

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 (arrived late);
Mr. Willis
Absent – None
Also Present – Mr. Morris, Mayor; Mr. Oostdyk, Township Attorney; Ms. Macchia,
Township Clerk
Public Present – 8

PRESENTATIONS

Anthony Ardito, Township Auditor, presented the findings and recommendations of the 2013 Municipal Audit. Mr. Morris noted that the fixed asset inventory would be handled in the very near future. Discussion followed regarding how to handle the tax title liens. Brief discussion of the capital account also followed.

Mr. Pepperman arrived at this time.

Mr. Morris and resident Dave Ake presented information pertaining to the proposal to build a facility for Canfield Kids which could also be used for recreational purposes. Recreation space is a substantial need within the Township, as well as having the potential for use as a shelter in emergencies. It was noted that this facility would be paid for by the Mine Hill Education Foundation with the assistance of various recreation grants, without the use of tax dollars, but that the building would be Township owned. This proposal has also been discussed with Canfield Avenue School and the Fire Department. It was concluded that a concept plan, timeline, and a list of potential hurdles would be helpful in making an educated decision about the Township's involvement in providing property.

APPROVAL OF MINUTES

A motion was made by Mr. Pepperman and seconded by Ms. Kanzenbach to approve the minutes of January 16, 2014 as presented. The roll was called, and the minutes were approved by the following vote:

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

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve the minutes of January 23, 2014 as presented. The roll was called, and the minutes were approved by the following vote:

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

Following brief discussion, a motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve the minutes of May 1, 2014 as amended. The roll was called, and the minutes were approved by the following vote:

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

COMMUNICATIONS & PETITIONS

The following items of correspondence were noted:

- a. Morris County Freeholders: Preservation Trust Fund

CONSIDERATION & APPROVAL OF VOUCHERS

Bills List

Following brief discussion, a motion was made by Ms. Kanzenbach and seconded by Mr. Willis to approve the bills list as presented. Seeing no discussion, the motion was approved by the following vote:

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

PUBLIC HEARING ON ORDINANCES PREVIOUSLY INTRODUCED
Ordinance 12-14 Capital Ordinance - General

Upon motion made and seconded and a voice vote, the public hearing on this ordinance was opened.

Seeing no discussion, the public hearing on this ordinance was closed.

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to adopt the ordinance. The roll was called, and the ordinance was adopted by the following vote:

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

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

Section 1. The Township of Mine Hill, in the County of Morris, New Jersey (the "Township") is hereby authorized to undertake the following public improvements and acquisitions in, by and for the Township: (A) resurfacing of South 1st Street and North 1st Street; (B) undertaking of various improvements to municipal facilities; and (C) acquisition of various equipment and machinery for the use of the Department of Public Works. Depending upon contract prices and other exigent circumstances, and upon approval of the Township Council, there may be additions to the roads being resurfaced listed in clause (A) of the preceding sentence. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$120,000 is hereby appropriated to the payment of the cost of the improvements authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be raised from the Capital Improvement Fund of the Township. The sum of \$120,000 is hereby appropriated from the Capital Improvement Fund of the Township to the payment of the cost of said purpose. No debt is authorized by this ordinance because funds on hand are available and being appropriated.

Section 3. Said improvements are lawful capital improvements of the Township having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefitted.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 5. This ordinance shall take effect at the time and in the manner provided by law.

Ordinance 13-14 Capital Ordinance – Water Utility

Upon motion made and seconded and a voice vote, the public hearing on this ordinance was opened.

Seeing no discussion, the public hearing on this ordinance was closed.

A motion was made by Ms. Kanzenbach and seconded by Mr. Willis to adopt the ordinance. The roll was called, and the ordinance was adopted by the following vote:

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

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

Section 1. The Township of Mine Hill, in the County of Morris, New Jersey (the "Township") is hereby authorized to: (A) repair and secure the Xenia Court water main due to subsidence; and (B) acquire a truck, including original apparatus and equipment, in, by and for the Water Utility of the Township. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$29,000 is hereby appropriated to the payment of the cost of the improvements authorized and de-scribed in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall

be raised from the Water Utility Capital Improvement Fund of the Township. The sum of \$29,000 is hereby appropriated from the Water Utility Capital Improvement Fund of the Township to the payment of the cost of said purpose. No debt is authorized by this ordinance because funds on hand are available and being appropriated.

