

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
Absent – Mr. Willis
Also Present – Mr. Morris, Mayor
On Conference Call – Mr. Oostdyk, Township Attorney; Mrs. Macchia, Municipal Clerk
Public Present – 3

PRESENTATIONS

Eagle Scout Project Proposal

Zach Morris presented a proposal to clean up the gazebo and surrounding area as his Eagle Project. His plans include painting, gardening, lighting repair, etc. All materials and labor will be donated. It was concluded that the Council supports this project, and the following resolution was written on the floor to memorialize support.

Non-Consent Resolution

Resolution 045-15 Supporting Eagle Scout Project

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. Bloom
Nays: none
Absent: Mr. Willis
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 Township Council supports the Eagle Scout Project proposal submitted by Zachary Morris for improvement to the Township Gazebo and surrounding area.

APPROVAL OF MINUTES

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve the following minutes, as presented, with the understanding that each Council member abstains from the minutes of meetings for which they were not present as noted below. The motion also included tabling the February 26, 2015 minutes to the next meeting. The roll was called, and the minutes were approved by the following vote:

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

- a. Open Session February 19, 2015
- b. Closed Session March 15, 2012
- c. Closed Session April 19, 2012 (Mr. Coranto abstaining)
- d. Closed Session May 3, 2012
- e. Closed Session May 17, 2012 (Mr. Pepperman abstaining)
- f. Closed Session June 7, 2012 (Mr. Coranto abstaining)
- g. Closed Session October 18, 2012
- h. Closed Session February 3, 2013
- i. Closed Session June 20, 2013 (Mr. Coranto abstaining)
- j. Closed Session July 18, 2013
- k. Closed Session November 14, 2013 (Mr. Coranto abstaining)
- l. Closed Session February 6, 2014
- m. Closed Session April 3, 2014
- n. Closed Session October 16, 2014 (Mr. Bloom abstaining)
- o. Closed Session November 13, 2014 (Mr. Coranto abstaining)
- p. Closed Session February 19, 2015

COMMUNICATIONS & PETITIONS

The following items of correspondence were noted:

- a. Senator Bucco re: Safe Routes to School Grant
- b. Town of Dover re: Municipal Court
- c. Morris County re: Circulation Element

- d. MCMUA re: 2015 Drinking Water Quality Report
- e. Norwescap re: Request for Proclamation
- f. Preliminary Equalization Table

The Safe Routes project was briefly discussed, as was Norwescap. The sample resolution provided by Norwescap will be prepared for the next meeting.

CONSIDERATION & APPROVAL OF VOUCHERS

Bills List

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

PUBLIC HEARING ON ORDINANCES PREVIOUSLY INTRODUCED

Ordinance 02-15 Zoning Enforcement Ordinance

Mr. Bloom opened the public hearing on this ordinance. Seeing no 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. Bloom
Nays: none
Absent: Mr. Willis
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, Section 25-13, of the Revised General Ordinances of the Township of Mine Hill, entitled "Administration, Enforcement, and Penalties", is hereby amended to read, in its entirety, as follows:

25-13 ADMINISTRATION, ENFORCEMENT AND PENALTIES

23-13.1 Enforcement in General. This Chapter may be enforced by the Zoning Officer, Township Engineer, or any officer or employee directed by the Administration to enforce the provisions of this Chapter. Such officers or employees shall have the authority to investigate any alleged violation of this Chapter coming to their attention.

25-13.2 Zoning Permit.

a. Requirement to Obtain a Zoning Permit A zoning permit issued by the Zoning Officer shall be required for the following activities:

(1) No person shall commence the construction, reconstruction, demolition, alteration, conversion or installation of a fence, a wall four feet or greater in height, an interior or exterior structure, a swimming pool or a building without first obtaining a zoning permit.

(2) No person shall commence a use nor change an existing use of property without first obtaining a zoning permit. If the change is to a conforming use and does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review and does not increase the parking requirements, as determined by the Zoning Officer, a zoning permit may be issued without site plan approval.

(3) A person desiring to obtain an official acknowledgement that an existing building, lot or use meets the requirements of the current Township Zoning Ordinance shall do so by obtaining a zoning permit.

(4) A person desiring to obtain a certification pursuant to N.J.S.A. 40:55D-68 that a use or structure existed before the adoption of the ordinance that rendered the use or structure nonconforming may apply for a zoning permit. A zoning permit under this section may be issued only if an application is made within one year of the adoption of the ordinance that made the structure or use nonconforming. After one year, application shall be made to the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-68.

(5) Prior to the issuance of a building permit, a zoning permit indicating that the request complies with the provisions of this Chapter shall be required.

(6) Prior to the issuance of a certificate of habitability or a continued certificate of occupancy, a zoning permit indicating that the property is in compliance with the provisions of this Chapter shall be required. If a change of occupancy of a conforming use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review and does not increase the parking requirements, as determined by the Zoning Officer, a zoning permit may be issued without site plan approval.

b. Application for a Zoning Permit. An application for a zoning permit shall be made to the Zoning Officer. The Zoning Officer is authorized to promulgate application forms to administer this Section. The Zoning Officer shall require two (2) sealed plot plans with an embossed seal prepared by a New Jersey licensed professional engineer, land surveyor or architect, as authorized by N.J.A.C., Subchapter 7 of Title 13, drawn to scale and showing the size and location of all existing and proposed buildings, structures and other facilities, all streams, wetlands, easements and other natural features sufficient to enable the Zoning Officer to determine whether all zoning requirements are met. The requirement for sealed plot plans may be waived for additions, alterations or accessory structures to existing single-family dwellings and a sketch, prepared by the owner or applicant, may be accepted except where there is a question as to the size, location or other zoning, requirement. Upon the filing of an application for a zoning permit, the Zoning Officer shall have the right to enter the building or premises during the daytime in the course of duty after proper notification to the property owner or occupant of the property.

