

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. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis
Absent – Mr. Bloom
Also Present – Mr. Morris, Mayor; Mr. Bucco, Township Attorney; Mr. Thompson,
Township Administrator; Ms. Macchia, Township Clerk
Public Present – 36

NON-CONSENT RESOLUTIONS

Resolution 058-13 Approval and Authorization of Amended Police Contract with Wharton Borough

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

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

APPROVAL OF MINUTES

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

- a. February 21, 2013

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

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

COMMUNICATIONS & PETITIONS

Mr. Willis noted the following items of correspondence:

- a. Succasunna Blood Drive Flier
- b. Final Equalization Table
- c. Citizen Leadership Forms

PUBLIC HEARING ON ORDINANCES PREVIOUSLY INTRODUCED

Ordinance 04-13 Amending Food Handler’s License Fees

A motion was made by Mr. Pepperman and seconded by Mr. Coranato 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. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis
Nays: none
Absent: Mr. Bloom
Abstentions: none

BE IT ORDAINED, by the Township of Mine Hill, in the County of Morris, and State of New Jersey, as follows:

SECTION 1. Chapter 8.36 of the Revised General Ordinances of the Township of Mine Hill, entitled “Retail Food Establishment Code”, shall be amended by the repeal of subsection D of Section 8.36.010. Subsection E shall be recodified as 8.36.010 D.

SECTION 2. Chapter 8.36 of the Revised General Ordinances of the Township of Mine Hill, entitled “Retail Food Establishment Code”, shall be amended by the following amendment to subsection B of Section 8.36.020 which shall read, in its entirety, as follows:

B. License Fees. Fees for license of retail food establishments are as follows:

Annual License Fee:

Prepackaged goods	\$50.00 annually
Temporary food and drink, non-seating & mobile	\$75.00 annually
Restaurants, seating capacity	
0-25 seats	\$150.00 annually
26-100 seats	\$200.00 annually
Over 100 seats	\$250.00 annually
Supermarket (more than 2,500 s.f.)	\$300.00 annually

Re-inspection of premises:

First re-inspection	½ of annual license fee
Second and subsequent re-inspection	full annual license fee

Plan review fee : \$100.00

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 unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

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

Ordinance 05-13 Amending Chapter Regarding Individual Sewage Systems

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

John Paschal, Thomastown Road, asked for some clarification of the ordinance.

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. Coranato to adopt the ordinance. The roll was called, and the ordinance was adopted by the following vote:

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

Nays: none

Absent: Mr. Bloom

Abstentions: none

BE IT ORDAINED, by the Township of Mine Hill, in the County of Morris, and State of New Jersey, as follows:

SECTION 1. Chapter 8.44 of the Revised General Ordinances of the Township of Mine Hill, entitled “Individual Sewage Disposal System”, shall be amended to read in its entirety as follows:

Chapter 8.44

INDIVIDUAL SEWAGE DISPOSAL SYSTEM
CODE ADOPTED

Sections:

- 8.44.010 Purpose.
- 8.44.020 Short title.
- 8.44.030 Public record.
- 8.44.040 Permit required.
- 8.44.050 Certificate of compliance required.
- 8.44.060 License required for business of cleaning septic tanks.
- 8.44.070 Denial of license, permit or certification—Hearing.
- 8.44.080 Order to stop work.
- 8.44.090 Fees and charges.
- 8.44.100 Violations—Penalties.
- 8.44.010 Purpose.

The purpose of this chapter is to set forth a code regulating the location, construction, use, maintenance and method of emptying or cleaning individual sewage disposal systems. The issuance of licenses and permits to locate, construct, empty or clean the systems and fixing penalties for the violation thereof is adopted pursuant to Chapter 188, P.L. 1950 (N.J.A.C. 7:9A). A copy of the code is annexed hereto and made a part of this chapter without inclusion of the text thereof in this chapter.

