

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 – None  
Also Present – Mr. Morris, Mayor; Mr. Bucco, Township Attorney; Ms. Macchia,  
Township Clerk  
Public Present – 9

#### **PRESENTATION**

Mr. Morris presented an Outstanding Achievement Award to Cristian Martinez for being selected to represent the United States at the next U-17 Soccer World Cup.

#### **APPROVAL OF MINUTES**

A motion was made by Mr. Bloom and second by Ms. Kanzenbach to approve the minutes of July 18th as presented and August 1<sup>st</sup> as corrected. The roll was called and 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

#### **COMMUNICATIONS & PETITIONS**

Mr. Willis noted the following items of correspondence:

- a. JCP&L re: Notice of Public Hearing
- b. Property Owner Tom Voll re: Rental Registration Fees

Both items were briefly discussed.

#### **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. Morris introduced Katie Bartnik, chair of the Community Committee. Ms. Bartnik gave a brief overview of plans for Mine Hill Day on September 21<sup>st</sup>.

Mr. Morris reported that the large sections of sidewalks in the flats are completed and other areas are well underway. He added that the County cleaned out a drywell on Ford Street.

Several property maintenance summonses are proceeding to court next week. Mr. Morris and Mr. Bucco discussed the process for enforcing fees when the Township conducts property maintenance activities on private properties. The process results in a lien against the property until it is sold.

Mr. Morris reported that the Historical Society has been given use of the former recreation office in the Civic Center. He added that dehumidifiers will be installed in the basement to improve the ability to use it for storage.

Mr. Morris noted that a chipper has been obtained for DPW use. It will also be used to mulch debris at the mulch site for both Township and residential use.

Complaints have been received about the tennis courts on Thomastown Road. DPW is working on improving the area, and quotes are being obtained on repairing the surface.

Mr. Morris reported that the Gillen Street sewer project is in the final stages of approval and then the work will begin. The Township is hoping to keep the work in house, and the project will be paid for by special assessment.

NJDEP is requiring retrofitting work to be done on diesel trucks to improve their emissions. The Township has five trucks that need improvement.

Mr. Morris noted that Congressman Lance's office has put him in contact with the appropriate employees at Verizon to correct telephone poll problems.

Mr. Morris reported that he intends to hire Mike Hyrnio as a full time DPW employee this fall. It is noted that the budget can accommodate the addition.

It was noted that the noise problems at the recycling center on Iron Mountain are being addressed. Some of the issues have been addressed, but the larger issue of installation of a sound barrier is still outstanding.

## **REPORTS OF COUNCIL LIAISONS**

### **Recreation Committee**

No report.

### **Board of Education**

Mr. Bloom reported that the potential new principal will be voted on next week. Mr. Morris, Mr. Bloom and Mr. Coranato will be meeting with the candidate prior to that time.

### **Fire & First Aid**

Mr. Pepperman deferred to Edna Deacon who reported that the ambulance bay has been painted as an Eagle project and looks wonderful.

Mr. Pepperman reported that the Squad answered 28 calls in May and 35 calls in June.

### **Police**

No report.

### **Rockaway River Watershed**

No report.

### **Open Space Committee**

Mr. Bloom reported that the Committee and County toured the trails and potential for connections. The project is promising.

### **Community Committee**

No further report.

### **Planning Board**

The Board currently has three variances under consideration.

## **OPEN TO THE PUBLIC**

Cheryl Doltz, Williams Street

Ms. Doltz reported that the owners of the house on her street that has been such a problem came in and cleaned up the property, but the debris that has been cleaned out has been at the curb for several months. Mr. Morris responded that he will speak with DPW about disposing of the debris. Mr. Morris added that he is still working on requiring the owner to clean up the property. Brief discussion of other properties followed.

Toni Smith, Williams Street

Ms. Smith reported that she spoke to Mr. Morris and the Police last night regarding racially offensive graffiti. The area was photographed by the Police and then cleaned up by DPW.

## **INTRODUCTION OF ORDINANCES**

None.

**NON-CONSENT RESOLUTIONS**

**Resolution 122-13 Adding Honorary Names to Township Streets**

A motion was made by Mr. Coranato 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 wishes to publicly recognize residents who were members of the Armed Services and made the ultimate sacrifice for their country and community;

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 following honorary titles be added to the following Township Streets:

Richard Bolyard Way – South First Street  
James Brady Way – Wharton Avenue  
David Eckert Way – Central Avenue  
Edward Hicks Way – Pine Street  
William Hummer Way – Randall Avenue  
John Lewis Way – Clark Street  
James McCoy Way – Fifth Avenue  
Wesley Sherbuck Way – Fourth Avenue  
William Weeder Way – Third Avenue  
Richard Whitmore Way – Hurd Street

BE IT FURTHER RESOLVED, that the honorary title of “Veterans’ Way” be added to Baker Street in honor of all residents who have served or are currently serving in the Armed Services.

