

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 – None
Also Present – Mr. Morris, Mayor; Mr. Oostdyk, Township Attorney; Mrs. Macchia, Municipal Clerk
Public Present – 7

NON-CONSENT RESOLUTIONS

Resolution 146-15 Authorize Shared Court Agreement with Rockaway Township

Mr. Morris stated for the record the core reasons for the change of Court: the Dover Joint Court has been in place since 2008 without any auditing, despite the contract requirements; requests for renegotiation of the contract based on volume have been refused; the new contract with Rockaway will net a significant cost savings to the township; and as a “shared court” there will no longer be any intermingling of funds.

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. Willis; Mr. Bloom
Nays: none
Absent: none
Abstentions: Mr. Pepperman

Mr. Willis left the meeting at this time.

PRESENTATIONS

Board of Education

Lee Nittle, Superintendent, and Adam Zygmunt, Principal, presented the following slides:



Theme for 2015-2016

Creativity and Innovation - Stems from One Book-One School Initiative - Charlie and the Chocolate Factory

Prezi

Off to a great start!

Prezi

Connecting on a deeper level

Meditation and Mindfulness Practice Comes to Canfield Avenue School

Randolph Pain and Wellness Center

Prezi

Getting the Families Involved

Family Play Day - Fall 2015

Prezi

Take Your Parent to Lunch Day 2015

Prezi

Innovation Time!

Prezi

Working with Veterans

Prezi

Soaring together in success!

Prezi

Mr. Morris added that the Township wants to do anything it can to help the school. Public relations initiatives were discussed.

Human Trafficking Awareness Resolution

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, Human Trafficking, modern slavery, is a 365 days a year horrific crime that takes place at the local level and can most effectively be stopped by an abolitionist movement in every municipality in the State; and

WHEREAS, Human Trafficking occurs when a person is recruited, harbored, obtained, or exported through force, fraud, or coercion for the purposes of sexual or labor exploitation, involuntary servitude, and other types of mental and physical enslavement; and

WHEREAS, Human Trafficking is modern slavery, a crime that is in direct opposition to the fundamental principles of liberty and human rights upon which our nation was founded and a violation of the 13th Amendment to the United States Constitution, which was ratified in 1865; and

WHEREAS, Human Traffickers target vulnerable and/or marginalized children, women and men, isolating them from society and supportive networks and exploiting them for personal and monetary gain. Traffickers use techniques to keep their victims enslaved that severely limit self-reporting. Many victims trafficked into the U.S. do not speak or understand English and are unable to communicate to seek rescue; and

WHEREAS, the U.N. International Labour Organization estimates that nearly 21 million people are exploited for labor or commercial sex worldwide. The Bureau of Justice Statistics, the FBI's Uniform Crime Statistics Program, and the National Human Trafficking Resource Center report thousands of victims are exploited in the United States every year, including in New Jersey and the surrounding metropolitan areas; and

WHEREAS, New Jersey is a prime location for Human Trafficking because it is a major national and international transportation corridor and a culturally diverse state. Under New Jersey and U.S. law, any person under 18 involved in the commercial sex industry is considered a Human Trafficking victim; and victims include U.S. citizens and documented immigrants; and

WHEREAS, NJ has increased its efforts to fight Human Trafficking through the passage of the Human Trafficking Prevention, Protection and Treatment Act, the creation of the NJ Commission on Human Trafficking, and the increased efforts of law enforcement and the Office of the Attorney General/Division of Justice's NJ Human Trafficking Task Force resulting in an increase in indictments and prosecutions throughout the State; and

WHEREAS, Because Human Trafficking is a borderless crime against individuals that violates the most basic human rights and deprives victims of every shred of personal freedom, state and national efforts alone will not eradicate this societal scourge; and

WHEREAS, it is vitally important that: all New Jersey residents be informed of and know how to identify suspicious behavior and potential victims; all local municipalities shall have zero tolerance laws and protocols in place; local municipalities take on responsibility for preventing this horrible crime in partnership with educators, community organizations, and faith based groups, and help to effectively uncover victims of modern slavery; and