Section 3. Said improvements are lawful capital improvements of the Township having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefitted.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 5. This ordinance shall take effect at the time and in the manner provided by law.

ADMINISTRATIVE AGENDA

Mr. Morris noted that he met with RVRSA with the assistance of Mr. Bucco and several other officials. The meeting was productive and positive for Mine Hill.

Mr. Morris reported that the Township's contract for wastewater operator with Wastewater Management has expired. The person who has done Mine Hill's inspections for many years no longer works for Wastewater Management. Mr. Morris would like to hire this individual to be the Township's wastewater operator. The position would have to be established by ordinance.

Ordinance 16-14 Ordinance Amending the Revised General Ordinances of the Township of Mine Hill and Providing for the Position of Wastewater Operator

A motion was made by Ms. Kanzenbach and seconded by Mr. Coranato to introduce an ordinance to create the position of wastewater operator by writing the ordinance on the floor. The roll was called and the ordinance was introduced by the following vote:

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

Nays: none

Absent: none

Abstentions: none

BE IT ORDAINED, by the Township Council of the Township of Mine Hill, in the County of Morris, and State of New Jersey, that Section 2.68.040, "Functions of the Department of Public Works", shall be amended by the inclusion of new subsection E. which shall read, in its entirety, as follows:

E. Wastewater Operator.

There is hereby established the position of Wastewater Operator which shall be filled by an individual meeting all the necessary qualifications who shall be appointed by the Mayor with the advice and consent of the Council. The Wastewater Operator shall be responsible for the operations of the Township wastewater system and responsible for the filing of all required reports together with such other duties as may be assigned by the Mayor or Department Head. In lieu of appointing a Wastewater Operator the wastewater operation services may be provided by contractual arrangements.

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 17-14 Ordinance Amending Ordinance No. 10-14 Fixing the Salary and Wage Ranges of Certain Officials and Employees

A motion was made by Ms. Kanzenbach and seconded by Mr. Willis to amend the current salary ordinance to account for the position of wastewater operator by writing the ordinance on the floor. The roll was called and the ordinance was introduced by the following vote:

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

Nays: none

Absent: none

Abstentions: none

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MINE HILL, IN THE COUNTY OF MORRIS, NEW JERSEY AS FOLLOWS:

Section 1. Ordinance No. 10-14 Fixing the Salary and Wage Ranges of Certain Officials and Employees is hereby amended to establish a range for the position of Water Operator. Ordinance No. 10-14 is amended in the following particulars only:

<u>TITLE</u>	<u>SALARY</u>
Water Operator	\$ 0 – \$7,200

Section 2. All ranges of salaries or compensation herein above fixed shall be effective January 1, 2014. When an hourly rate is stated, payment shall be made on the basis of properly approved time sheets. All salaries shall be payable bi-weekly except for Council members, the Emergency Management Coordinator and the Elevator Subcode Official, who shall be paid quarterly.

Section 3. All Ordinances inconsistent with the Ordinance are hereby repealed.

Section 4. This ordinance shall take effect 20 days after final passage and approval by the Mayor and upon publication in the manner provided by law.

It was noted that the public hearing on both of these ordinances would be on June 12th.

Mr. Morris explained that there have been issues with property maintenance. There is one property owner that has been hard to locate. The person is out of the country. A warrant was issued. The owner's attorney met with Mr. Morris and Mr. Trapasso, the Building Code Enforcement Officer. Many issues have been cleaned up. The attorney was notified as well since he also has financial interest in the house.

Mr. Morris mentioned that in June he will be giving the Council a list of properties that are Town owned which will be put up for sale. A handful will be lucrative and the remainder will be offered to the adjacent property owners. An ordinance will be created.

The Town received another \$120,000 for sidewalks on Randolph Avenue. The total is \$510,000 which Paul Sterbenz, the Town Engineer feels we will need according to engineering estimates, but the Mayor feels we will not spend that much. He is asking the Department of Transportation where else can we use the dollars that are saved. There will be a Resolution in June for a new sidewalk between the Spartan Station and Wharton Avenue that is being applied for in addition to lights, along with a sidewalk down South First Avenue. The Town may come in under estimate and in order to reserve the right to keep the money and reallocate it, there is a process that needs to be followed by applying to the State.