**Resolution 123-13 Chapter 159 – NJ DOT Grant**

A motion was made by Mr. Bloom and seconded by Ms. Kanzenbach 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, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Mine Hill of in the County of Morris, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$180,000.00, which is now available from the State of New Jersey Department of Transportation in the amount of \$180,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$180,000.00 is hereby appropriated under the caption Route 46 and Canfield Avenue Sidewalk Improvements; and

BE IT FURTHER RESOLVED that the above is the result of funds from the NJ DOT in the amount of \$180,000.00.

**Resolution 124-13 Request to Extend Randolph Avenue Grant Agreement**

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 Township of Mine Hill (“Township”) was awarded a grant from the Municipal Aid portion of the Transportation Trust Fund in the amount of \$170,000.00 from the NJDOT for the construction of sidewalks on Randolph Avenue in the 2012 calendar year; and

WHEREAS, the grant agreement for the project requires the Township to award a construction contract by November 2013 to avoid losing the grant allocation; and

WHEREAS, the economic downturn that began in 2008 in the United States has had a significant impact on the Township, particularly as it relates to state aid and tax revenues; and

WHEREAS, the Township through its budget process, determined that it does not have the ability due to anticipated revenues and tax collections to incorporate monies for the construction of the Randolph Avenue Sidewalk Improvement Project in the 2013 calendar year budget; and

WHEREAS, the award of a contract for construction in 2014 will take place after November 2013, the deadline for awarding a construction contract in the grant agreement; and

WHEREAS, the Township is in need of an extension of time from the NJDOT for the award of a construction contract to avoid losing the funding allocated in 2012;

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE Township of Mine Hill, that a request be filed with the NJDOT’s Division of Local Aid and Economic Development for a six (6) month extension of time on the Randolph Avenue Sidewalk Improvement Project; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the NJDOT’s Division of Local Aid and Economic Development.

**Resolution 125-13 Authorize Amendment to Canfield Avenue Safe Routes to School Grant Agreement**

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 entered into a Grant Agreement dated October 7, 2011 with the State of New Jersey Department of Transportation for the Canfield Avenue School Safe Routes to School Project ; and

WHEREAS, the Agreement required the work to be completed by August 2, 2013 and

WHEREAS, the parties have agreed to extend this date to February 2, 2014 and a Agreement Modification has been prepared, in the form attached hereto, to effectuate this change.

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 Mayor and Township Clerk are hereby authorized and directed to execute a Modification Agreement to the Grant Agreement dated October 7, 2011 between the Township of Mine Hill and the State of New Jersey Department of Transportation for the Canfield Avenue School Safe Routes to School Project, in the form attached hereto.
2. This Resolution shall take effect immediately.

**Resolution 126-13 Turning Premiums held in Trust over to the General Fund**

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, Lien number 09-23 was sold to U.S. Bank-Cust Sass Muni V dtr on June 8, 2009; and

WHEREAS, The Lien buyer secured his position with a Premium payment of \$22,000.00; and

WHEREAS, N.J.S.A. 54:5-33 provides that if a Lien is not redeemed, “the premium held is turned over to the treasurer of the municipality and become a part of the funds of the municipality”; and

WHEREAS, this lien was foreclosed by the Lienholder in the Superior Court of New Jersey Chancery Division, Morris County as Docket F-10435-11 on January 16, 2013, and the six month contention period has passed.

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 premium amount of \$22,000.00 be turned over to the treasurer of the municipality and become part of the funds of the municipality as MRNA.

**Resolution 127-13 Authorize Contract with Dr. Hodes for Rabies Vaccination Clinic**

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 Township wishes to conduct a Rabies Vaccination Clinic on January 11, 2014 (with an inclement weather backup date of February 1, 2013); and

WHEREAS, this service has historically been provided by Dr. Steven B. Hodes, DVM, who practices veterinary medicine within the Township, and his staff; and

WHEREAS, the contract agreement has been reviewed and approved by the Township Council and the Township Attorney of the Township of Mine Hill.

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 Council does hereby authorize the Mayor and Municipal Clerk to execute an agreement with Dr. Steven B. Hodes, DVM for the Rabies Vaccination Clinic schedule for January/February of 2014.

**Resolution 128-13 Authorize Contract with Garden State Fireworks for Mine Hill Day**

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

WHEREAS, the Township of Mine Hill desires to procure the services of Garden State Fireworks, Inc. for a fireworks exhibition to be held on September 21, 2013; and

WHEREAS, the total contract amount is \$3,500.00; and

WHEREAS, the Chief Financial Officer of the Township of Mine Hill has certified that funds are available for this purpose.

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. A contract for fireworks exhibition materials and services is hereby awarded to Garden State Fireworks, Inc. in accordance with an agreement between Garden State Fireworks, Inc. and Mine Hill Township, attached hereto, for a total contract amount of \$3,500.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute an Agreement with Garden State Fireworks, Inc. in the form attached hereto.
3. This Resolution shall take effect immediately.

