

Council President Bloom 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. Bloom 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; Mrs. Macchia,
Municipal Clerk
Public Present – Approximately 5

PRESENTATIONS

None.

APPROVAL OF MINUTES

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve the minutes of February 5, 2015, as well as to approve the content of Closed Session minutes of January 22, 2015, and February 5, 2015, as presented. The roll was called, and the minutes were approved by the following vote:

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

COMMUNICATIONS & PETITIONS

The following items of correspondence were noted:

- a. Tax Assessor Joe Ferraris re: Tax Assessments
- b. Morris County Board of Taxation re: Equalization Table
- c. Borough of Victory Gardens re: Concurring with Appointments to Joint Court
- d. Borough of Rockaway re: Concurring with Appointments to Joint Court
- e. Borough of Rockaway re: Notice of Intention to Withdraw from Join Court

Item e was briefly discussed.

CONSIDERATION & APPROVAL OF VOUCHERS

Bills List

A motion was made by Mr. Coranato and seconded by Mr. Pepperman to approve the bills list as presented. The roll was called, and the minutes were approved by the following vote:

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

PUBLIC HEARING ON ORDINANCES PREVIOUSLY INTRODUCED

Ordinance 02-15 Zoning Enforcement Ordinance

This ordinance was tabled to March 5, 2015, to meet necessary notice requirements.

Ordinance 03-15 Vacation of Paper Roads

Mr. Bloom opened the public hearing on this ordinance. John Paschal of Thomastown Road asked what streets were being vacated. Mr. Bloom responded that these streets are paper streets that run through the Town Hall parking lot. Seeing no further discussion, the public hearing was closed.

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

WHEREAS, there exists in the Township of Mine Hill, County of Morris and State of New Jersey, certain portions of unimproved rights-of-way known as Byram Street, Tippet Street, and Bassett Street; and

WHEREAS, the public necessity and general welfare of the inhabitants of the Township of Mine Hill do not require that the aforementioned unimproved rights-of-way be opened and maintained as public streets; and

WHEREAS, the release and extinguishment of the public rights and interests in the aforementioned rights-of-way would be in the public interest.

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 rights-of-way known as Byram Street, Tippet Street, and Bassett Street as shown on the Tax Map of the Township of Mine Hill be and the same are hereby vacated and the public rights therein be and the same are hereby forever extinguished, and the said lands referred to shall be held by the adjacent property owner or owners thereof free and discharged from any public rights, as if said public rights had never existed.

Section 2. Any and all rights and privileges now possessed by public utilities, including Township utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L. 1972, c. 1986 (N.J.S.A. 40A:5A-1, et seq.), to maintain, repair and replace existing facilities in, adjacent to, over and under the streets or portions thereof hereby vacated be and the same are hereby expressly reserved and excepted from said vacation.

Section 3. The Township Clerk shall, after the introduction and passage of this Ordinance on first reading, publish a copy of the Ordinance in the Township's official newspaper at least once not less than 10 days prior to the time fixed for further consideration and final passage pursuant to N.J.S.A. 40:49-6. The Township Clerk shall mail a copy of the Ordinance, along with a notice of its introduction, to the contiguous property owners as shown on the Official Tax Maps of the Township of Mine Hill. Said notice shall be mailed by certified mail, return receipt requested and shall indicate the time and place when the Ordinance will be further considered for final passage by the Township Council.

Section 4. A notice of the passage of this Ordinance shall be published by the Township Clerk in accordance with the requirements of N.J.S.A. 40:49-2.

Section 5. The Township Clerk shall, within 60 days after this Ordinance becomes effective, file a certified copy thereof under the seal of the Township of Mine Hill, together with a copy of the proof of publication thereof, in the Office of the Clerk of Morris County.

Section 6. 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 7. 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 8. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Ordinance 04-15 Establishing the Position of Fire Marshall

Mr. Bloom opened the public hearing on this ordinance. Mr. Morris clarified that this ordinance cleans up a policy from the 1980's. Seeing no further discussion, the public hearing was closed.

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; Mr. Bloom

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 8.08, of the Revised General Ordinances of the Township of Mine Hill, entitled "State Uniform Fire Safety Act Enforcement" shall be re-titled "Uniform Fire Safety Code", and the following Sections are hereby amended to read, in their entirety, as follows:

8.08.020 Local Enforcement

Pursuant to § 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) shall be locally enforced in the Township of Mine Hill.