The fence is starting to go up along Delores Path. New sand was ordered for the beach. Preparation for the beach only took 1/3 of the time and work due to work done in previous years. Home Depot in Dover is putting in a grant for Mine Hill for a 190ft. x 10ft. boardwalk. The grant is for \$7,500 and they have volunteers come. The Town will have to install the footings.

Our insurance was reviewed with all of our risk managers and the Town actually did well. The fields and beach were reviewed. The slide was removed because it was metal. A Self-closing gate was re-installed.

REPORTS OF COUNCIL LIAISONS

Recreation/Community Committee

The committee will be meeting next week to plan Memorial Day. There are five people on the committee with six spots still open.

Board of Education

The Board will be signing up for eCivis to pursue grants. The School is going out to bid on roof repairs.

Fire & First Aid

Edna Deacon reported that 35 calls were answered in the month of March, and 40 calls were answered in April. She thanked the Council for sponsoring a trophy for the car show this weekend. She also discussed the "Stuff the Ambulance" event for Memorial Day.

Police

Renovation have been progressing nicely over the past four months. They are expecting to return late June or early July. The Police Department recently participated in Distracted Driving Crackdown by the Division of Highway Safety. They wrote 29 cell phone violations between April 1st and April 20th in Mine Hill. They applied for the Click-it and Ticket it Grant, which they received that starts May 19th through June 1st, which allows overtime to crackdown on drivers not using their seatbelts. They awarded free ice cream cones for children wearing their bicycle helmets, sponsored by Kenvil Dairy Queen. They will be conducting radar surveys on certain roadways and timeframes. If anyone complains they are to call Sergeant Zimmerman or Lieutenant Young. The DARE program is coming to a close and graduation will be sometime in June. The police will be there at 11am for the Memorial Day parade. Sergeant Zimmerman is planning another bike

rodeo, Safety Day in Mine Hill this summer. In March they issued 132 tickets, and in April 154. There were 10 arrests in March and 8 in April. Total events in March were 588 and in April 602. They are monitoring the bike trails and may use ATVs.

Mr. Morris mentioned that a meeting will take place with the Dover Joint Court judge in order to correct the situation that is occurring with the checks that we receive from the court that have no detail on them. It makes it difficult to know what has been adjudicated, how much we received from the various summons, etc.

Open Space Committee

Ms. Kanzenbach reported that the new trail maps will be available in town hall shortly. Trail signage was briefly discussed.

Planning Board

Mr. Willis reported that there are two applicants before Board at this time. The Board also discussed the draft sign ordinance.

Mr. Morris briefly discussed massage services being offered in nail salons.

OPEN TO THE PUBLIC

John Pascal expressed he hopes the Town will be cautious when selling Town owned property.

INTRODUCTION OF ORDINANCES

Ordinance 14-14 Energy Aggregation Ordinance

A motion was made by Ms. Kanzenbach and seconded by Mr. Coranato to introduce the ordinance. It was noted that the public hearing on this ordinance will take place on June 12th. The roll was called and the ordinance was introduced by the following vote:

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

Nays: none

Absent: none

Abstentions: none

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market and natural gas market; and

WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service and natural gas pursuant to N.J.S. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power and natural gas to residential and non-residential users, thereby increasing the likelihood of lower electric rates and natural gas rates for these users without causing any interruption in service; and

WHEREAS, under the aggregation process the residential and non-residential ratepayers may likely receive a direct reduction in their electric bills and gas bills; and

WHEREAS, the realization of energy costs savings is in the interests of the health, safety and welfare of the residents of the Township of Mine Hill (the "Township"); and

WHEREAS, the Township hereby finds that it is in the best interests of residential and non-residential electric and gas ratepayers for the Township to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on electric and gas rates; and

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

1. The Township publicly declares its intent to become an aggregator of electric power and natural gas on behalf of its residential and non-residential users of electricity and natural gas pursuant to the Government Energy Act of 2003, N.J.S. 48:3-91.3 to -98, and implementing regulations.
2. The Township will utilize Jersey Energy Group's Reverse Energy Auction Platform pursuant to the NJ E-PROCUREMENT Pilot program (P.L. 2001, c.30) under the NJ Department of Community Affairs. The Reverse Energy auction will seek bids from licensed and appropriate third party suppliers. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire, while non-residential ratepayers would also have the right to participate.
3. The Mayor and Township Clerk are hereby authorized and directed to execute any documents necessary to carry out the purpose of the Ordinance.
4. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

5. If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.
6. This ordinance shall be effective immediately upon adoption and publication in accordance with law.