WHEREAS, the New Jersey State League of Municipalities commends the proclamation project and comprehensive work of the NJ Coalition Against Human Trafficking. That through the efforts of over 100 diverse organizations work on community efforts to abolish Human Trafficking through education, advocacy, and assistance to survivors and to increase coordination and visibility of New Jersey's commitment to end Human Trafficking; and

WHEREAS, the Township Council of the Township of Mine Hill has already adopted a Resolution at a meeting held on October 4, 2012, which proclaims January 11 of every year as "HUMAN TRAFFICKING AWARENESS DAY" in the Township of Mine Hill.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mine Hill, County of Morris, State of New Jersey, they being the Governing Body thereof, as follows:

1. The Township Council of the Township of Mine Hill supports the New Jersey State League of Municipalities in urging all New Jersey Mayors to locally observe the State and National Human Trafficking Awareness Day on January 11 of each year. Each town shall raise awareness and educate the public annually about the signs and consequences of Human Trafficking; promote opposition to Human Trafficking in all of its forms; encourage support for the survivors of Human Trafficking in order to restore their freedom and

dignity; and support all efforts by individuals, businesses, organizations, and governing bodies to prevent Human Trafficking; and

2. The Township Council of the Township of Mine Hill supports the New Jersey State League of Municipalities urging of all townships in New Jersey containing Amtrak stations and ports of entry (including seaports, river ports and airports) to ensure that port/train employee awareness-raising efforts have been undertaken by local, state or national agencies. Townships shall strongly encourage hotel and motel operators within their township to undergo training on the prevention of human trafficking and the reporting laws with respect thereto; and

3. It should be the public duty of every New Jersey resident to report human trafficking suspicions. Current 24-hour helplines are the National Human Trafficking Resource Center (888-3737-888 or text HELP or INFO to BeFree), a national, toll-free hotline, available to answer calls and texts in 175+ languages and the New Jersey Human Trafficking Hotline (855-END-NJ-HT); and

4. Copies of this Resolution shall be forwarded to the Governor and Lieutenant Governor of New Jersey, the New Jersey Attorney General's Office, the NJ Commission on Human Trafficking, the NJ Coalition Against Human Trafficking, the 565-member municipalities of the New Jersey State League of Municipalities, and members of the New Jersey Congressional Delegation.

**Radon Action Month Resolution
Resolution 133-15**

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, radon is a naturally occurring radioactive gas that is the second leading cause of lung cancer; and

WHEREAS, prolonged exposure to radon can kill as many as 500 people in New Jersey each year; and

WHEREAS, families who reside in homes with elevated radon levels are at risk of developing serious health problems; and

WHEREAS, any home could have high levels, even when neighboring homes do not; and

WHEREAS, radon testing can be done with great ease at a relatively low expense to the homeowner, with the cost of reducing radon concentrations being comparable to that of any home repair; and

WHEREAS, the New Jersey Department of Environmental Protection and the United States Environmental Protection Agency are collaborating during the month of January to promote the need for radon testing in an effort to protect the lives of our State's residents; and

WHEREAS, if all New Jersey homes with radon concentrations at or above 4 pCi/L were mitigated, about 83 lives could be saved this year.

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 month of January 2016 is hereby proclaimed Radon Action Month in the Township of Mine Hill; and

BE IT FURTHER RESOLVED that the Mayor and Township Council call upon all residents who have not yet tested to test their homes for radon and to reduce radon levels if elevated levels are found, to protect their families from the serious health risk of radon.

JCP&L

Mr. Obremski of JCP&L presented information regarding the recent brownout that residents experienced.