c. Criteria for the Issuance of a Zoning Permit. The Zoning Officer shall issue a zoning permit where it is determined that any approvals required under this Chapter have been obtained and at least one of the following conditions have been met:

- (1) The use is permitted as a permitted use in the proposed location;
- (2) The use is permitted as a conditional use in the proposed location and all conditional use provisions are met;
- (3) The use exists as a nonconforming use and/or nonconforming structure or;
- (4) The use is permitted by the terms of a variance and the structure and lot meet all required zone criteria

d. Records and Reports

(1) Records. It shall be the duty of the Zoning Officer to keep a record of all applications for zoning permits and a record of all permits issued, together with a notation of all special conditions involved. The Zoning Officer shall file and safely keep copies of all plans submitted, and the same shall form a part of the records of his office.

(2) Reports. The Zoning Office shall prepare a monthly report for the Township Council summarizing, for the period since his last report, all zoning permits issued, complaints of violations received and action taken by him with respect thereto. Such report shall be in a form and shall contain such information as the Township Council may direct. A copy of such reports shall be made available to the Construction Official and to the Tax Assessor.

e. Time for Decision. The Zoning Officer shall act upon all such applications within fifteen (15) days after receipt of a fully filled in application or shall notify the applicant, in writing, of his refusal to issue a permit and the reasons therefore. Failure to notify the applicant in case of such refusal within fifteen (15) days shall entitle the applicant to file an appeal to the Planning Board as in the case of a denial.

f. Revocation of Permit. If it shall appear at any time to the Zoning Officer that the application or accompanying plans is in any material respect false or misleading or that the work is being done upon the premises differing materially from that called for in the application previously filed with him and may be in violation of any provision of this chapter he may forthwith revoke the zoning permit.

25-13.3 Certificates of Occupancy.

a. No person shall occupy or use any building or structure authorized by a construction permit without first obtaining a certificate of occupancy as required by the Uniform Construction Code

b. No certificate of occupancy shall be issued until a zoning permit has been issued.

c. No certificate of occupancy shall be issued for any use of land or structure requiring conditional use approval or a variance or requiring site plan approval as detailed in this Section 25-6.6 of this Chapter until such approval or variance has been granted and the Construction Official has been so notified in writing. In a case where a conditional use, variance or site plan has been approved, the certificate of occupancy shall detail any conditions of those approvals.

25-13.4 Continued Certificates of Occupancy for Non-Residential Properties.

a. No person shall occupy or use or permit the occupancy or use of any portion of a non-residential building after such building or portion thereof has been vacated or sold, or in which there has been a change in use or a change in occupancy, until the landlord/owner shall have applied for and secured a certificate of continued occupancy from the Construction Official.

b. Upon the application of the owner of an existing building or structure, the Construction Official, with the approval of the subcode officials, shall issue a certificate of continued occupancy provided that there are not violations of law or orders of the construction official pending and it is established after inspection and investigation of available municipal records that the alleged use of the building or structure has lawfully existed. The certificate of continued occupancy shall evidence only that a general inspection of the visible parts of the building has been made, and that no violations on NJAC 5:23-2.14 have been determined to have occurred and no unsafe conditions violative of NJAC 5:23-2.32(a) have been found.

c. No certificate of continued occupancy shall be issued unless the applicant has obtained a zoning permit, a certification from the Health Department indicating that the occupancy is in conformance with all health regulations, and a certification indicating that the property is in compliance with all fire prevention and protection regulations. No certificate of continued occupancy shall be issued for any structure requiring conditional use approval, variance approval or site plan approval as detailed in Section 25.6.6 of this Chapter until such approval or variance has been granted and

the Construction Official has been so notified in writing. In a case where a conditional use, variance or site plan has been approved, the certificate of continued occupancy shall detail all conditions of those approvals.

d. The fee for a continued certificate of occupancy is set forth in the fee ordinance, Section 15.04.050 of the Township Code.

25-13-5 Temporary Use Permits. Recognizing, in certain instances, the necessity for certain temporary uses, the Planning Board, after hearing, may authorize temporary use permits pursuant to the authority of N.J.S.A. 40:55D-70b.

a. Such permits may be issued for a period not to exceed one (1) year and, on future application to the Planning Board, may be extended, for good cause shown, for an additional period not to exceed one (1) year. Thereafter, such temporary use permit shall expire, and the use so permitted shall be abated. Any structures erected in connection therewith shall be removed. Where deemed appropriate, the Board may require such guaranties as it may deem sufficient to cause such abatement and/or removal.

b. Where a building permit has been issued, a temporary certificate of occupancy for a dwelling house may be granted to a developer to permit such dwelling house to be used, temporarily, as a sales and management office for the sale of those homes within a subdivision, provided that all of the following requirements are met:

(1) The house to be used as such office is built upon a lot approved as part of a subdivision that has been approved by the Planning Board.

(2) The house is of substantially the same quality of construction as those homes to be sold within the subdivision.

(3) No other business than that which is accessory to the management and the sale of lands owned by the developer shall be permitted.