Ordinance 15-14 Sign Ordinance

A motion was made by Mr. Coranato and seconded by Ms. Kanzenbach to introduce the ordinance. It was noted that the public hearing on this ordinance will take place on June 26th. The roll was called and the ordinance was introduced by the following vote:

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

Nays: none

Absent: none

Abstentions: none

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

SECTION 1. Section 25-10.20 of the Revised General Ordinances of the Township of Mine Hill, entitled “Signs”, shall amended to read in its entirety as follows:

25-10.20 Signs.

25-10.20.1 Purpose.

A. In all zoning districts within the jurisdiction of this Ordinance, signs may be used, erected, maintained, altered, relocated, removed or demolished only in compliance with the provisions of this Section and any and all ordinances and regulations of the municipality relating to the use, erection, maintenance, alteration, moving or removal of signs or similar devices.

1. The intent of these regulations are to:

- (a) Control the size, location, character and other pertinent features of all exterior signs or interior signs visible from the exterior of the building;
- (b) Promote signage which is compatible with its surroundings, orderly, readable, appropriate, helpful and not distracting to motorists;
- (c) Discourage and render unlawful signs which contribute to visual pollution and clutter, are in disrepair or of faulty construction, or are in any way detrimental to the public safety and welfare.

2. Standards set forth herein with respect to size, location, and number of signs constitute zoning regulations. Deviations from these sign standards with respect to size, number and/or location of signs shall require the granting of a bulk zoning variance by the approving Board. Deviations from all other sign standards shall require the granting of a design waiver by the approving Board.

25-10.20.2 Permits.

A sign permit shall be required before the erection, re-erection, construction, alteration, or placement or location of any permanent sign permitted by this Chapter. No sign shall be constructed or displayed unless a permit shall have been obtained from the administrative official, or unless the signs have been approved of as part of a site plan or subdivision. All applications shall be signed by the owner of the sign and the property owner on whose premises the sign is to be erected. All applications shall contain a sketch of the proposed sign, drawn to scale, the wording or message and, where the sign will be attached to a building. A plot plan shall also be provided showing the location of the proposed sign with dimensions to the nearest building, lot lines and existing freestanding signs within one hundred (100) feet of the proposed sign. All applications shall be accompanied by the appropriate fee. As soon as the sign has been erected, the applicant shall notify the Construction Official for a final inspection.

A. A permit shall not be required for the following, provided such items are subject to all other provisions of this Chapter:

1. Repainting or resurfacing of signs.
2. Relocation of signs as required by the municipality.
3. Exempt signs pursuant to this Section.

B. In hearing any application for a variance or design waiver pertaining to signage, the Planning Board may consider modification to the overall sign design for the site. This may include a reduction in the quantity of signs, and/or a reduction in advertising area of signs in order to promote the purpose of this section and so the benefits of granting relief will outweigh the detriments.

25-10.20.3 Removal.

Signs shall be removed in the following instances:

A. Signs on Vacant Premises or for Discontinued Use. The owner of a property shall remove, cover, or reverse the advertising, message, symbol or other information conveyed by signs within thirty (30) days after the activity, business or use it advertises or calls attention to is no longer conducted in or upon the premises.

B. Illegal Signs. Any sign erected or applied in violation of this Chapter shall be immediately removed by the owner. Any sign illegally placed in a public right-of-way shall be subject to removal by the Township and forfeiture at the owner's expense.

25-10.20.4 Size Calculation.

Except where specifically prohibited, all signs may be double-faced, and the maximum area shall apply to each side. The area of the sign shall include each and every part of the sign, including moldings and frames, computed in a rectilinear area as the product of the largest horizontal width and the largest vertical height of the sign. Where the sign is supported by a post or pylon whose surface is being used for advertising purposes, the area of the post, pylon or other supporting members shall be considered as part of the total allowable sign area. Wherever the name or advertising message on a sign is divided between a number of panels or parts, the total area of all of the panels or parts shall be considered as one (1) sign, and where a sign consists of individual letters, logos or numbers attached to a building or structure, the area of the sign shall be considered as the total area encompassed by a rectilinear area of no more than six (6) sides which can collectively enclose all of the letters, logos or numbers.