APPROVAL OF MINUTES

A motion was made by Mr. Coranato and seconded by Ms. Kanzenbach to approve the open session minutes of November 5, 2015. 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 motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve the special meeting minutes of November 16, 2015. The roll was called and the minutes were approved by the following vote:

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

Nays: none

Absent: Mr. Willis

Abstentions: Mr. Coranato

COMMUNICATIONS & PETITIONS

The following items of correspondence were noted:

- a. Mayor Morris re: Intent to Withdraw from Dover Court and Sign with Rockaway Township
- b. Charles Canfield re: Honor Center
- c. NJ DOT re: Safe Routes to School Design Assistance Program
- d. Morris County Freeholders re: Reorganization Meeting
- e. Town of Dover re: Habitat for Humanity Board of Adjustment Public Hearing
- f. Township of Randolph re: Notices of Ordinances
- g. Township of Roxbury re: Adoption of Housing Plan Element of Master Plan
- h. Borough of Wanaque re: Reduction of County Government
- i. MCMUA re: Amendment to Water Rate
- j. Sidney A. Sayovitz re: NJ BPU Petition
- k. Passaic River Coalition re: Annual Membership

Mr. Bloom read Mr. Canfield's letter to the public. It was noted that we are no longer members of any of the river coalitions.

CONSIDERATION & APPROVAL OF VOUCHERS

Bills List

Ms. Kanzenbach asked for a total street lighting bill.

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve the bills list as presented. The roll was called, and the bills 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

None.

ADMINISTRATIVE AGENDA

Mr. Morris noted the passing of a former Mine Hill Township Police Chief Robert Magnussen, and asked for a moment of silence.

Mr. Morris provided the following report:

1. All sewer meters are in. All equipment is in. We will be working on installation for the rest of the year.
2. We have 150 tons of salt in stock.
3. We will be doing transfers at the 12/17 meeting. We are in good financial shape for the rest of the year.
4. The soup sampler (6PM) and tree lighting (7:30PM) are tomorrow.
5. I won't be at the 12/17 meeting.
6. I will be arranging and attending a meeting with the AOC next week to finalize details of the court transition. Time and date TBD.
7. I want to invest in a new pothole filling technology that will use composite materials and heat.
8. The DPW has been doing extensive winter prep including potholes, crack sealing, etc. Plows and salt spreaders are all in good working order.

REPORTS OF COUNCIL LIAISONS

Recreation/Community Committee

Ms. Kanzenbach noted that the next meeting is next week. Mr. Morris noted that Breakfast with Santa is 12/19 and Santa riding around town is 12/20.

Board of Education

Mr. Coranato reported that BOE President Walkiko resigned. He noted upcoming holiday events.

Fire & First Aid

Mr. Pepperman reported that the First Aid Squad has a new daytime member. The Fire Department handled a structure fire on Canfield Avenue last week. He reported that next year's Fire Chief will be Rich Conroy. Mr. Morris discussed clothing allowances, and whether or not members who can no longer fight a fire are eligible to receive this incentive. It was concluded that Mr. Pepperman would set up a meeting with the Fire Department to discuss.

Police

Mr. Pepperman reported that there were 8 arrests and 111 tickets in the month of November. The DWI grant will be running soon.

Open Space Committee

Mr. Bloom reported the committee has a list of work items that need to be done with DPW's assistance. He also discussed trail grooming if it snows.

Planning Board

No report.

CDRS

Ms. Kanzenbach asked Mr. Morris if he had chosen a project and filled out the application. Mr. Morris responded that he has not selected a project yet, but is considering a new senior van purchase. He added that CDRS is going to tell the Township that we are ineligible and that he plans to discuss that with Congressman Lance. He also briefly discussed other potential projects.

OPEN TO THE PUBLIC

Katherine Coutts, resident since 1973, currently residing on Fifth Avenue. They purchased a shed for storage of yard equipment, etc. In the process of working with the Township on a location for the shed, it was discovered that the neighbor's garage is actually on her property. She has spoken with the Tax Assessor and Tax Collector and it has been concluded that her property has been taxed for having a garage that is not hers. Mr. Oostdyk discussed the process for a correction of errors appeal to potentially refund some of these tax funds. He recommended that the Tax Assessor prepare a report of the incorrect calculations for the last three years. Mr. Morris advised that a variance will be needed for the shed and discussed the first steps.

