

Township Council President Kristine Kanzenbach 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

Ms. Kanzenbach announced that adequate notice for this meeting had been given as required by law.

ROLL CALL: Present – Mr. Bloom; Mr. Coranato; Ms. Kanzenbach; Mr. Pepperman; Mr. Willis
Absent –
Also Present – Mr. Morris, Mayor; Mr. Bucco and Mr. Oostdyk, Township Attorneys; Ms. Macchia, Township Clerk; Mr. Severud, Special Counsel
Public Present – 16

APPROVAL OF MINUTES

A motion was made by Ms. Kanzenbach and seconded by Mr. Bloom to approve the Open Session minutes of July 19, 2012 as amended and October 4, 2012 as presented. The roll was called and the minutes were approved by the following vote:

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

Nays: none

Absent: none

Abstentions: none

COMMUNICATIONS AND PETITIONS

Ms. Kanzenbach listed the following items of communication:

- a. Randolph Township re: Notice of Lade Development Ordinance
- b. Health Department Monthly Report
- c. NJLM Legislative Bulletin

ORDINANCES – Public Hearing and Adoption

ORDINANCE 28-12 - AN ORDINANCE AUTHORIZING A LEASE WITH THE MINE HILL VOLUNTEER FIRE DEPARTMENT OF LOT 17 IN BLOCK 1304, MORE COMMONLY KNOWN AS FIREMEN'S FIELD, IN THE TOWNSHIP OF MINE HILL, COUNTY OF MORRIS AND STATE OF NEW JERSEY

A motion was made by Mr. Coranato, seconded by Mr. Bloom, and approved by a voice vote open the public hearing on this ordinance.

Mr. Oostdyk explained that a lease of this type requires an ordinance rather than a resolution as has been done in the past.

Seeing no discussion from Council or Public, a motion was made by Mr. Coranato, seconded by Mr. Pepperman, and approved by a voice vote to close the public hearing on the ordinance.

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

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

Nays: none

Absent: none

Abstentions: none

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.; and

WHEREAS, the Mayor and Council of the Township of Mine Hill recognize the importance of providing facilities for the recreation of its residents at locations within the Township; and

WHEREAS, the Mine Hill Volunteer Fire Department (the "Department") and the Township have reached agreement on the lease of Fireman's Field, a property owned by the Department that is currently used for playing fields and recreational purposes; and

WHEREAS, the Township Council has determined that it is in the best interest of the Township to lease Block 1304, Lot 17, as described on the tax map for the Township of Mine Hill for the nominal consideration of \$1.00; and

WHEREAS, a copy of the Lease Agreement is on file in the Office of the Township Clerk and may be inspected by the public during normal business hours.

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, as follows:

SECTION 1. The Township of Mine Hill hereby authorizes the acquisition of a lease hold interest in the above-referenced property for recreational purposes. The Mayor and Township Clerk are hereby authorized and directed to executed a lease with the Department for the use of Fireman’s Field for recreational purposes, the form of which is on file in the Office of the Township Clerk.

SECTION 2. The acquisition of said lease hold interest is being made for the nominal consideration of \$1.00.

SECTION 3. The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Ordinance.

SECTION 4. No debt is to be authorized by the enactment and passage of this Ordinance.

SECTION 5. 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 6. 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 7. This Ordinance shall take effect upon final passage and publication as required by law.

CONSIDERATION AND APPROVAL OF VOUCHERS

Bill List

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

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

Nays: none

Absent: none

Abstentions: none

ADMINISTRATIVE AGENDA

Ms. Kanzenbach took a moment to thank the Fire Department for handling the fire on South First Street this afternoon.

Mr. Morris reported that Mr. Thompson found the best possible price for the DPW storage shed, approximately \$15,500. Delivery and installation will take approximately 4 weeks. The generator project for the Civic Center is also moving forward. Several sidewalk projects will begin in early November. The Council dais project will also be progressing soon.

REPORTS OF STANDING AND SPECIAL COMMITTEES

School Board Committee

Mr. Bloom reported that the Dover BOE met and discussed an overview of their improving testing scores. Mine Hill BOE also met, but there is no report.

Recreation Committee

Ms. Kanzenbach reported that soccer is in full swing and recreation is preparing for basketball; gym time is an ongoing struggle.

Fire Department

Mr. Pepperman reported that the fire this afternoon was a large structure fire with several mutual aids called in. No one was hurt.

Police

Mr. Pepperman reported that he, Ms. Kanzenbach and Mr. Morris attended a retirement dinner for a long time officer.

Open Space

Mr. Bloom reported that there is an opportunity for a grant for historical landmark signs which open space will be working on.

Planning Board

No meeting, no report.

OPEN TO THE PUBLIC

Barry Baldwin, Autumn Drive

Mr. Baldwin asked for an update on the sidewalk repairs in his neighborhood. Mr. Morris responded that research regarding trees and the damages their roots cause to sidewalks has been ongoing. Trees in that area may be removed and then replaced further from the sidewalks to prevent future damage. Mr. Morris will ask DPW to go out and look at the damage next week and advise the Council as to how to proceed. He cautioned that it may be a temporary repair until spring.

Gary Colucci, William Street

Mr. Colucci asked if any further progression was made on the police negotiations. Ms. Kanzenbach responded that all of that information will be forthcoming at the meeting on October 25th.

Sharon Devino, East Randolph Avenue

Ms. Devino asked if the flier she received in the mail from Wharton Police could be explained. Ms. Kanzenbach responded that the flier came from the Police Union, not the Township, but that everything would be covered at the meeting on the 25th. Mr. Morris added a brief summary of the history of the negotiations.