25-10.20.5 Sign Replacement or Alteration.

If and when any sign is moved, altered or replaced, except for purposes of minor and nonstructural maintenance and/or repairs, the sign shall thereafter conform to all of the requirements of this Ordinance.

25-10.20.6 Design Standards and Requirements.

The following regulations shall be observed for all signs in all zoning districts in the municipality:

A. Any sign not specifically permitted is hereby prohibited.

B. No sign shall be erected on any lot or building which does not pertain to the use of the lot or building, unless provided for elsewhere in this section.

C. Identification signs of a prototype design and corporation logos shall conform to the criteria established within this Ordinance.

D. A sign should complement the architectural style, scale, and aesthetics of the building and should be designed as an integral architectural element of the site to which it principally relates. As an architectural element, the sign should reflect the period of architecture and should be in harmony with a building's character and use. It must not interfere with architectural lines and details and shall conform to landscape standards associated with signs. Components of signs (supporting structures, backs, etc.), not bearing a message shall be landscaped and constructed of materials or painted a neutral color, to blend with the natural environment.

E. Where a building requires several different signs under circumstances where this ordinance would permit multiple signs, a consistent design theme shall be created utilizing similar elements such as material, size, background and lettering color, lettering style, illumination and borders.

F. Any sign located along the right-of-way of a State or Federal highway shall comply with any more restrictive requirements of the State and Federal government relating thereto. No permit for signs along a State or Federal highway shall be issued unless and until all necessary approvals from the State or Federal Government are received. Limitations on signs as set forth in this Section shall not apply to any sign or directional device erected by the Federal, State, County or Township government or agency thereof.

G. No sign shall be placed in such a position as to endanger traffic by obscuring view or by confusing with official street signs or signals because of position, color or reflective surface and no sign other than street signage or of governmental authority shall be placed within a sight triangle.

H. No sign shall project over a public walkway, except for signs of governmental authority. For those exceptions where a sign is permitted, the lowest edge of such sign shall be at least eight (8) feet above the sidewalk elevation.

I. Only one (1) sign of a permitted type for which a permit is required shall be erected on any one (1) premises held in single and separate ownership unless otherwise specified in this Ordinance.

J. No sign shall have a dimension greater than as approved by the Board as part of site plan approval.

K. Flags other than official national, State, County, or municipal flags shall be considered to be signs and shall comply with applicable regulations. Flagpoles shall not exceed thirty (30) feet in height nor be located closer than thirty (30) feet to a right-of-way.

L. Every permitted sign must be constructed with durable materials, must conform with the requirements of the BOCA Building Code and the International Property Maintenance Code, and must be kept in good condition and repair. Any sign which is allowed to become dilapidated may be removed by the municipality at the expense of the owner or lessee of the property on which it is located.

M. Except where more restrictive limitations apply, no sign or any part thereof shall be located closer than ten (10) feet to any Municipal, State, or Federal street right-of-way or lot line.

N. All signs shall have a border a minimum of two (2) inches in width on all sides of the sign. The structural frame may be used to meet the requirement for a border.

O. Parking, traffic control, directional and warning signs as approved or deemed necessary to the public welfare shall be permitted in all zones, provided that they do not exceed four (4) square feet in area and do not contain advertising.

25-10.20.7 Freestanding Signs.

A. Only one (1) freestanding sign is permitted for each property.

B. Freestanding signs shall be set back a minimum of thirty (30) feet from any residential district. Freestanding signs shall be placed in a location which will allow sufficient reaction time for drivers on the adjacent roads, and not obstruct the visibility of cars entering and exiting the site.

C. In no case shall a freestanding sign be located closer than ten (10) feet to any street right-of-way or thirty (30) feet to any side or rear property line unless otherwise noted in the particular zone district.

D. Freestanding signs shall comply with the freestanding sign setback requirement of the zone where the sign will be located.

E. No freestanding, ground, monument or pylon sign shall have more than two (2) sign faces. The maximum distance between the faces of a double faced sign shall not exceed eighteen (18) inches.

F. Freestanding sign components relating to an assemblage of businesses such as a shopping center shall be grouped in an aesthetically compatible and visually coordinated manner.