(4) The dwelling house shall meet all other requirements of the zone district in which it is located.

c. Where a building permit has been issued, the Board may grant a temporary use permit for a nonconforming use incidental to construction projects on the same premises, such as the storage of building supplies and machinery and/or the assembly of building materials. For example, but not by way of limitation, such temporary use permit may be issued to permit the parking of a construction trailer on such a site or a house trailer to be parked only during reconstruction of a building damaged by fire, flood or other casualty.

d. The Board may grant a temporary use permit for the erection and maintenance of temporary structures or buildings for the conduct of permitted uses where such permitted uses have been interrupted by reason of fire or other casualty. Such temporary use permit shall expire at the time the necessary repair or reconstruction of the permanent structures or buildings has been accomplished or within one (1) year, whichever occurs first.

e. The Board may grant temporary use permits for the location of temporary structures, in connection with permitted uses, on the site of such permitted use, which is either existing or about to be established, upon the construction of permanent facilities which are an addition to the permitted use or which will result in permanent facilities to house the permitted use. For example, but not by way of limitation, such temporary use permits may be issued to permit the parking of a trailer housing banking facilities, temporary office space, temporary classroom space and/or temporary warehouse space on such a site.

25-13.6 Sign Permits. A sign permit shall be required prior to the erection or alteration of any sign pursuant to Section 25-10.20.

25-13.7 Violations of Zoning, Subdivision or Site Plan Requirements.

a. Failure to Obtain Approval. It shall be a violation of this Chapter to use any land or building where subdivision or site plan approval is required under this Chapter without obtaining subdivision or site plan approval from the Planning Board. If, before final subdivision approval has been obtained, any person transfers or sells or agrees to sell, as owner or agent, any land which forms part of a subdivision on which, by ordinance, the Planning Board is required to act, such person shall be subject to a fine and penalty as provided for in this Chapter and each parcel or lot so disposed of shall be deemed to be a separate violation.

b. Zoning Violations. It shall be a violation of this Chapter to use any land or building in a manner not permitted under this Chapter.

c. Use of Property not in Conformance with Approval. It shall be a violation of this Chapter to use any property for which subdivision or site plan approval has been received in a manner inconsistent with the approval or in violation of any condition in the approval.

d. Civil Action. In addition to the penalties provided for under this Chapter, the Township may institute and maintain a civil action for injunctive relief.

25-13.8 Violations and Penalties.

A. The owner or agent of a building or premises where a violation of any provision of this Chapter shall have been committed or shall exist, or the agent, architect, builder, contractor, or any other person who shall commit, take part in, or assist in any such violation, or who shall maintain any building or premises in which any violation of this Chapter shall exist, shall be subject to the penalties set forth in this section. Each day the violation continues shall be considered a separate offense.

B. For a violation of any provision of this Chapter or supplement or addition thereto, the offender shall be subject to imprisonment in the County Jail for a period not to exceed ninety (90) days or by a period of community service not exceeding ninety (90) days, or by a fine of not less than One Hundred Dollars (\$100.00), nor exceeding One Thousand Two Hundred Fifty Dollars (\$1,250.00), or any combination of penalty.

C. Any person who is convicted of violating a provision of this Chapter within one (1) year of the date of a previous violation of this Chapter and who was fined for the previous violation, shall be sentenced by the Court to an additional fine as a repeat offender. The additional fine imposed by the Court upon a person for a repeated offense shall not be less than One Hundred Dollars (\$100.00) nor more than One Thousand Two Hundred Fifty Dollars (\$1,250.00) for a violation of any provision of this Chapter, but shall be calculated separately from the fine imposed for the violation of a provision of this Chapter.

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 05-15 Amendment to Junk Dealers Licensing Ordinance

Mr. Bloom opened the public hearing on this ordinance. Seeing no 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. Bloom

Nays: none

Absent: Mr. Willis

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

Mr. Bloom opened the public hearing on this ordinance. Seeing no 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. Bloom

Nays: none

Absent: Mr. Willis

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.

ADMINISTRATIVE AGENDA

Mr. Morris discussed resident Libby Shepherd's 101st birthday celebration at the last seniors meeting.

Mr. Morris noted that DPW has been working very hard through the winter weather.

Mr. Morris reported that the construction and inspection elements of the sidewalk project will need to be bid.

REPORTS OF COUNCIL LIAISONS

Recreation/Community Committee

The committee is working with the fire department to plan their 100th anniversary celebration.

Board of Education

It was noted that recent test scores are down and programs will be reevaluated.

Fire & First Aid

It was noted that an ordinance will be introduced at the next meeting regarding reimbursement for equipment damaged while responding to fires.

Police

It was reported that the grand opening of the new headquarters will be coming up soon.

Open Space Committee

JORBA has obtained a trail groomer and is working on compacting the trails for winter use.

Planning Board

A workshop was held prior to the last meeting to assist members in understanding various applications. The process for review of the master plan was also discussed.

CBDG

16 presentations were reviewed, 7 were fully funded, and 1 was partially funded with \$255,000 HUD. An upcoming open meeting will allow individuals to speak, and then the projects can be voted on before presenting to the Freeholders.

OPEN TO THE PUBLIC

John Paschal of Thomastown Road asked about the qualifications of contractors working on the sidewalk project. Mr. Morris clarified.

INTRODUCTION OF ORDINANCES

It was noted that the three ordinances introduced will be further considered on March 19th.