8.44.020 Short title.

The code established and adopted by this chapter is described and commonly known as the "Standards for Individual Subsurface Sewage Disposal Systems."

8.44.030 Public record.

Three copies of the Standards for Individual Subsurface Sewage Disposal Systems have been placed on file in the office of the secretary, clerk or other similar officer of the department of health upon the introduction of this chapter and will remain on file in the office for the use and examination of the public.

8.44.040 Permit required.

No person shall locate, construct or alter any individual sewage disposal system until a permit for the location, construction or alteration of the sewage disposal system shall have been issued by the department of health.

8.44.050 Certificate of compliance required.

New individual disposal systems shall not be placed in operation nor shall new dwellings or buildings or additions thereto be sold or occupied, which must rely on such a system for sewage disposal, until the department of health shall have issued a certificate indicating that the disposal system has been located and constructed in compliance with the terms of the permit issued and the requirements of the code.

8.44.060 Denial of license, permit or certification—Hearing.

In case any license, permit or certification required by this chapter is denied by the department of health, a hearing shall be held thereon before the department within fifteen (15) days after the request therefor is made by the applicant and upon such hearing the department of health shall affirm, alter or rescind its previous determination and take action accordingly within fifteen (15) days after the date of such hearing.

8.44.070 Order to stop work.

The department of health may order all further work in and about any individual sewage disposal system, which is being erected or installed in violation of the code, to be stopped forthwith, except such work as shall be necessary to remedy such violation, and thereafter, the work continued without any violation of any of the provisions of the code, and after issuance of any such order and the service of a copy thereof upon any person connected with or working in and about the erection or installation of any such disposal system, or any part thereof, no further work shall be done thereon except as aforesaid.

8.44.080 Fees and charges.

The following fees and charges are established in order to defray the cost to the township for the filing of plans, processing, and inspection of sewage disposal systems:

A. Residential

Repair Application	\$ 50.00
Alteration Application	\$100.00
New System Application	\$200.00

B. Commercial

Repair Application	\$100.00
Alteration Application	\$200.00
New System Application	\$400.00

C. The permits under this section shall expire one year from the date of issue. The renewal fee for the reissuance of the aforesaid permits shall be fifty dollars (\$50.00).

D. Re-inspection fee \$50.00

8.44.090 Violations Penalties.

Any person violating any of the provisions of or any order promulgated under this chapter or the Standards for Individual Subsurface Sewage Disposal Systems made a part hereof shall, upon conviction thereof, be subject to the general penalty as established in Chapter 1.08 of this code.

SECTION 2. All ordinances of the Township of Mine Hill which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

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

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

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 less PO 14979. Seeing no discussion, the motion was approved by the following vote:

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

ADMINISTRATIVE AGENDA

Mr. Thompson reported that this morning the State audited the Township for EEO compliance this morning. A resolution to appoint a PACO appears on the agenda later as a result of this audit.

Mr. Thompson noted that the DPW contract negotiations are nearing completion and the resolution to approve the contract should be on an upcoming agenda.

REPORTS OF COUNCIL LIAISONS

Board of Education

Mr. Coranato reported that the last meeting included a discussion of financial conditions and capital projects. The BOE budget will have its public hearing on March 21st.

Fire & First Aid

Mrs. Deacon of the First Aid Squad noted that the Blood Center of NJ has a monthly blood drive at the Civic Center. Platelets are also accepted at these drives.

Police

Chief Fernandez reported that the accreditation hearing will be held in May but they expect after there inspection that they will receive accreditation.

The department has purchased two new 4WD vehicles to better deal with weather related emergencies. They are also considering purchasing a street legal dirt bike to help deal with off road problems.

The Chief reported that enforcement of the School Traffic Ordinance has begun and some parents are displeased but most are cooperative.

Discussion followed regarding various items of enforcement including the business being operated on Williams Street and traffic enforcement on Route 46.

Rockaway River Watershed

No report.