8.08.030 Agency Designation.

The local enforcing agency shall be the Township of Mine Hill.

8.08.040 Duties

A. Within the established boundaries of the Township of Mine Hill, the local enforcing agency shall enforce the Uniform Fire Safety Code in all buildings, structures, and premises other than one- and two-unit owner-occupied buildings used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by federal government, interstate agencies or the state.

B. The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Code.

8.08.060 Organization

The Fire Marshal shall be responsible for inspections and enforcement under the Uniform Fire Safety Code and shall be within the Division of Fire Protection in the Department of Public Safety.

8.08.070. Appointments, qualifications, term of office, removal.

A. Appointment and qualifications of the Fire Marshal. The Fire Marshal shall be certified by the state and appointed by the Mayor with the advice and consent of members of the Council.

B. Appointment and qualifications of inspectors and other employees. Inspectors and other employees of the enforcing agency may be appointed by the Mayor with the advice and consent of members of the Council upon recommendation of the Fire Marshal. All life hazard use inspectors shall be certified by the state.

C. Term of office. The Fire Marshal shall serve for a term of one year and until his/her successor shall be duly qualified for the office. Any vacancy shall be filled for the unexpired term.

D. Removal from office. The Fire Marshal, inspectors and other employees of the agency shall be subject to removal by the governing body for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the governing body or a hearing officer designated by the same.

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.

ADMINISTRATIVE AGENDA

Mr. Morris reported that the Civic Center was repaired and repainted. He intends to talk to some of the organizations that use the building about the treatment of the facility. He is also pricing out floor replacement. He noted that the building has been very heavily used lately.

Mr. Morris discussed plans to hold a budget workshop on February 26th. Following brief discussion, it was concluded to notice the workshop as a meeting so that more than two Council members could attend if they wished.

Mr. Morris noted that the agreement with the Board of Education for services has been settled upon and that it will be brought to Council for approval upon formal approval by the Board. The Board has requested training on the lawn mower.

Mr. Morris asked if his son, Zach, could come to the next Council meeting to propose his Eagle project. Council agreed.

REPORTS OF COUNCIL LIAISONS

Recreation/Community Committee

Mr. Morris reported that the Committee is working with the Fire Department to plan their 100th anniversary festivities. He also noted that the American Legion will be hosting Breakfast with the Easter Bunny, and that a food drive will be held in the spring.

Board of Education

No report.

Fire & First Aid

Mr. Pepperman reported that the FD Command vehicle has returned from repairs.

Police

Mr. Morris noted that he plans to discuss enforcement of the sidewalk clearing ordinance with the police.

Open Space Committee

Mr. Bloom reported that JORBA will be purchasing a tool that will groom snow-covered trails for winter use.

Planning Board

It was noted that meetings will begin at 7PM this year instead of 7:30PM, and that the next meeting will start even earlier to include a workshop for members.

CBDG

Ms. Kanzenbach reported that packets have been distributed and tighter rules have been discussed. Presentations will be held in March.

OPEN TO THE PUBLIC

None.

INTRODUCTION OF ORDINANCES

It was noted that the three ordinances introduced will be further considered on March 5th.

Ordinance 05-15 Amendment to Junk Dealers Licensing Ordinance

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; Mr. Bloom

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 5.24, Section 5.24.170, of the Revised General Ordinances of the Township of Mine Hill, entitled "Fees", is hereby amended to read, in its entirety, as follows:

5.24.170 Fees

The annual license fee to be paid for a junk dealer license shall be the sum of fifty (\$50.00) dollars and all licenses issued hereunder shall terminate on June 30th of each year. There shall be no proration of fees for license issued after June 30th.

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 06-15 Raising the Maximum Penalty

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; Mr. Bloom

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 1.08 of the Revised General Ordinances of the Township of Mine Hill, entitled “General Penalty”, Section 1.08.010 entitled “Maximum penalty” is hereby amended to read, in its entirety, as follows:

1.08.010 Maximum Penalty

The maximum penalty for a violation of any provision of this chapter, any other chapter of this code, or any other ordinance of the Township where no specific penalty is provided for, upon conviction, shall be a fine not exceeding two thousand dollars (\$2,000.00), or imprisonment for period not exceeding ninety (90) days, or any combination of the foregoing.