Ordinance 07-15 Fire Prevention Fees

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. Bloom

Nays: none

Absent: Mr. Willis

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 inspection fee for Fire Prevention Non-life hazard annual inspections shall be amended and shall be as follows:

1. Premises under 3,000 square feet: \$65.00
2. Premises over 3,000 square feet and under 6,000 square feet: \$150.00
3. Premises over 6,000 square feet and under 12,000 square feet: \$250.00
4. Premises over 12,000 square feet: \$400.00
5. Multi-level premises with up to and including three stories; \$250.00
6. Multi-family dwellings (R-2 as defined in the Uniform Construction Code): \$75.00
7. Garages or storage areas within multi-family dwelling units; \$40.00 per area

SECTION 2. The fee for fire extinguisher training shall be as follows:

1. Group of one to five people: \$100.00
2. Group of six to ten people: \$150.00
3. Group of eleven or more people: \$200.00

SECTION 3. This Ordinance may be renumbered for codification purposes.

SECTION 4. 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 5. 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 6. This Ordinance shall take effect as required by law.

Ordinance 08-15 Land Acquisition from Mine Hill Board of Education

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

Nays: none

Absent: Mr. Willis

Abstentions: none

WHEREAS, the Mine Hill Township Board of Education is the current owner in fee of a certain lot of land on the Tax Map of Mine Hill Township known as a Lot 1, Block 1401 ("Lot"); and

WHEREAS, the Mine Hill Township Board of Education (the "Board") has determined that it no longer needs the entire Lot for school purposes and desires to sell to the Mine Hill Township ("Township") the portion of the Lot as more fully described as Tract III in the surveyor report provided by Maser Consulting P.A., dated December 29, 2014 ("Property"); and

WHEREAS, pursuant to N.J.S.A. 18A:20-2 the Board is permitted to dispose of its real estate by sale, if such property is no longer needed for school purposes N.J.S.A. 18A:20-5; and

WHEREAS, the Board may transfer property to a municipality for a nominal amount without public bidding as provided by N.J.S.A. 18A:20-9; and

WHEREAS, the Township may, pursuant to N.J.S.A. 40A:12-5, acquire property for public use through the adoption of an ordinance and has determined that it wishes to acquire the property from the Board of Education; and

WHEREAS, prior to the acquisition of the Property, the Board is required, pursuant to N.J.A.C. 6A:26-7.4, to file for approval with the Division of Finance of the Department of Education ("Division"); and

WHEREAS, upon Division approval, and prior to the disposal of the Property, the Board has determined that it is required to file for subdivision approval with the Mine Hill Township Planning Board ("Planning Board") and;

WHEREAS, upon Division and Planning Board approvals, the Board and the Township will execute a contract of sale thereby transferring such Property ownership to the Township.

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

SECTION 1. The Township shall acquire a portion of Block 1401, Lot 1 from the Mine Hill Board of Education and the appropriate municipal officials are hereby authorized and directed to enter into a contract with the Board of Education, for the acquisition of a portion of Block 1401, Lot 1, for public use, for nominal consideration and a reimbursement to the Board of Education of the costs incurred in the transfer subject to certification of available funding.

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

SECTION 4. This Ordinance shall take effect as required by law.

Ordinance 09-15 Fire Insurance Ordinance

A motion was made by Mr. Coranato 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. Bloom

Nays: none

Absent: Mr. Willis

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:

§ 247-1. Payment of claims.

A. No insurance company authorized to issue fire insurance policies in the State of New Jersey shall pay any claims for fire damages in excess of \$2,500 on any real property in the Township of Mine Hill unless:

(1) The anticipated demolition costs, and all taxes and assessments, and all other municipal liens or charges due and payable appearing on the official certificate of search have been paid by the owner of the real property or by the insurance company as set forth in § 247-2; or

(2) The Township submits to the insurance company a copy of a resolution, adopted pursuant to § 247-3, establishing an agreement with the owner of the fire-damaged property for payment by installments of all charges and liens, including any anticipated costs of demolition.

B. Any request for an official certificate of search, pursuant to this chapter, shall specify that the search concerns fire-damaged property.

C. All search fees incurred, pursuant to the search, shall be the responsibility of the owner of the fire-damaged property.

D. The Construction Code official for the Township of Mine Hill shall file, on a form prescribed by the Township, a statement with the Township officer authorized to issue an official certificate of search of municipal liens and other charges of the anticipated costs of demolition.

§ 247-2. Payment by insurance company; appeal.

A. Unless a resolution is received from the municipality authorizing an installment agreement, pursuant to § 247-3, with the real property owner to pay liens, charges and anticipated demolition costs, an insurance company writing fire insurance policies in the Township of Mine Hill is required, prior to payment of any claims in excess of \$2,500, to pay the amount of the anticipated demolition costs to the Township, which shall hold said funds in an interest-bearing escrow account in a state or federally chartered bank, savings bank or savings-and-loan association in the State of New Jersey and to pay to the Township the amount of the liens appearing on the official certificate and on such other recorded liens or related charges as may be certified to the insurance company.

B. If an appeal is taken on the amount of any lien or charge, other than an appeal on the assessed valuation of real property, pursuant to N.J.S.A. 54:3-21, the insurance company shall issue a draft payable to the court of record to be held by the court in an interest-bearing escrow account in a state or federally chartered bank, savings bank or savings-and-loan association in the state, in an amount totaling 75% of the full amount of the lien or charge being contested but not to exceed the proceeds payable under the insurance policy, and the insurance company shall issue a draft payable to the Township for the remaining 25% of the lien or charge being contested, with the full amount paid by the insurance company to the court and the Township not to exceed the proceeds payable under the insurance policy, pending termination of all proceedings, at which time such moneys and all interest accruing thereon, at a rate paid on interest-bearing accounts in state- or federally chartered banks, savings banks or savings-and-loan associations in the state, shall be disbursed in accordance with the final order or judgment of the court.