RESOLUTIONS AND MOTIONS

Non-Consent Resolutions

Resolution 117-12 NJ DOT Grant Application

A motion was made by Mr. Coranato and seconded by Mr. Bloom to approve the resolution. Seeing no discussion, the resolution was approved by the following vote:

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

Nays: none

Absent: none

Abstentions: none

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 Council formally approves the grant application for the State Route 46 and Canfield Avenue Sidewalk Improvement Project; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Mine Hill Township-00445 to the New Jersey Department of Transportation on behalf of Township of Mine Hill; and

BE IT FINALLY RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Township of Mine Hill and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution 118-12 Settlement Agreement

A motion was made by Ms. Kanzenbach and seconded by Mr. Bloom to approve the resolution.

Mr. Severud explained that the original lawsuit pertained the provision of water lines to the proposed subdivision. When the Township purchased the property and preserved it from development, the Township's liability dissolved.

Seeing no discussion, the resolution was approved by the following vote:

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

Nays: none

Absent: none

Abstentions: none

WHEREAS, the Plaintiffs, Westminster Realty Corporation, Canfield Building Associates, LP, Randolph Building Associates, LLC (the "Plaintiffs") owned property located in the Township of Mine Hill ("Mine Hill") along Canfield Avenue and bordering the Township of Randolph ("Randolph") on which they proposed the construction of up to 275 senior age restricted housing units (the "Mine Hill Project"); and

WHEREAS, the Plaintiffs also own property located in Randolph on which they proposed to construct a housing project (the "Randolph Project" and collectively with the Mine Hill Project, the "Projects"); and

WHEREAS, due to the unavailability of water for the Projects, the Plaintiffs did not receive approvals from Randolph to construct the Randolph Project and did not file any applications to obtain approvals to construct the Mine Hill Project; and

WHEREAS, due to the Plaintiffs' claim that the Morris County Municipal Utilities Authority ("MCMUA") was refusing to supply water to meet the needs of the Projects, Plaintiffs filed the lawsuit known as Westminster Realty Corporation, et als. v. The Township of Randolph, et als., Docket No. L-784-10PW to force the MCMUA to supply such water and to order Mine Hill and Randolph to cooperate and participate in the Plaintiffs' efforts to obtain water for the Projects; and

WHEREAS, while the lawsuit was pending, Mine Hill purchased the property on which the Mine Hill Project was to be constructed for preservation as open space; and

WHEREAS, Mine Hill participated in the settlement negotiations with all of the parties and reached a tentative settlement of the issues and claims in this matter and existing between the parties, which settlement is subject to the approval of the Mine Hill Council and whereby the terms of the proposed settlement in this matter are presented to the Council for its review and approval.

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 Municipal Clerk of the Township of Mine Hill are hereby authorized to execute the Settlement Agreement that is attached hereto
2. This Resolution shall take effect immediately.

Resolution 119-12 Redemption of Third Party Lien – Certificate no. 2012-022

A motion was made by Mr. Bloom and seconded by Mr. Pepperman to approve the resolution. Seeing no discussion, the resolution was approved by the following vote:

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

Nays: none

Absent: none

Abstentions: none

WHEREAS, Tax Sale Certificate #2012-22, was sold to Actlien Holding on August 15, 2012 on Block 1707, Lot 14 known as 11 Glenn Ave.; 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 \$843.75 for redemption of the Certificate to Actlien Holding.

Total \$843.75

Actlien Holding
10 Westminster Road
Rockville Centre, NY 11570

NEW BUSINESS

Planning Board / Board of Adjustment

Mr. Morris reported that Mr. Thompson would like to see these boards combined. His feeling is that it is difficult to keep both boards full due to lack of volunteers, and that neither board meets enough to warrant separate boards. Mr. Bucco explained the logistics of the change. Mr. Willis noted that the Planning Board has only met four times this year. Mr. Bucco added that he proceeded with this type of change in Netcong and it worked seamlessly. Mr. Bucco and Mr. Oostdyk will proceed with drafting an ordinance.

OLD BUSINESS

Right to Farm

Mr. Oostdyk has heard that the Township will be receiving correspondence, but it has not arrived yet. The County Agricultural Board is still displeased with the Township's intent to limit livestock. It was noted that any future owner who wanted to have livestock would have to comply with NJ DEP regulations regarding proximity to the headwaters on that property. Mr. Morris added that no one is against preserving this property, just a matter of how it is done, farmland or open space. It was noted that the County is satisfied with the rest of our ordinance and is only concerned with density. Mr. Oostdyk added that the ordinance

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includes provisions for public nuisance and health issues such as manure management. Discussion followed. It was concluded that further discussion would be held when Mr. Paschal is able to be present.

OPEN TO THE PUBLIC AND COUNCIL COMMENTS

None at this time.

CLOSED SESSION

A motion was made by Mr. Coranato and seconded by Mr. Bloom to enter closed session for the purposes of contract negotiation and potential litigation discussion. Mr. Bucco noted that, if a police discussion were to occur in closed session that he and Mr. Oostdyk would leave before it began. It was noted that no action would be taken upon return to Open Session. The roll was called and the Council entered closed session.

OPEN SESSION

At the conclusion of Closed Session discussion, a motion was made by Ms. Kanzenbach and seconded by Mr. Bloom to return to Open Session. Mr. Bucco noted for the record that no police negotiation discussions were held in closed session.

ADJOURNMENT

There being no further business, a motion was made by Mr. Pepperman and seconded by Ms. Kanzenbach 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