

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; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis  
Absent – Mr. Coranato;  
Also Present – Mr. Morris, Mayor; Mr. Oostdyk, Township Attorney; Ms. Macchia,  
Township Clerk  
Public Present – 5

**APPROVAL OF MINUTES**

A motion was made by Mr. Bloom and seconded by Ms. Kanzenbach to approve the minutes of October 3, 2013, October 24, 2013, and October 29, 2013 as presented. The roll was called, and the minutes were approved by the following vote:

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

**COMMUNICATIONS & PETITIONS**

Mr. Willis noted the following items of correspondence:

- a. Health Department Monthly Report
- b. Jean Evans re: Memorial Street Signs

**PUBLIC HEARING ON ORDINANCES PREVIOUSLY INTRODUCED**

None.

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

**ADMINISTRATIVE AGENDA**

Mr. Morris reported that an additional area of Xenia Court caved in. Mr. Bucco and Congressman Lance are attempting to help the Township obtain aid to assist in repairs. The Township also filed an insurance claim because the area affects infrastructure.

Mr. Morris noted that the Dolores Place Walking Path bid was awarded and he is working with CDBG to begin the project.

Mr. Morris met with RVRSA earlier today. The meeting will be discussed in Closed Session.

The vacuum excavator arrived and will be put to use next week. The street sweeper should arrive next week.

The sound wall at the industrial park should be underway shortly.

Mr. Morris appointed Todd Kaplan and Joe Rios to the Community Committee.

Mr. Morris reported that the Scare Away Hunger Food Drive was incredibly successful.

**OPEN TO THE PUBLIC**

Bill Orlandi, Anderson Place

Mr. Orlandi reported that the Mining Review Committee has some input for the cave in on Xenia that they would like to present when convenient. Mr. Morris responded that the engineer believes this particular place

needs to be excavated to bedrock. It was suggested that the Mining Review members coordinate a meeting with the engineers. Discussion followed.

Gary Colucci, Williams Street

Mr. Colucci asked if the engineer signed off on the way the first collapse was corrected. Mr. Morris responded that the engineer did design and sign off on the repair. The problem was obviously larger than anyone, including the engineer, anticipated.

Mr. Orlandi added commentary regarding properties that have fallen in.

**REPORTS OF COUNCIL LIAISONS**

**Recreation Committee**

Mr. Morris reported that basketball has about 150 kids signed up and practices have already begun. Recreation is going to run Breakfast with Santa and the Festival of Lights.

**Board of Education**

No report.

**Fire & First Aid**

Mr. Pepperman discussed fire truck repairs and equipment purchases.

**Police**

Mr. Pepperman reported that there is still one new patrolman in the academy and the two new patrolmen on the road are doing well. Mr. Morris added that e-tickets are coming in the near future.

**Rockaway River Watershed**

No report.

**Open Space Committee**

Mr. Bloom reported that new gates have been installed at trail entrances. A motorized vehicle made it through to the trails and chased a volunteer who was working on the trails. Follow up will be done to establish penalties and proactive processes to prevent these problems.

**Community Committee**

Mr. Morris reported that the Community Committee is working on the Soup Sampler and Santa letters. Thanksgiving baskets are also underway.

**Planning Board**

Mr. Willis reported that Planning Board is still hearing variances.

Ms. Kanzenbach reported that CDBG met and discussed \$1 million plus in funding to be awarded. Mine Hill’s applications for the coming year will need to be discussed.

**INTRODUCTION OF ORDINANCES**

**Ordinance 13-13 Amendment to Food Handler License Fees**

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to introduce the ordinance. Mr. Oostdyk explained the correction being made by this ordinance. Seeing no further discussion, the roll was called and the ordinance was introduced by the following vote:

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

BE IT ORDAINED, by the Township Council of the Township of Mine Hill, in the County of Morris, and State of New Jersey, that Section 8.36.020, “Licensing of Retail Food Establishments”, shall be amended by the following amendment to Subsection B which shall read, in its entirety, as follows:

SECTION 1. B. License Fees. Fees for license of retail food establishments are as follows:

Food and drink, non-seating	Thirty-five dollars (\$35.00) annually
Temporary food and drink, non-seating	Ten dollars (\$10.00)*
Supermarket (more than 2,500 square feet)	One hundred twenty-five dollars (\$125.00)
Restaurants, seating capacity	
1- 50 seats	Forty-five dollars (\$45.00)
51-100 seats	Sixty-five dollars (\$65.00)
Over 100 seats	Eighty-five dollars (\$85.00)

\*The fee for a temporary food license shall be waived for any non-profit organization providing evidence of a federal tax exemption.

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 14-13 Amendment to Land Use Ordinance**

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

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

SECTION 1. Chapter 25, “Land Use Regulations,” of the Revised General Ordinances of the Township of Mine Hill shall be amended to delete “Motels” as a permitted use in the Commercial zone so that Subsection 25-10.14.9.1 (“Principal Permitted Uses”) shall read, in its entirety, as follows:

25-10-14.9.1 Principal Permitted Uses.