§ 247-3. Resolution of agreement.

A. The Township may enter into an agreement with the owner of any fire-damaged property to pay, in full, all delinquent taxes, assessments or other municipal liens by installment, pursuant to N.J.S.A. § 54:5-19, or for the redemption of the tax sale lien by installment payments, pursuant to Article 7 of Chapter 5 of Title 54 of the Revised Statutes, or for the payment in full of any anticipated costs of demolition by installment, if the Township Council of the Township of Mine Hill is satisfied that the claim for fire damages is to be used to restore or improve the fire-damaged property.

B. An insurance company receiving a copy of a resolution of agreement from the Township Council of the Township of Mine Hill is authorized to make full payment on the claim to the insured person.

§ 247-4. Authorization.

A. The terms and provisions of N.J.S.A. 17:36-8 et seq. are hereby adopted by reference and incorporated herein as if they were set forth with particularity, including all amendments and supplements thereto.

B. Nothing herein shall be construed to alter or affect any other remedy available to the Township of Mine Hill under any other law of the State of New Jersey.

C. The amendments to Chapter 247 of the Municipal Code of the Township of Mine Hill, as set forth herein, shall be effective upon the Township Clerk filing a certified copy of this chapter with the Commissioner of Insurance of the State of New Jersey.

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 10-15 Implementing the State of NJ Foreclosure Policy

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. Bloom

Nays: none

Absent: Mr. Willis

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 390 of the Revised General Ordinances of the Township of Mine Hill, "Property Maintenance", shall be amended by the inclusion of new Article V, entitled "Vacant Residential and Nonresidential Premises", and new Article VI, entitled "Buildings Pending Foreclosure", which shall read as follows:

"Article V, Vacant Residential and Nonresidential Premises

§ 390-24. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

ABANDONED PROPERTY - As defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., shall mean the following:

A. Except as provided in section 6 of P.L.2003, c. 210 (N.J.S.A. 55:19-83), any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:

- (1) The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six-month period;
- (2) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the public officer pursuant to this section;
- (3) At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes as of the date of a determination by the public officer pursuant to this section; or
- (4) The property has been determined to be a nuisance by the public officer in accordance with Section 5 of P.L.2003, c. 210 (N.J.S.A. 55:19-82).

B. A property which contains both residential and non-residential space may be considered abandoned pursuant to P.L.2003, c. 210 (N.J.S.A. 55:19-78 et al.) so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the public officer and the property meets the criteria of either subsection (1) or subsection (4) of this section.

EVIDENCE OF VACANCY - Any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant for three (3) or more months. Such evidence would include but is not limited to, evidence of the existence of two or more of the following conditions at a property: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items consistent with residential habitation; statements by neighbors, delivery agents, or government employees that the property is vacant or abandoned; infestation by insects, vermin, rats or other pests; windows or entrances that are boarded up or closed off; multiple window panes that are damaged, broken or unrepaired; doors that are smashed, broken, unhinged or continuously unlocked; a risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property; or any uncorrected violation of a municipal building, housing or similar code during the preceding year. Property determined to be "abandoned property" in accordance with the meaning

of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq, shall also be deemed to be vacant property for the purposes of this ordinance.

OWNER - Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17), or any other entity determined by the Township of Mine Hill to have authority to act with respect to the property.

VACANT PROPERTY - Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased for a period of at least three months, and any commercial property that has not been legally occupied or at which substantially all lawful construction operations have ceased for a period of at least three months, and which exhibits evidence of vacancy such that a reasonable person would believe that the property is vacant. Any property that contains all building systems in working order, is being maintained on a regular basis, has not been cited by the Township for any violation of municipal ordinance within such time and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

§ 390-25. General Requirements.

- A. The owner of any vacant property, as defined herein, shall within thirty (30) days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Township of Mine Hill Clerk on forms provided by the Clerk for such purposes, as well as any additional information that the Clerk may reasonably request. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, no later than January 31 as long as the building remains vacant property and shall pay a registration or renewal fee in the amount of \$50.00 for each vacant property registered.
- B. Any owner of any building that meets the definition of vacant property prior to the date of adoption of this ordinance shall file a registration statement for that property on or before May 31, 2015. The registration statement shall include the information required under Section 390-26 of this Article, as well as any additional information that the Township may reasonably require.
- C. The owner shall notify the Clerk within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Clerk for such purpose.
- D. The registration statement shall be deemed prima facie proof of the information therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township of Mine Hill against the owner or owners of the property.

§ 390-26. Registration statement requirements; property inspection.

- A. After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide the Township of Mine Hill Construction Official or Code Enforcement Official with access to the property, following reasonable notice, during the period covered by the initial registration or any subsequent renewal. If an inspection is required of the interior of the property due to complaints or other cause, the fee for such inspection shall be the same as that for a Certificate of Occupancy inspection.
- B. The registration statement shall include the name, street address, and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. The designated agent must have a contact number that will be available 24 hours per day on an emergency basis. The statement shall also include the name of the person responsible for maintaining and securing the property, if different from the designated agent.
- C. An owner who is a natural person and who meets the requirements of this Ordinance as to availability of a contact number on a 24-hour emergency basis may designate him or herself as agent.
- D. By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Township of Mine Hill of a change of the authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this ordinance.