G. Freestanding signs shall consist of materials and colors similar to and compatible with the primary structure.

H. Freestanding signs shall be supported utilizing durable materials which may include concrete, steel, treated wood, other suitable material or combination of same. Supports for freestanding signs shall be set securely in the ground or concrete so that the sign will be capable of withstanding high winds.

25-10.20.8 Facade Signs.

A. The width of a wall sign extending perpendicular from the building face shall not exceed twelve (12) inches. Signs erected flat against a building wall shall not extend above the height of a vertical wall, parapet or eave to which they are attached.

B. There shall not be more than one (1) facade or wall sign as herein regulated to each separate tenant of the premises except where the tenant's unit fronts on two (2) streets, then one (1) facade or wall sign shall be permitted per frontage.

C. No sign shall be placed upon any roof surface.

D. The maximum height of any facade sign shall not exceed five (5) feet and the maximum width shall not exceed sixty-five (65%) percent of the width of the wall upon which the sign is erected, attached or painted.

25-10.20.9 Canopy and Awning Signs.

Where a business establishment has a canopy or awning, a sign may be attached to the face of the canopy or awning instead of a wall mounted sign provided the sign does not extend above the highest point of the canopy or awning and further provided that:

A. Signs attached to, painted on or part of the face of the canopy or awning shall not extend above, below, or to the sides of the face of the canopy or awning nor extend more than four (4) inches from the face of the canopy or awning.

B. For the purpose of this section, canopy or awning shall mean a covering extending from a building wall located at least eight (8) feet above the sidewalk or the ground below, but not including any extension of the building roof.

C. Maximum sign area and size shall be determined by the size and dimensions of the wall to which the canopy or awning is attached.

D. The maximum height of any canopy or awning sign shall not exceed three (3) feet and the maximum width shall not exceed seventy-five (75%) percent of the width of the canopy or awning upon which the sign is erected, attached or painted.

25-10.20.10 Time and Temperature Signs.

A. Signs shall be non-rotating and contain no advertising.

B. The area of the sign shall not exceed twenty-four (24) square feet nor be located on a lot with less than two hundred (200) feet of road frontage.

C. There shall not be any other time and temperature sign within one thousand five hundred (1,500) feet of another such sign.

25-10.20.11 Illumination.

A. Illuminated signs shall not be illuminated by means of any flashing, occulting or moving light, nor shall any sign be erected which either mechanically, by shimmering or any other means, gives the appearance of a flashing, occulting or moving light.

B. No internally illuminated signs shall be permitted in any zoning district. Illumination shall be from an indirect source only, such as a spotlight or by means of backlighting. Back lighted signs shall be constructed so that the lighting itself is not directly visible and so that it shines upon the building at a level sufficient only to display the sign's features. Any lighting fixtures mounted on the sign or in the vicinity thereof for such purposes shall be installed so as to be shielded or unobtrusive to avoid glare and/or hazards to pedestrians and motorists.

C. No sign shall contain or be illuminated by the use of neon tubes except as necessary for back lighted signs and, in any event, no neon tubes shall be visible.

D. Any illuminated sign shall be designed and installed such that the light produced shines only upon the premises where they are located; exterior lighting shall be shielded where necessary to avoid glare or other hazards to motorists, pedestrians or adjoining properties. To the extent feasible, exterior sign lighting shall be directed so that such illumination is confined primarily to the sign features and not portions of the building facade unrelated to the sign.

E. For all uses, regardless of the zoning district in which the property is situated, sign illumination shall be limited to the hours of operation of the business or use of the property, or shall be terminated by 10:00 p.m., whichever is later.

25-10.20.12 Prohibited Signs.

The following signs are prohibited in all zones in the municipality:

A. Signs using red, yellow and green lights placed within one hundred (100) feet of any traffic control signal now or hereafter erected.

B. Moving or revolving signs and signs using blinking, flashing, vibrating, flickering, tracer, sequential or intermittent lighting, with the exception of any time or temperature displays.

C. Changeable copy displays and message boards except for public uses, quasi-public uses, theaters, and vehicular service station price signs.

D. Signs using any material which sparkle, glitter, or uses neon or reflective colors, but nothing herein contained is intended to prohibit the use of reflective paint on signs directing traffic or identifying various locations within a lot or parcel. Signs which emit smoke, visible vapors or particles, sound or odor.