INTRODUCTION OF ORDINANCES**Ordinance 28-15 Amendment to Solicitor Permit Ordinance**

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to introduce the ordinance. It was noted that the ordinance would be further considered at the next meeting on December 17, 2015. 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 380 (new codification) of the Revised General Ordinances of the Township of Mine Hill, entitled "Peddling and Soliciting", is hereby re-titled "Do Not Solicit List" and amended to read, in its entirety, as follows:

Chapter 380
Do Not Solicit List

380-1 Definitions

PERSON – An individual, organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group.

SOLICIT and SOLICITATION – Offering goods or services for sale, or making sales and delivering articles door to door to purchasers; or the request, directly or indirectly, for money, property, financial assistance, or other things of value, including for a charitable and philanthropic purpose. Any person taking a poll or a survey from house to house or on the streets or distributing advertisements or handbills is included. The word "solicitor" shall not include salespersons calling on retail merchants. Solicitation shall be deemed to be complete when made, whether or not the person making the same receives any contribution.

380-2 Registration Required

It shall be unlawful to solicit within the Township of Mine Hill without first registering with the Township Clerk on a form to be provided by the Township Clerk which shall indicate the identification of the individual or individuals soliciting, the planned date or dates, time, and place where the solicitation will occur. A copy of the "Do Not Solicit List" shall be provided to every person registering with the Township Clerk.

380-3 Inclusion of Property on the "Do Not Solicit List"

Any person who owns or rents property within the Township may register such property to be included on the "Do Not Solicit" List by registering through the Township Clerk's office.

380- 4 Maintenance of List.

Maintenance of the "Do Not Solicit" List shall be as follows:

- A. The "Do Not Solicit" List shall be maintained by the Township Clerk. The list shall be available through the official Township website.
- B. The "Do Not Solicit" List shall consist solely of property addresses and shall include no further identifying information concerning the ownership of each property.
- C. The Tax Assessor shall notify the Township Clerk of any change in ownership of property within the Township. The Township Clerk shall remove from the "Do Not Solicit" List any property which has changed ownership.
- D. Other than by sale of property, a property, once listed, may only be removed from the list by submitting a written request to the Township Clerk.

380-5 Duties of the Township Clerk

The Township Clerk's office shall:

- A. Post a copy of the "Do Not Solicit" List on the official Township website.
- B. Provide a copy of the "Do Not Solicit" List to any person notifying the Township Clerk's office pursuant to this Chapter of his/her intention to engage in soliciting within the Township. The failure of the Township Clerk to provide the "Do Not Solicit" List to such person or the failure of such person to have received a copy of the "Do Not Solicit" List from the Township Clerk shall not provide a defense to the requirement of having in his/her possession a copy of the updated "Do Not Solicit" list.

380-6 Solicitation Prohibited

It shall be unlawful to solicit at any property listed on the "Do Not Solicit" List.

380-7 Exception to Prohibition

The prohibition in this article shall not apply to an individual visiting a property where the owner or occupant of such property has directly or implicitly indicated to the solicitor through prior interaction, that his/her visit would be welcomed. The burden of persuasion shall be on the person claiming this exemption.

SECTION 2. This Ordinance may be renumbered for codification purposes.

SECTION 3. All Ordinances of the Township of Mine Hill which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

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

CONSENT RESOLUTIONS

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve 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 134-15 Approval of Bond Release to Thomastown – Earthwork and Sewer

WHEREAS, Landmark at Thomastown, LLC, the Developer of property known as Thomastown Courts – Section II, Block 1503, Lot 1, Group 1, has, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, notified the Township that certain public improvements have been completed, and has requested to be released from liability under the performance guarantee being held by the Township; and

WHEREAS, the Township Engineer has inspected the improvements of which such notice has been given and in accordance with his letter dated November 24, 2015 (copy attached) has recommended the release of the performance guarantee covering such improvements; and

WHEREAS, the Township Council has reviewed the recommendations of the Township Engineer and wish to authorize the release of the performance guarantee.