§ 390-27. Fee schedule.

The registration fee for each building that has become vacant or abandoned property shall be \$50.00.

§ 390-28. Requirements for owners and other persons as to vacant and abandoned property.

- A. The owner of any building that has become vacant or abandoned property, and any person maintaining, operating or collecting rent for any such building that has become vacant, shall immediately post a sign affixed to the inside of the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to Section 390-26), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a locations so as to be legible, to the extent possible, from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 15" x 17".

B. Basic equipment and facilities. Every unoccupied or vacant residential or nonresidential property must comply with the following minimum standards for basic equipment and facilities:

- (1) Plumbing. All plumbing fixtures shall be properly installed and be in sound condition and good repair. The property shall be winterized, by the cessation of water service to the property, and the draining of water lines.
- (2) Electricity. Every existing outlet and fixture shall be properly connected. Wiring and service lines shall be maintained in good and safe working condition.
- (3) Heating plant. The heating plant shall be maintained in a safe condition.
- (4) Cooking equipment. All cooking equipment shall be maintained in a safe condition.
- (5) Electrical and gas utility services shall be discontinued until the property is again legally occupied or demolished, or until repair or rehabilitation of the property is complete.

C. Storage and boarding up of building.

- (1) No room within any vacant or unoccupied property shall be used for storage or junk, rubbish or wastes, furniture or building materials not intended to be used in the existing property.
- (2) The boarding up of doors and windows shall not be permitted except with the permission of the enforcement officer in emergency situations. When doors and windows are boarded up, they shall be covered with no less than one-half-inch exterior plywood or equivalent.
- (3) Buildings on vacant properties shall be secured against unauthorized entry until the building is again legally occupied or demolished, or until repair or rehabilitation of the property is complete.

D. Safe and sanitary maintenance. All unoccupied or vacant properties shall comply with the following minimum standards for safe and sanitary maintenance:

- (1) Every foundation, exterior wall or exterior roof shall be weathertight, watertight and rodent-proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- (2) Every floor, interior wall and ceiling shall be substantially rodent-proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- (3) Every window, exterior door and basement or cellar door and hatchway shall be weathertight, watertight, rodent-proof and locked and shall be kept in sound condition and good repair.
- (4) Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.
- (5) Every yard shall be properly graded so as to prevent the accumulation of stagnant water.
- (6) There shall be a controlled method of disposing of water from roofs by use of gutters and downspouts, which shall be installed and maintained in sound condition, free of leaks and obstructions.
- (7) Every dwelling's cellar, basement and crawl space shall be maintained from excessive dampness and leakage.
- (8) The exterior of every structure or accessory structure shall be maintained free of broken windows, loose shingles, crumbling stone or brick or excess peeling paint.
- (9) The exterior of the premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereof shall reflect a level of maintenance in keeping with the standards of the neighborhood and such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values.

E. Further responsibilities of owners. All owners of unoccupied or vacant buildings shall be required to comply with the following standards:

- (1) Any yard area (front, side and rear) adjacent to an unoccupied or vacant building shall be cleared and maintained free of trash, solid debris or any other materials that cause litter to accumulate to unhealthy and blighting proportions.
- (2) Grass and weeds shall not be permitted to grow or remain on the side, front and/or rear yards of any unoccupied or vacant building so as to exceed a height of 10 inches.
- (3) Unoccupied or vacant buildings shall not be utilized for storage of any hazardous materials, whether solid or liquid, including the yard portion of that building.
- (4) When a vacant dwelling is found to be infested with rats, termites, roaches and/or any other insects and vermin, the owner shall undertake an expedient means of extermination of such nuisances.

(5) All doors and/or lids on appliances, on furniture utilized for storage or on heating furnaces shall be locked in order to deny entry to an individual where the potential for physical harm or death may result should said door or lid close and prevent the individual's escape.

(6) Provision shall be made for the cessation of the delivery of mail, newspapers and circulars to the property.

F. The standards and requirements of this section shall apply as long as any dwelling remains vacant or unoccupied. Upon occupancy, the other appropriate sections of this chapter shall prevail.

§ 390-29. Administration; enforcement.

A. The Township of Mine Hill Mayor and Council may issue rules and regulations for the administration of the provisions of this Article.

B. The provisions of this article shall be enforced as set forth and pursuant to Article IV of this Chapter to the full extent applicable.

§390-30. Violations; penalties.

A. Any owner who is not in full compliance with this Article or who otherwise violates any provision of this ordinance or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$100.00 dollars and not more than \$2,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this ordinance shall be recoverable from the owner and shall be a lien on the property.

B. For purposes of this ordinance, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of Section 390-26, or such other matters as may be established by the rules and regulations of the Council of the Township of Mine Hill shall be deemed to be violation of this ordinance.

§ 390-31. Compliance with other provisions

Nothing in this ordinance is intended to nor shall be read to conflict or prevent the Township of Mine Hill from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Township Code and/or the Uniform Construction Code. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this Article."

"Article VI, Buildings Pending Foreclosure

§ 390-32. Purpose.

The intent of this Article is to provide for the enforcement of Township property maintenance standards and the State Housing Code against vacant properties pending foreclosure, and to provide for responsibility on the part of foreclosing creditors for the care, maintenance, security and upkeep of residential properties.

§ 390-33. Service of notice, contents.

A. A creditor serving a summons and complaint in an action to foreclose on a mortgage on property located with the Township of Mine Hill shall serve the Township Clerk with a notice indicating that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property. The Notice may contain information about more than one property and shall be provided by mail or electronic communication at the discretion of the Township Clerk.