**Resolution 129-13 Supporting Legislation to Protect Residential Property Taxpayers from Loss of Telecommunications Tax Support**

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

WHEREAS, in 1997, at the request of incumbent utilities, the laws regarding State taxation of telecommunications corporations were amended in response to technological and market innovations, in order to increase competition; and

WHEREAS, the amendments sought to preserve revenues to local governments by providing that local exchange telephone companies subject to the New Jersey Franchise and Gross Receipts Tax on April 1, 1997 would continue to be subject, annually, to the Business Personal Property Tax (“BPPT”); and

WHEREAS, the statute defines local exchange companies as those telecommunications carriers “providing dial tone and access to 51% of a local telephone exchange”; and

WHEREAS, Verizon’s self-serving interpretation of the statutory definition has led it to claim exemption from the BPPT in any municipality where the corporation unilaterally determines, in any given year, that it no longer supplies dial tone and access to at least 51% of the local telephone exchanges; and

WHEREAS, Hopewell Borough’s challenge to that claim was upheld by the Mercer County Board of Taxation in 2009; and

WHEREAS, Verizon’s appeal of that determination to the Tax Court resulted in a June, 2012 trial court decision accepting the corporation’s self-serving interpretation of the law; and

WHEREAS, as things now stand, over 100 municipalities entered 2013 without BPPT revenues that will cost property taxpayers well in excess of \$8 million and, unless matters change, more municipalities will lose more millions in the future; and

WHEREAS, remedial legislation (A-3393 and S-2324) which will clarify the perceived ambiguity of the statutory definition to further implement the original legislative intent to preserve revenues to local governments have been introduced; and

WHEREAS, A-3393 is in the Assembly Telecommunications and Utilities Committee, and S-2324 awaits action in the Senate Community and Urban Affairs Committee and it is essential that these Committees act expeditiously

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of Township of Mine Hill strongly supports A-3393/S-2324, which would clearly identify the telecommunications carriers subject to taxation on their business personal property and remove the budget uncertainty caused by Verizon’s obfuscation; and

BE IT FURTHER RESOLVED, that we urge these legislative committees to act promptly and our State Senator and our representatives in the General Assembly to join as co-sponsors of A-3393 and S-2324; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Honorable Governor Chris Christie, the Honorable Speaker of the General Assembly Sheila Oliver, the Honorable President of the State Senate Stephen M. Sweeney, the Honorable Assembly Republican Leader Jon Bramnick, the Honorable Senate Republican Leader Thomas H. Kean, Jr., and our own State Senator and Representatives in the General Assembly, and to the New Jersey State League of Municipalities.

**Resolution 130-13 Confirming No Passing Zone on US Route 46**

A motion was made by Ms. Kanzenbach and seconded by Mr. Willis 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 (NJDOT) recently completed a traffic investigation on US Route 46 in Mine Hill Township; and

WHEREAS, NJDOT investigation revealed the current centerline pavement markings on US Route 46 meet and conform to current design standards; and

WHEREAS, NJDOT will update existing records to reflect current No Passing Zone conditions along US Route 46;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of Township of Mine Hill, in the County of Morris and State of New Jersey, that it supports the use of a “No Passing Zone” on US Route 46 in Mine Hill Township as recommended by NJDOT.

**NEW & OLD BUSINESS**

**Discussion of Municipal Complex Signs**

Mr. Morris reported that he distributed copies of sign proposals to the Council. He would like to see signage installed to promote the idea of a “town center” and help create visibility. It was noted that the funds are available to proceed with the project. Other quotes will be obtained and then the final version can be approved and executed.

Mr. Morris added that the signs to add the memorial names to the streets, per the resolution approved earlier, will cost approximately \$65 per sign.

**Discussion of Municipal Complex Generators**

Mr. Morris obtained quotes for both Town Hall and the Civic Center. Both buildings are three phase. The generator we have handled keeping the Civic Center functional during the hurricane, but is not the most efficient way to operate. He is working with the electrical inspector to review exactly what is needed to operate both buildings and will obtain additional quotes.

**Discussion of Fire Department Expense Reimbursement**

Mr. Morris discussed the potential for reimbursement from insurance companies when the fire department uses consumables, such as foam, in fighting a fire.

**OPEN TO THE PUBLIC AND COUNCIL COMMENTS**

Cheryl Doltz, Williams Street

Ms. Doltz further discussed the memorial signs. She added that the Council should consider a sign for Jack Deacon as well. Mr. Morris suggested having the First Aid bay renamed for him.

Edna Deacon, Randall Avenue

Ms. Deacon asked for additional clarification about the generators. Mr. Morris responded that the current solution is that the electrician is on call to have a generator hooked up to the squad bay immediately. When the project is completed the entire building will be on an automatic generator.

**ADJOURNMENT**

There being no further business, a motion was made by Ms. Kanzenbach and seconded by Mr. Coranato to adjourn the meeting at 9:10 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