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 performance guarantee posted by Landmark at Thomastown, LLC in the form of Performance Bond No. S12504 in the amount of \$230,647.00 shall be released subject to the following:

1. The posting of a two year maintenance bond in the amount of \$90,678.13 in a form satisfactory to the Township Attorney and Township Engineer. The commencement date of the two year maintenance period shall be the same date as the release of the performance bond;
2. The submission of a CD, two mylars and four signed and sealed prints of the approved record survey drawing of the Project in a form satisfactory to the Township Engineer;
3. The payment of any outstanding fees or assessments owed to the Township; and
4. The posting of \$2,500.00 into the Developer's escrow for the closeout of the Project.

BE IT FURTHER RESOLVED, that the authorization contained herein shall be null and void if the Developer does not address the conditions of the performance guarantee release as set forth herein within forty-five (45) days of the date of the adoption of this Resolution by the Township Council.

This Resolution shall take effect immediately.

Resolution 135-15 Approval of Bond Release to Thomastown – Stormwater

WHEREAS, Landmark at Thomastown, LLC, the Developer of property known as Thomastown Courts – Section II, Block 1503, Lot 1, Group 2, has, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, notified the Township that certain public improvements have been completed, and has requested to be released from liability under the performance guarantee being held by the Township; and

WHEREAS, the Township Engineer has inspected the improvements of which such notice has been given and in accordance with his letter dated November 24, 2015 (copy attached) has recommended the release of the performance guarantee covering such improvements; and

WHEREAS, the Township Council has reviewed the recommendations of the Township Engineer and wish to authorize the release of the performance guarantee.

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 performance guarantee posted by Landmark at Thomastown, LLC in the form of Performance Bond No. S12505 in the amount of \$132,256.00 shall be released subject to the following:

1. The posting of a two year maintenance bond in the amount of \$47,906.88 in a form satisfactory to the Township Attorney and Township Engineer. The commencement date of the two year maintenance period shall be the same date as the release of the performance bond;
2. The submission of a CD, two mylars and four signed and sealed prints of the approved record survey drawing of the Project in a form satisfactory to the Township Engineer;
3. The payment of any outstanding fees or assessments owed to the Township; and
4. The posting of \$2,500.00 into the Developer's escrow for the closeout of the Project.

BE IT FURTHER RESOLVED, that the authorization contained herein shall be null and void if the Developer does not address the conditions of the performance guarantee release as set forth herein within forty-five (45) days of the date of the adoption of this Resolution by the Township Council.

This Resolution shall take effect immediately.

Resolution 136-15 Approval of Bond Release to Thomastown – Curbing

WHEREAS, Landmark at Thomastown, LLC, the Developer of property known as Thomastown Courts – Section II, Block 1503, Lot 1, Group 3, has, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, notified the Township that certain public improvements have been completed, and has requested to be released from liability under the performance guarantee being held by the Township; and

WHEREAS, the Township Engineer has inspected the improvements of which such notice has been given and in accordance with his letter dated November 24, 2015 (copy attached) has recommended the release of the performance guarantee covering such improvements; and

WHEREAS, the Township Council has reviewed the recommendations of the Township Engineer and wish to authorize the release of the performance guarantee.

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 performance guarantee posted by Landmark at Thomastown, LLC in the form of Performance Bond No. S12506 in the amount of \$103,530.00 shall be released subject to the following:

1. The posting of a two year maintenance bond in the amount of \$12,941.25 in a form satisfactory to the Township Attorney and Township Engineer. The commencement date of the two year maintenance period shall be the same date as the release of the performance bond;
2. The submission of a CD, two mylars and four signed and sealed prints of the approved record survey drawing of the Project in a form satisfactory to the Township Engineer;
3. The payment of any outstanding fees or assessments owed to the Township; and
4. The posting of \$2,500.00 into the Developer's escrow for the closeout of the Project.

BE IT FURTHER RESOLVED, that the authorization contained herein shall be null and void if the Developer does not address the conditions of the performance guarantee release as set forth herein within forty-five (45) days of the date of the adoption of this Resolution by the Township Council.

This Resolution shall take effect immediately.