B. The Notice shall be served within 10 days of service of a summons and complaint in an action to foreclose on a mortgage against the subject property.

C. By May 31, 2015, any creditor that has initiated a foreclosure proceeding on any residential property which is pending in Superior Court shall provide to the Township Clerk with a notice as described below for all residential properties in the Township for which the creditor has pending foreclosure actions.

D. The notice shall contain:

(1) The name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations;

(2) Whether the property being foreclosed on is an affordable unit pursuant to the "Fair Housing Act";

(3) The street address, lot and block number of the property; and

(4) The full name and contact information of an individual located within the state authorized to accept service on behalf of the creditor.

(5) In the event the creditor that has served a summons and complaint in an action to foreclose on a residential property is located out-of-state, the notice shall also contain the full name and contact information of an in-state representative or agent who shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if it becomes vacant and abandoned.

§ 390-34. Creditor responsibility.

A. Pursuant to the provisions of N.J.S.A. 40:48-2.12s and N.J.S.A. 46:10B-51, a creditor filing a summons and complaint to foreclose a lien on a residential property that is vacant and abandoned, whether the filing of the summons and complaint is made before or after the determination that the property is vacant and abandoned, shall be responsible for the care, maintenance, security, and upkeep of the exterior of the residential property. This obligation applies whether the determination that the property is vacant and abandoned is made by a public officer pursuant to the provisions of this Chapter or other applicable law.

§ 390-35. Violation of state or local law at property on list; responsibility of creditor.

A. The appropriate local public officer shall notify the creditor if:

(1) the owner of a property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a property is otherwise vacated subsequent to the filing of the summons and complaint, but prior to the vesting of title in any third party; and

(2) If the property is found to be nuisance or in violation of any applicable state or local code.

B. The creditor shall have the responsibility to abate the nuisance or correct the violation in the same manner and in the same extent as the title owner of the property, to such standard or specification as may be required by State law or by ordinance.

§ 390-36. Notification of violation.

In the event of a violation of state law or a local ordinance, the Township shall serve the creditor with a notice that shall include a description of the condition(s) that gave rise to the violation and the state law or local ordinance that has been violated, and shall provide a period of not less than 30 days from the creditor's receipt of the notice for the creditor to remedy the violation, provided that in the event that the violation presents an imminent threat to public health and safety, the notice may, in the discretion of the Township, provide that the violation shall be remedied within 10 days of the creditor's receipt of the notice.

§ 390-37. Repair by Township.

If the Township expends public funds in order to abate a nuisance or correct a violation at a property in which the creditor was given notice pursuant to the provisions of Section 390-47, but failed to abate the nuisance or correct the violation as directed, the Township shall have the same recourse against the creditor as it would have had against the title owner of the property, including but not limited to the recourse provided at N.J.S.A. 55:19-100.

§ 390-38. Violations and penalties.

A. An out-of-State creditor subject to this Article found by the municipal court, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to this Article shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of Section 17 of P.L.2008, c.127 (N.J.S.A. 46:10B-51) and Section 390-44 of this Ordinance for providing notice to the Township Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

B. A creditor subject to this Article found by the municipal court, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Article shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice."

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 as provided by law.

OPEN TO THE PUBLIC

Mr. Paschal asked for the Ordinance 10-15 to be explained. Mr. Morris provided explanation.

CONSENT RESOLUTIONS

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve of the consent agenda. The roll was called, and the resolutions were approved by the following vote:

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

Nays: none

Absent: Mr. Willis

Abstentions: none

Resolution 037-15 Redemption of Third Party Lien – Block 401, Lot 11.06

WHEREAS, Tax Sale Certificate #2013-001, was sold to FWDSL & Associates on October 24, 2013 on Block 401, Lot 11.06 known as 26 Wharton Avenue; 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 \$1,538.73 for redemption of the Certificate to to FWDSL & Associates. This amount includes the \$500.00 premium paid at the time of sale as well as the redemption amount of \$1,038.73

Total \$1,538.73

FWDSL & Associates
5 Cold Hill Rd South #11
Mendham, NJ 07945

Resolution 038-15 Redemption of Third Party Lien – Block 1405, Lot 4

WHEREAS, Tax Sale Certificate #2014-015, was sold to Taynter Emp Profit Sharg Pln 401K on September 5, 2014 on Block 1405, Lot 4 known as 4 Xenia Court; 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 \$3,083.68 for redemption of the Certificate to to FWDSL & Associates. This amount includes the \$2,000.00 premium paid at the time of sale as well as the redemption amount of \$1,083.68

Total \$3,083.68

Taynter Emp Profit Sharg Pln 401K
157 Owatonna St.
Haworth, NJ 07641

NON-CONSENT RESOLUTIONS**Resolution 039-15 Veteran's Tax Refund**

A motion was made by Mr. Coranato 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. Bloom

Nays: none

Absent: Mr. Willis

Abstentions: none

WHEREAS Nancy Hoh, widow of Stephen Hoh, 58 Hillside Ave, Mine Hill, NJ, was certified by the Department of Veterans Affairs as 100% disabled as of April 28, 2014, in accordance with the Veterans Affairs Rating Schedule; and

WHEREAS Stephen Hoh applied on November 24, 2014, for a tax exemption on his home known as Block 1704, Lot 33 pursuant to N.J.S.A. 54:4-3.30; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32, the Governing Body of a municipality, by appropriate Resolution, may return all taxes collected on property which would have been exempt had a proper claim in writing been made therefore; and

WHEREAS, Nancy Hoh has requested that the Governing Body refund taxes paid for tax year 2015; and

WHEREAS, the Governing Body has determined that it is fair and equitable to allow for a refund of taxes paid for the year of the exemption.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Mine Hill, in the County of Morris and State of New Jersey, that the Tax Collector is hereby directed to refund an amount of \$1,837.76 to Nancy Hoh representing a refund of taxes paid on property known as Block 1704, Lot 33, and also known as 58 Hillside Avenue, which represents a refund of first quarter 2015 taxes paid.