E. Roof and projecting signs except as otherwise noted in this Section.

F. Signs having more than two (2) sign faces.

G. Signs or advertising matter of an obscene nature.

H. Signs using words such as "stop", "look", "danger", etc., which are placed in a manner or position which in the judgment of the Chief of Police constitutes a traffic hazard or otherwise interferes with the free flow of traffic.

I. Signs which in any way simulate official, direction or warning signs or otherwise cause confusion with those erected or maintained by the State of New Jersey, Morris County or Mine Hill Township or by any

railroad, public utility or agency concerned with the protection of the public health or safety or signs which hide from view any traffic or street sign or signal.

- J. Any sign which may dangerously confuse or distract the attention of the operator of a motor vehicle.
- K. Except where specifically permitted, signs advertising a product or service not sold on the premises, signs advertising or directing attention to another premises and any other signs unrelated to the premises on which the sign is erected.
- L. Signs causing interference with radio or television reception.
- M. Signs obstructing doors, fire escapes or stairways or keeping light or air from windows used for living quarters.
- N. Streamers, flags, banners, pinwheels, wind driven signs, flapping signs, rotating signs, inflatable signs, A-type signs, sandwich-type signs, sidewalk signs, curb signs and similar advertising devices, except as may otherwise be permitted in this Ordinance.
- O. Signs which are portable or fixed on a movable stand; self-supporting without being firmly imbedded in the ground; supported by other objects; mounted on wheels or movable vehicle; or made easily movable in any other manner except as may otherwise be permitted in this Ordinance.
- P. Signs attached, affixed or painted on trees, rocks, other natural features, utility poles, light poles, signs attached to other signs, and signs placed upon motor vehicles which are continuously or repeatedly parked in a conspicuous location to serve as a sign.
- Q. Any series of two (2) or more signs placed along a street or highway carrying an advertising message, part of which is contained on each sign.
- R. No billboard or billboard-type signs shall be erected.
- S. Signs located in a public right-of-way, or approved site easement except those owned and maintained by a duly constituted governmental agency.
- T. Signs located, painted or affixed on a water tower, storage tank, tower or other similar structure.

25-10.20.13 Exempt Signs - Signs Permitted Without a Permit.

The following signs do not require a sign permit and are exempt from the provisions of this Chapter provided they meet State requirements, where applicable:

- A. Signs posted by governmental agencies or pursuant to governmental statute, order or regulation.
- B. Temporary and permanent traffic signs and signals installed by the municipality, County and State for the purpose of directing and regulating the flow of traffic.
- C. Signs indicating public transportation stops when installed by the municipality or a public transportation facility.
- D. One non-illuminated or shielded illuminated residence designation sign attached to a wall, not exceeding one (1) square foot in surface area, shall be permitted for each single-family residence, multi-family residence or conditional home business use.
- E. Parking, traffic control, directional, entrance, exit, loading zones, and warning signs when deemed necessary for the public welfare provided that they do not exceed four (4) square feet in area. With the exception of entrance and exit signs, traffic signage shall not contain advertising.
- F. Non-illuminated or internally illuminated information or public service signs, such as those advertising the availability of rest rooms, telephone, or similar public conveniences, provided that such signs do not advertise any commercial establishment, activity, organization, product, goods or services, except those of public utilities.
- G. Historic tablets, cornerstones, memorial plaques and emblems which do not exceed six (6) square feet in area and which are installed by government agencies or religious organizations.
- H. Trespassing signs; signs indicating the private nature of a road, driveway, or premises; and signs prohibiting or otherwise controlling fishing or hunting upon a particular premises, provided that the area of one (1) side of any such sign shall not exceed two (2) square feet.
- I. Flags or emblems of religious, educational, civic or governmental organizations flown from supports on the buildings or grounds occupied by the organization whenever and wherever flown in accordance with

the laws and rules promulgated by the Federal government, except that no flag may be placed closer than thirty (30) feet to any right-of-way nor exceed a thirty (30) foot height.

J. One (1) lawn sign identifying the occupant and/or conditional home business use, not exceeding two (2) square feet in area for each side located ten (10) feet from the right-of-way and all property lines. A sign for a conditional home business use shall only indicate the name and profession of the resident.