Resolution 137-15 Approval of Bond Release to Thomastown – Base Course Pavement

WHEREAS, Landmark at Thomastown, LLC, the Developer of property known as Thomastown Courts – Section II, Block 1503, Lot 1, Group 4, has, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, notified the Township that certain public improvements have been completed, and has requested to be released from liability under the performance guarantee being held by the Township; and

WHEREAS, the Township Engineer has inspected the improvements of which such notice has been given and in accordance with his letter dated November 24, 2015 (copy attached) has recommended the release of the performance guarantee covering such improvements; and

WHEREAS, the Township Council has reviewed the recommendations of the Township Engineer and wish to authorize the release of the performance guarantee.

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 performance guarantee posted by Landmark at Thomastown, LLC in the form of Performance Bond No. S12507 in the amount of \$225,120.00 shall be released subject to the following:

1. The posting of a two year maintenance bond in the amount of \$28,140.00 in a form satisfactory to the Township Attorney and Township Engineer. The commencement date of the two year maintenance period shall be the same date as the release of the performance bond;

2. The submission of a CD, two mylars and four signed and sealed prints of the approved record survey drawing of the Project in a form satisfactory to the Township Engineer;
3. The payment of any outstanding fees or assessments owed to the Township; and
4. The posting of \$2,500.00 into the Developer's escrow for the closeout of the Project.

BE IT FURTHER RESOLVED, that the authorization contained herein shall be null and void if the Developer does not address the conditions of the performance guarantee release as set forth herein within forty-five (45) days of the date of the adoption of this Resolution by the Township Council.

This Resolution shall take effect immediately.

Resolution 138-15 Approval of Bond Release to Thomastown – Sidewalk

WHEREAS, Landmark at Thomastown, LLC, the Developer of property known as Thomastown Courts – Section II, Block 1503, Lot 1, Group 5, has, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, notified the Township that certain public improvements have been completed, and has requested to be released from liability under the performance guarantee being held by the Township; and

WHEREAS, the Township Engineer has inspected the improvements of which such notice has been given and in accordance with his letter dated November 24, 2015 (copy attached) has recommended the release of the performance guarantee covering such improvements; and

WHEREAS, the Township Council has reviewed the recommendations of the Township Engineer and wish to authorize the release of the performance guarantee.

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 performance guarantee posted by Landmark at Thomastown, LLC in the form of Performance Bond No. S12509 in the amount of \$26,400.00 shall be released subject to the following:

1. The posting of a two year maintenance bond in the amount of \$3,300.00 in a form satisfactory to the Township Attorney and Township Engineer. The commencement date of the two year maintenance period shall be the same date as the release of the performance bond;
2. The submission of a CD, two mylars and four signed and sealed prints of the approved record survey drawing of the Project in a form satisfactory to the Township Engineer;
3. The payment of any outstanding fees or assessments owed to the Township; and
4. The posting of \$2,500.00 into the Developer's escrow for the closeout of the Project.

BE IT FURTHER RESOLVED, that the authorization contained herein shall be null and void if the Developer does not address the conditions of the performance guarantee release as set forth herein within forty-five (45) days of the date of the adoption of this Resolution by the Township Council.

This Resolution shall take effect immediately.

Resolution 139-15 Approval of Bond Release to Thomastown – Lighting and Landscaping

WHEREAS, Landmark at Thomastown, LLC, the Developer of property known as Thomastown Courts – Section II, Block 1503, Lot 1, Group 6, has, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, notified the Township that certain public improvements have been completed, and has requested to be released from liability under the performance guarantee being held by the Township; and

WHEREAS, the Township Engineer has inspected the improvements of which such notice has been given and in accordance with his letter dated November 24, 2015 (copy attached) has recommended the release of the performance guarantee covering such improvements; and

WHEREAS, the Township Council has reviewed the recommendations of the Township Engineer and wish to authorize the release of the performance guarantee.

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 performance guarantee posted by Landmark at Thomastown, LLC in the form of Performance Bond No. S12510 in the amount of \$252,000.00 shall be released subject to the following:

1. The posting of a two year maintenance bond in the amount of \$31,500.00 in a form satisfactory to the Township Attorney and Township Engineer. The commencement date of the two year maintenance period shall be the same date as the release of the performance bond;
2. The submission of a CD, two mylars and four signed and sealed prints of the approved record survey drawing of the Project in a form satisfactory to the Township Engineer;
3. The payment of any outstanding fees or assessments owed to the Township; and
4. The posting of \$2,500.00 into the Developer's escrow for the closeout of the Project.