Resolution 040-15 Emergency Roof Repair

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. Bloom

Nays: none

Absent: Mr. Willis

Abstentions: none

WHEREAS, the Municipal Building has suffered extensive water damage that necessitates repair and replacement of the roof; and

WHEREAS, an emergency exists requiring that repairs and replacement be completed as soon as possible to restore functioning to the municipality; and

WHEREAS, the existence of this emergency necessitates the immediate repair and replacement of the roof without public bid as required by the local public contracts law; and

WHEREAS, the Borough obtained specifications with the intention of going out to bid for the roof replacement project, but due to deteriorating conditions, has concluded that there is insufficient time to complete the bidding process; and

WHEREAS, the Borough has received a proposal from Donald G. Smith Contracting, Inc. t/a High Grade Contracting, 155 Canfield Avenue, Randolph, New Jersey, for repair and replacement of the roof for a price of \$49,000.00, plus \$11,000.00 for the crane rental to complete the project.

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 appropriate Township Officials are hereby authorized to proceed in the emergency award of contract for such repairs as may be necessary to return the Mine Hill Municipal Building to a safe operating environment by the roof repair and replacement contract with Donald G. Smith Contracting, Inc. t/a High Grade Contracting, 155 Canfield Avenue, Randolph, New Jersey, for repair and replacement of the roof for a price of \$49,000.00, plus \$11,000.00 for the crane rental to complete the project pursuant to N.J.S.A. 40A:11-6.
2. This Resolution shall take effect immediately.

Resolution 041-15 Confirming Appointment of the Fire Marshall

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

WHEREAS, The Township has established by ordinance the position of Fire Marshal and has provided that the Fire Marshal shall be responsible for inspections and enforcement under the Uniform Fire Safety Code; and

WHEREAS, The Fire Marshal shall serve for a term of one year and until his/her successor shall be duly qualified for the office; and

WHEREAS, the Mayor has appointed Thomas Trapasso to the position of Fire Marshal for a one year term commencing March 1, 2015; and

WHEREAS, the Township Council wishes to formalize its consent to the Mayor's 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, The Township Council hereby formalizes its consent to the Mayor's appointment of Thomas Trapasso to the position of Fire Marshal for a one year term effective February 19, 2015.

Resolution 042-15 Authorizing Agreement with RJR for IT

A motion was made by Mr. Pepperman 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. Bloom
Nays: none
Absent: Mr. Willis
Abstentions: none

WHEREAS, RJR Solutions has presented proposals for purchase, installation and maintenance of a new network server, and information technology support services; and

WHEREAS, the Township Council wishes accept the proposals attached hereto; 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. The Mayor is hereby authorized and directed to execute acceptance of the proposals attached hereto.
2. This Resolution shall take effect immediately.

Resolution 043-15 Approval of Shared Services Agreement with Mine Hill Board of Education

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

WHEREAS, the Board of Education of the Township of Mine Hill wishes to have the Township of Mine Hill take responsibility for lawn mowing and trimming, snow plowing and removal, and fall leaf blowing and removal at Board owned facilities; and

WHEREAS, Mine Hill is willing to accept responsibility for these services at Board owned facilities for a three year period in exchange for the Boards agreement to purchase certain equipment for use by the Public Works Department together with other consideration; and

WHEREAS, the Township Council of the Township of Mine Hill finds that it is in the public interest to enter into a shared services agreement with the Board of Education, in the form attached hereto, for the provision of lawn maintenance and snow removal services and other consideration in accordance with the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq.; and

WHEREAS, pursuant to N.J.S.A. 40A:65-5, a municipality entering into a shared services agreement must adopt a resolution clearly identifying the agreement and ensure that a copy of the agreement is available for public inspection.

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 Shared Services Agreement with the Mine Hill Board of Education for the provision of certain lawn maintenance and snow removal services be and the same is hereby approved pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. Said Agreement is for a term commencing on upon execution of the Agreement and expiring December 31, 2017.
2. The Mayor and Township Clerk are hereby authorized and directed to execute said Shared Services Agreement on behalf of the Township.
3. The Township Clerk is hereby authorized and directed to provide a fully executed copy of the Agreement along with a certified copy of the Resolution authorizing same to the Department of Community Affairs (“DCA”) in accordance with N.J.S.A. 40A:65-4(a)(3)(b). The Township Clerk is further authorized and directed to coordinate with the Board of Education the filing of said document with the DCA.
4. This Resolution shall take effect immediately.

Resolution 044-15 Approval of New Fire Department Members

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. Bloom
Nays: none
Absent: Mr. Willis
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 Township Council accepts the following new members of the Mine Hill Township Fire Department:

Ryan G. Richardson
Anthony A. Rosario

NEW & OLD BUSINESS

None.

OPEN TO THE PUBLIC

None.

CLOSED SESSION

None.

ADJOURNMENT

There being no further business, a motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to adjourn the meeting at 8:38 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