Open Space Committee

No report.

Community Committee

No report.

Planning Board

No report.

Discussion Item – Mine Issues

Mr. Morris reported that the mining engineer is investigating the hole in the field. He also received a quote for \$7,500 or less to have the field mapped underground to identify other problem areas. Congressman Lance recommended that the Township investigate funding from the Federal Bureau of Mining, but this type of mapping has to be performed first. Mr. Morris also reported that the bidding process for the Dolores Place repairs will begin soon.

OPEN TO THE PUBLIC

Chief Fernandez, Wharton Police

Chief Fernandez asked if the Mayor would be signing the agreement that the Council approved. Mr. Morris responded that he had just done so.

Bill Orlandi, Anderson Place

Mr. Orlandi noted that in heavy rains Park and Chestnut flow toward Anderson Place which has no drainage and the road becomes a river. He asked that this be looked into and repaired.

Mr. Orlandi also reported that the telephone company has not yet cooperated in transferring their wires to the new JCP&L pole. Mr. Morris responded that he would attempt to resolve this through Mr. Bucco's office.

Mr. Orlandi expressed concern that the new septic ordinance would create hardship for smaller lots that would have difficulty conforming to the new standards. It was noted that the health department can waive some requirements due to hardship.

Mr. Morris moved on to item 12b on the agenda regarding mining. He is concerned that the Mining Review Committee, of which Mr. Orlandi is a part, is learning about mine related holes after they present a threat. He would like to improve dialog regarding mine connectivity and the location of holes. Mr. Orlandi suggested a half cent tax to set up a dedicated fund for mine remediation as most mine remediation grants require analysis to be conducted before applying.

INTRODUCTION OF ORDINANCES

Ordinance 06-13 Public Recreational Bathing

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to introduce the ordinance. The roll was called and the ordinance was introduced by the following vote:

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis
Nays: none
Absent: Mr. Bloom
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 the inclusion of new Chapter 8.30 which shall be entitled "Public Recreational Bathing" and read, in its entirety, as follows:

Chapter 8.30 Public Recreational Bathing

§8.30.010 Public Recreational Bathing Code Adopted by Reference

The provisions of the "Public Recreational Bathing Code" as set forth in NJAC Chapter 9 Section 8:26 are hereby adopted by reference in full as if fully set forth at length herein and shall be deemed to be a part of the Health Regulations of the Township of Mine Hill, Morris County, New Jersey. Said provisions are hereby adopted by reference pursuant to NJSA 26:3-69.2 and it is hereby stated that three copies of the Public Recreational Bathing Code, NJAC 8:26, have been placed on file in the Office of the Municipal Clerk, upon the introduction of this article and will remain on file there until action is taken on this ordinance, for the use and examination of the public.

§8.30.020 Annual Fees.

The annual fee for a permit to operate a public recreational bathing facility shall be \$200.00 payable to the Township of Mine Hill.

§8.30.030 Violations and penalties.

A. Any person or persons, firm or corporation violating any of the provisions of this chapter or the Public Recreational Bathing Code made a part hereof shall, upon conviction thereof, pay a penalty of not less than \$50 nor more than \$1,000 for each violation.

B. Each day a particular violation continues shall constitute a separate offense.

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 unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

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

CONSENT RESOLUTIONS

A motion was made by Mr. Coranato and seconded by Ms. Kanzenbach to approve the consent agenda. The roll was called and the consent agenda was approved by the following vote:

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

Resolution 055-13 – Cancellation of Water Charges – Block 1601, Lot 1

WHEREAS, After having received a billing notification for \$83.24 the property owner complained that the bill was too high; and

WHEREAS, a review of the account shows that meter replacement was done on the property; and

WHEREAS, the Collector inputted the incorrect gallonage from the prior meter causing an overbill of \$23.88.

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mine Hill in the County of Morris that the Water Collector be relieved of collecting \$23.88 representing the amount of overbilling to the property owner.