BE IT FURTHER RESOLVED, that the authorization contained herein shall be null and void if the Developer does not address the conditions of the performance guarantee release as set forth herein within forty-five (45) days of the date of the adoption of this Resolution by the Township Council.

This Resolution shall take effect immediately.

Resolution 140-15 Approval of Bond Release to Thomastown – Pump Station

WHEREAS, Landmark at Thomastown, LLC, the Developer of property known as Thomastown Courts – Section II, Block 1503, Lot 1, Group 7, has, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, notified the Township that certain public improvements have been completed, and has requested to be released from liability under the performance guarantee being held by the Township; and

WHEREAS, the Township Engineer has inspected the improvements of which such notice has been given and in accordance with his letter dated November 24, 2015 (copy attached) has recommended the release of the performance guarantee covering such improvements; and

WHEREAS, the Township Council has reviewed the recommendations of the Township Engineer and wish to authorize the release of the performance guarantee.

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 performance guarantee posted by Landmark at Thomastown, LLC in the form of Performance Bond No. S12511 in the amount of \$236,868.00 shall be released subject to the following:

1. The posting of a two year maintenance bond in the amount of \$30,658.50 in a form satisfactory to the Township Attorney and Township Engineer. The commencement date of the two year maintenance period shall be the same date as the release of the performance bond;
2. The submission of a CD, two mylars and four signed and sealed prints of the approved record survey drawing of the Project in a form satisfactory to the Township Engineer;
3. The payment of any outstanding fees or assessments owed to the Township; and
4. The posting of \$2,500.00 into the Developer's escrow for the closeout of the Project.

BE IT FURTHER RESOLVED, that the authorization contained herein shall be null and void if the Developer does not address the conditions of the performance guarantee release as set forth herein within forty-five (45) days of the date of the adoption of this Resolution by the Township Council.

This Resolution shall take effect immediately.

Resolution 141-15 Approval of Bond Release to Thomastown – Surface Course

WHEREAS, Landmark at Thomastown, LLC, the Developer of property known as Thomastown Courts – Section II, Block 1503, Lot 1, Group 8, has, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, notified the Township that certain public improvements have been completed, and has requested to be released from liability under the performance guarantee being held by the Township; and

WHEREAS, the Township Engineer has inspected the improvements of which such notice has been given and in accordance with his letter dated November 24, 2015 (copy attached) has recommended the release of the performance guarantee covering such improvements; and

WHEREAS, the Township Council has reviewed the recommendations of the Township Engineer and wish to authorize the release of the performance guarantee.

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 performance guarantee posted by Landmark at Thomastown, LLC in the form of Performance Bond No. S12513 in the amount of \$91,530.00 shall be released subject to the following:

1. The posting of a two year maintenance bond in the amount of \$13,331.25 in a form satisfactory to the Township Attorney and Township Engineer. The commencement date of the two year maintenance period shall be the same date as the release of the performance bond;
2. The submission of a CD, two mylars and four signed and sealed prints of the approved record survey drawing of the Project in a form satisfactory to the Township Engineer;
3. The payment of any outstanding fees or assessments owed to the Township; and
4. The posting of \$2,500.00 into the Developer's escrow for the closeout of the Project.

BE IT FURTHER RESOLVED, that the authorization contained herein shall be null and void if the Developer does not address the conditions of the performance guarantee release as set forth herein within forty-five (45) days of the date of the adoption of this Resolution by the Township Council.

This Resolution shall take effect immediately.

NON-CONSENT RESOLUTIONS

Resolution 142-15 Refund Overpayment of Water Charges

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, there was an overpayment made the this water account for the year 2015 on this parcel, known as water account number 3650; and

WHEREAS, the homeowner has requested a refund.

THEREFORE, BE IT RESOLVED by the Mine Hill Township Council, County of Morris, and State of New Jersey, that the Treasurer shall refund \$478.51 to Brian Cronk & C. Reissfelder.