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.

CONSENT RESOLUTIONS

None.

NON-CONSENT RESOLUTIONS

Resolution 033-15 Approval of Social Affair Permit – Mine Hill American Legion

A motion was made by Mr. Willis and seconded by Ms. Kanzenbach 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; Mr. Bloom

Nays: none

Absent: none

Abstentions: none

WHEREAS, Mine Hill American Legion Memorial Post 391, which holds a club liquor license within the Township of Mine Hill, desires to apply for an Alcoholic Beverage Control Social Affair Permit for an event to be held on March 3, 2015; and

WHEREAS, the Township Council of the Township of Mine Hill is satisfied that all the rules and regulations of the Alcoholic Beverage Law, Title 33, Chapter 1 of the Revised Statutes of New Jersey, 1937, as amended and supplemented, including P.L. 1970, Ch. 77, have been duly complied with:

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 approves of the application of Mine Hill American Legion Memorial Post 391 for a Social Affair Permit;

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to execute the aforesaid application and forward it to the Department of Alcoholic Beverage of the State of New Jersey on behalf of the applicant.

NEW & OLD BUSINESS

Ms. Macchia updated the Council on the status of the recodification project. Mr. Coranato and Mr. Willis will meet with Ms. Macchia before the March 5th meeting to discuss the new fee ordinance.

Mr. Morris reported that the repairs to the Town Hall roof are being done as an emergency.

Mr. Morris discussed emergency work that DPW did at an abandoned condo in Meadowbrook. The homeowners’ association will be reimbursing the Township for this work.

OPEN TO THE PUBLIC

None.

CLOSED SESSION

Resolution 034-15 Closed Session

It was noted that the only matter for closed session is the municipal clerk appointment, and that action will be taken upon return to open session.

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; Mr. Bloom

Nays: none

Absent: none

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 – Specify
 - Personnel Matter – Municipal Clerk
 - Contract Negotiation – Specify
 - 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.

Upon conclusion of closed session discussion, a motion was made, seconded and approved by a voice vote to return to open session. It was noted that Ms. Macchia left the meeting during closed session.

NON-CONSENT RESOLUTIONS

Resolution 035-15 Appointment of Municipal Clerk

A motion was made by Mr. Willis and seconded by Ms. Kanzenbach 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; Mr. Bloom

Nays: none

Absent: none

Abstentions: none

WHEREAS, Amanda G. Macchia was first appointed Township Clerk on December 1, 2011 for an appointment of three years which is the statutory term for a municipal clerk; and

WHEREAS, Ms. Macchia's initial term as Township Clerk expired on December 1, 2014; and

WHEREAS, Amanda G. Macchia has continued in office as a holdover without reappointment since her term expired on December 1, 2014; and

WHEREAS, the Township Council has determined not to reappoint Ms. Macchia and terminate her employment effective February 27, 2015; and

WHEREAS, Ms. Macchia has expressed a desire to be appointed to a new term of office and has agreed that the position of Township Clerk will commence on March 1, 2015 and transition into a part time position beginning April 1, 2015 and for the new term; and

MINUTES OF THE MINE HILL TOWNSHIP COUNCIL
REGULAR MEETING – February 19, 2015

7-2015-02-19

WHEREAS, Council has agreed to appoint Ms. Macchia to a new three year term as Township Clerk with the understanding that tenure will not inure due to the fact that Amanda G. Macchia was not reappointed within sixty days after the expiration of her prior term and any new appointment of Ms. Macchia cannot relate back to the expiration of her prior term on December 1, 2014;

WHEREAS, the Township Council now desires to appoint Ms. Macchia to a three year term of office as Township Clerk to commence on March 1, 2015; and

WHEREAS, the appointment of Ms. Macchia as Township Clerk shall be deemed an original appointment rather than a reappointment and no tenure rights shall accrue from this appointment.

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 Amanda G. Macchia is hereby appointed part time Township Clerk of the Township of Mine Hill for a three year term commencing on March 1, 2015; and be it further

RESOLVED that this appointment shall be considered the initial appointment to the position as Township Clerk and no tenure rights shall arise from the appointment.

ADJOURNMENT

There being no further business, a motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to adjourn the meeting at 9:00 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