Resolution 056-13 – Refund of Property Tax Overpayment – Block 1503, Lot 1, C1502

WHEREAS, there was an overpayment made in the 1st quarter of 2013 on this parcel; and

WHEREAS, both the homeowner and mortgage lender paid from a delinquent notice for the added assessment of the improvement to this property; and

WHEREAS, the homeowner has provided copies of his cancelled check and has requested a refund of the monies overpaid.

THEREFORE, BE IT RESOLVED by the Mine Hill Township Council, County of Morris, and State of New Jersey, that the Treasurer shall refund \$1,285.46 to Siva Rama Annapareedy and S. Makireddy.

Total amount of refund \$1,285.46

Siva Rama Annapareedy &
S. Makireddy
93 Thomastown Road
Mine Hill, NJ 07803

Resolution 029-13 – Refund of Property Tax Overpayment – Block 1508, Lot 11

WHEREAS, there was an overpayment of property taxes made for the above-referenced property in the 4th quarter of 2003; and

WHEREAS, the Tax Collector has confirmed that the total overpayment of taxes on this property was in the amount of \$2,760.42; and

WHEREAS, the Tax Collector has refunded \$1,380.21 to the current homeowner who provided documentation confirming that the homeowner was the paying party.

THEREFORE, BE IT RESOLVED by the Mine Hill Township Council, County of Morris, and State of New Jersey, that the Treasurer shall cancel the remaining balance of \$1,380.21 and transfer these funds into the general account

Total amount of cancellation \$1,380.21

Resolution 059-13 – Redemption of Third Party Lien – Block 507, Lot 27

WHEREAS, Tax Sale Certificate #11-05, was sold to FWDSL & Associates on October 4, 2010 on Block 507, Lot 27 known as 10 Lakeshore Drive; 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 \$34,735.41 to FWDSL & Associates. This amount includes the redemption amount of \$23,435.41 and the return of the premium paid at the time of sale in the amount of \$11,300.00

Total \$34,735.41

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

NON-CONSENT RESOLUTIONS

Resolution 057-13 – Bank Account Authorization

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

Ayes: Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis
Nays: none
Absent: Mr. Bloom
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 persons are hereby authorized to sign instruments on the Township's Bank Accounts:

Patricia Reiche, CMFO
Al Thompson, Township Administrator
Amanda G. Macchia, RMC

BE IT FURTHER RESOLVED that any and all previous authorizations are hereby revoked.

BE IT FINALLY RESOLVED that all future changes to the authorized signatories on Township Bank Accounts will be so authorized by Resolution of the Township Council.

Resolution 060-13 – Appointment of Public Agency Compliance Officer

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

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

WHEREAS, Section 17:27-3.5 of the New Jersey Administrative Code requires the annual appointment of a Public Agency Compliance Officer to ensure that municipal contracts comply with the policy of the State of New Jersey to promote equal employment opportunity and affirmative action with regard to public contracts; and

WHEREAS, it is the policy of the Township of Mine Hill to comply with rules and regulations of the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mine Hill, in the County of Morris, that Township Administrator Albert Thompson be and he is hereby appointed Public Agency Compliance Officer for the Township of Mine Hill for the period from January 1, 2013 through December 31, 2013.

This Resolution shall take effect immediately.

NEW & OLD BUSINESS

Discussion of Sinkhole in Firemen's Field

As a continuation from earlier, there was brief discussion regarding playing field space.

Discussion of Potential Mine Remediation Trust Fund

Previously discussed.

Discussion of Engineering Projects

Mr. Morris added that the engineer would start with drawings of the field and work from there.

OPEN TO THE PUBLIC AND COUNCIL COMMENTS

None at this time.

ADJOURNMENT

There being no further business, a motion was made by Mr. Pepperman and seconded by Mr. Coranato to adjourn the meeting at 8:29 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