- a. Retail goods and services stores; including food drugs, drink, household supplies, home appliances stores, barber and beauty shops, shoe shops, clothing and apparel sales;
- b. Furniture and household appliances sales;
- c. Professional Offices and Bank;
- d. Funeral Homes;
- e. Indoor theaters;
- f. Laundromat and Dry-cleaning stores;
- g. Printing and publishing shops;
- h. General office uses;
- i. RESERVED
- j. Schools; and
- k. Churches and similar houses of worship.

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.

**NON-CONSENT RESOLUTIONS**

**Resolution 149-13 Contract with R&L for Payroll Services**

A motion was made by Ms. Kanzenbach and seconded by Mr. Bloom to approve this resolution. Seeing no discussion, 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

WHEREAS, the Township of Mine Hill requires payroll and related services; and

WHEREAS, the Township obtained a quote from R & L DataCenters for a one year period beginning January 1, 2014 and ending December 31, 2014 to provide services as set forth in a “Agreement Between R & L DataCenters and Mine Hill Township” attached hereto; and

WHEREAS, the Township Council desires to utilize the services of R & L DataCenters and the contract amount is less than the bid threshold; 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 payroll and related services is hereby awarded to R & L DataCenters in accordance with an Agreement Between R & L DataCenters and Mine Hill Township attached hereto for a term of one year beginning January 1, 2014.
2. The Mayor and Township Clerk are hereby authorized and directed to execute an Agreement with R & L DataCenters in the form attached hereto.
3. This Resolution shall take effect immediately.

**Resolution 150-13 Contract with Connolly & Hickey for Bridget Smith House**

A motion was made by Ms. Kanzenbach and seconded by Mr. Bloom to approve this resolution. Seeing no discussion, 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

WHEREAS, the Township of Mine Hill has a need to obtain the services of An historical architect in connection with Bridget Smith House Interior Restoration and Rehabilitation project; and

WHEREAS, Connolly & Hickey Historical Architects LLC submitted a proposal dated February 13, 2013 to provide professional architectural and historic preservation services for a total price of \$22,750.00 for non-construction services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” and the contract itself must be available for public inspection; and

WHEREAS, the Township’s Chief Financial Officer 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, that the appropriate municipal officials are hereby authorized to enter into a professional services agreement with Connolly & Hickey Historical Architects LLC to provide professional architectural and historic preservation services in connection with Bridget Smith House Interior Restoration and Rehabilitation project in accordance with the terms and conditions set forth their proposal dated February 13, 2013 in an amount not to exceed \$22,750.00; and

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

This Resolution shall take effect immediately.

**Resolution 151-13 Appointment of Acting Zoning Officer – Al Thompson**

Mr. Morris explained that Mr. Donnerstag resigned earlier this week. This appointment will help the Township until the position can be filled.

A motion was made by Ms. Kanzenbach and seconded by Mr. Bloom to approve this resolution. Seeing no discussion, 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

WHEREAS, the position of zoning officer is vacant due to the resignation of the prior zoning officer; and

WHEREAS, Albert Thompson has agreed to temporarily fill the position as acting zoning officer on an “as needed” part time basis; and

WHEREAS, the Township Council concurs in the appointment of Mr. Thompson.

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 Township Council confirms the appointment of Albert Thompson as acting zoning officer for the Township of Mine Hill.
2. This Resolution shall take effect immediately and shall be effective until the appointment of a new zoning officer.

#### **NEW & OLD BUSINESS**

Mr. Willis discussed the possibility of cutting the fees for turning on and off water services and other unanticipated services for senior citizens. Mr. Oostdyk added that the Township has a lot of discretionary power regarding secondary fees like this. An ordinance will be prepared for January to revise the fees.

#### **OPEN TO THE PUBLIC AND COUNCIL COMMENTS**

John Paschal, Thomastown Road

Mr. Paschal commented that he believes the watershed is defunct. Discussion followed.

Mr. Paschal also asked if the Bridget Smith House is insured. Mr. Morris responded that it is, but he doesn't recall how much it is valued at in the policy.

Mr. Paschal also asked questions about the water tower which Mr. Morris and Mr. Bloom addressed.

Bill Orlandi, Anderson Place

Mr. Orlandi and Dr. Troha presented a few slides pertaining to the Xenia Court cave in.

#### **CLOSED SESSION**

##### **Resolution 152-13 Authorizing the Council to Enter Closed Session**

A motion was made by Mr. Bloom and seconded by Ms. Kanzenbach to approve this resolution. Seeing no discussion, 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

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 – Jackson Brook Interceptor (potential)
  - Personnel Matter – Specify
  - Contract Negotiation – RVRSA
  - 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.

It was noted that no action will be taken upon return to open session.

6-2013-11-14

MINUTES OF THE MINE HILL TOWNSHIP COUNCIL  
REGULAR MEETING – November 14, 2013

**ADJOURNMENT**

There being no further business, a motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to adjourn the meeting at 9:30 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