Total amount of refund \$478.51

Brian Cronk & C. Reissfelder
143 Hurd Street
Mine Hill, NJ 07803

Resolution 143-15 Escrow Release to Madsen Auto

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, certain escrow deposits have been posted with the Township of Mine Hill to secure the payment of professional review fees in conjunction with Board applications; and

WHEREAS, the Planning Board Secretary has verified that all the professional services related to certain applications have been billed and paid and that there remains a balance in the escrow account to be released.

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

1. That the following escrow balances shall be released:

LOCATION	AMOUNT	RETURN TO
153 Route 46	\$662.93	Madsen Auto Body

2. This Resolution shall take effect immediately.

Resolution 144-15 Rejection of Bond Release Request to JS Homes

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, JS Homes @ Mine Hill, LLC, the developer of Hillbrook Gardens Subdivision has requested the release of the performance guarantee held by the Township to ensure the satisfactory completion of site improvement associated with said subdivision; and

WHEREAS, Township Engineer Paul M. Sterbenz, P.E. P.P. has reviewed the request and recommended that the request be denied at this time for reasons set forth in his correspondence dated November 23, 2015.

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 request by JS Homes @ Mine Hill, LLC for the release of the performance guarantee held by the Township to ensure the completion of site improvement in the Hillbrook Gardens Subdivision is hereby denied for the reasons set forth in the correspondence dated November 23, 2015 from Township Engineer Paul M. Sterbenz, P.E. P.P. A copy of said correspondence is attached hereto and made a part hereof.

Resolution 145-15 Authorizing Municipal Shared Services Defense Agreement

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve the resolution. The roll was called, and the resolution was approved by the following vote:

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

Nays: none

Absent: Mr. Willis;

Abstentions: none

WHEREAS, the Township Council of the Township of Mine Hill entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; and

WHEREAS, the Township Council of the Township of Mine Hill recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Township Council of the Township of Mine Hill has determined that it is in the best interests of the citizens of Mine Hill Township to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

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

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Township Clerk be and are hereby authorized to execute the aforesaid Amendment.
3. The Township Council of the Township of Mine Hill hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of Mine Hill Township with Econsult Solutions, Inc.

The Township Council of the Township of Mine Hill hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of Mine Hill Township with the approval of Mine Hill Township's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Township Council of the Township of Mine Hill further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, Township of Mine Hill shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the township.
6. This Resolution shall take effect immediately.

Resolution 147-15 Authorizing Contract for Route 46/Canfield Avenue Sidewalk Improvements

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 of Mine Hill solicited bids for the Route 46/Canfield Avenue Sidewalk Improvement Project; and

WHEREAS, Reivax submitted the lowest responsible and responsive base bid pursuant to the Township's Notice to Bidders for the above-referenced contract; and

WHEREAS, the Township Engineer and Township Attorney have reviewed the bids and have found that the lowest responsible and responsive bidder, Reivax has submitted a bid that is in proper form and may be awarded by the Township Council; and

WHEREAS, the Township Council wishes to award the contract to Reivax in accordance with its bid proposal; 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 or the Township of Mine Hill, in the County of Morris and State of New Jersey, as follows:

1. A contract for the construction of the Route 46/Canfield Avenue Sidewalk Improvement Project is hereby awarded to Reivax Contracting Corp., 356 Thomas Street, Newark, NJ 07114 in accordance with its base bid proposal for an amount not to exceed \$185,467.60.
2. The award of this contract is subject to and expressly conditioned upon the approval of the New Jersey Department of Transportation.
3. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Reivax in accordance with its bid proposal dated November 25, 2015 provided the condition set forth in Paragraph 2 of this Resolution is satisfied.
4. This Resolution shall take effect immediately.

NEW & OLD BUSINESS

Mr. Morris noted that the sewer meter materials are in and ready to be installed.

Ms. Macchia advised Council that the Recodification project is nearing completion. The ordinance to adopt the new Code will be introduced at the second meeting in January.

OPEN TO THE PUBLIC

None at this time.

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 9:29 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