflow pipe since the MUA has not cooperated with the Township's request to place a meter on the tower itself. Mr. Willis and Mr. Bloom will further investigate this possibility with the intention of using the data collected to back their argument for a meter on the tower itself.

**Discussion of Xenia Court Sidewalk Repair**

Mr. Morris reported that drawings are being put together by the mining engineer for both this project and the Delores Walking Path project. Delores will have to be done first because that is what the grant funds were awarded for, but remaining funds can be used toward the repairs on Xenia.

**Discussion of Gillen Street Sewer**

Mr. Thompson reported that the Township and County are still waiting for the NJDEP to meet in March to approve the plans that include installation of the Gillen Street sewer.

**OPEN TO THE PUBLIC AND COUNCIL COMMENTS**

None at this time.

**CLOSED SESSION**

**Resolution 044-13 Authorizing Council to Enter Closed Session**

At 9:05pm, a motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve the resolution. The roll was called, and the resolution was approved by the following vote:

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

Nays: none

Absent: Mr. Coranato

Abstentions: none

It was noted that no action would be taken upon return to Open Session.

WHEREAS, N.J.S.A. 10:4-13 of the Open Public Meetings Act permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, the Township Council is of the opinion that such circumstances presently exist.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MINE HILL, COUNTY OF MORRIS AND STATE OF NEW JERSEY as follows:

1. The public shall be excluded from discussion of the specified subject matter(s) set forth in paragraph 2 below.
2. The subject matter(s) to be discussed are as follows:
  - Litigation – Specify
  - Personnel Matter – Specify
  - Contract Negotiation – Police
  - Attorney-Client Privilege – Specify
  - Collective Bargaining Agreement – Specify
  - Other – as authorized by N.J.S.A. 10:4-12 – Specify
3. Minutes of the closed session and any other information required to be shown in the minutes by law, shall be promptly available to the public when the matters discussed are resolved, to the extent that making such matters public shall not be inconsistent with section N.J.S.A. 10:4-12.
4. The Township Council may come back into open session and take further action.
5. This Resolution shall take effect immediately.

At 10:15pm, upon conclusion of Closed Session discussion, a motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to return to Open Session.

Mr. Lavery advised the public that no action was taken in Closed Session, and that action on this matter would be taken at the next public meeting.

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**ADJOURNMENT**

There being no further business, a motion was made by Ms. Kanzenbach and seconded by Mr. Coranato to adjourn the meeting at 10:23 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