K. Illuminated and non-illuminated signs which are an integral part of vending machines.

L. All temporary signs pursuant to the requirements of Section 25-10.20.14.

M. Signs lighting and displays erected in connection with the observance of holidays. Signs shall be removed within fifteen (15) days following the holiday.

25-10.20.14 Temporary Signs

The following regulations shall apply to temporary signs permitted in any zone unless otherwise specified:

A. Non-illuminated real estate signs announcing the sale, rental or lease of the premises on which the sign is located. The sign may be double-faced and, except as noted below, only one (1) sign shall be permitted on each lot or parcel unless it fronts on more than one (1) street whereby one (1) sign shall be permitted per frontage. The maximum size of the sign shall be in accordance with the following schedule:

1. Residential zones: six (6) square feet
2. Business zones: twelve (12) square feet
3. Industrial zones: twenty-four (24) square feet
4. Residential developments with six (6) or more homes for sale may be advertised on a non-illuminated real estate sign not to exceed thirty-two (32) square feet nor a ten (10) foot height and located within the development advertised.
5. The advertised use of the structure shall be in accordance with the zoning permitted in the district in which it is located.
6. All real estate signs shall be removed within fifteen (15) days after closing, expiration of listing, or settlement on said property or the execution of the lease.

B. Temporary signs for advertising public functions or fund raising events for charitable or religious organizations shall be permitted for a period of thirty (30) days prior to the event and shall be removed within fifteen (15) days after the event.

C. Temporary political signs may be erected. Campaign signs shall be removed within fifteen (15) days after the election.

D. Relocation information sign for a period of thirty (30) days. A relocation sign shall be restricted to the present location of the relocating business. The relocation sign shall be incorporated into the existing sign and shall not be in excess of standards set forth for the zone in which the business is located.

E. Construction Signs. One (1) sign announcing the name of developer, architect, engineer, contractor, subcontractors, funding source, the building enterprise and related information shall be permitted at a site under construction, alteration or repair, provided the sign shall not exceed thirty-two (32) square feet in area and that the sign shall be removed before a Certificate of Occupancy is issued.

F. Temporary window signs advertising or describing sales or special merchandise are permitted without a permit, only on the first floor, provided that the same sign does not remain visible from the exterior of the building for a period of longer than twenty (20) days and that all of the signs individually or collectively do not exceed thirty (30%) percent of all available window space on the first floor window on which the signs are located.

25-10.20.15 Temporary Special Event Signs.

A. Notwithstanding any provision of this section, the Administrative Official may issue a temporary permit for a period not to exceed three (3) weeks for special signs advertising the opening of a new business or commercial enterprise subject to the following conditions:

1. A temporary sign permit shall be obtained and specifically note the date of erection and removal.
2. One (1) temporary sign not exceeding thirty-two (32) square feet shall be located on the same property as the business or enterprise they advertise and be set back a minimum of ten (10) feet from the street right-of-way and all adjoining property lines.
3. The use of banners, pennants, flags, and similar advertising devices where it is determined by the Administrative Official that such signs can be erected without impairing the safety and welfare of the general public.
4. Such signs shall be maintained in an orderly manner at all times.
5. Such temporary signs shall be removed immediately upon expiration of the permit. Citation, violations and fines shall commence upon failure to remove the signage upon the expiration date of the permit.
6. All other applicable portions of this section except number and size of signs shall apply.

25-10.20.16 Special Permit Signs.

Signs which either do not lend themselves to the ordinary processes of measurement or, because of their nature, require special control, may be permitted when the Board finds such signs to be in conformance with the intent of this Chapter and appropriate to the type of development or structure to which they are related. Signs of or similar to the following type require special permits:

- A. Signs integrated or structurally incorporated into the architecture of buildings.
- B. Signs formed by the arrangement of cutting of landscaping materials or plantings.
- C. The permit may limit the period of time for which the signs may remain.

25-10.20.17 Maintenance.

A. All signs with all their supports, braces, hooks, anchors and other fastening devices, shall be of substantial and sturdy construction, shall be kept in good repair, and shall be painted or cleaned as often as necessary to maintain a clean, neat, safe and orderly appearance. In the event that the Zoning Officer of the municipality determines that any sign now hereafter erected has fallen into a state of disrepair, has become dilapidated or constitutes a safety hazard, the sign owner and property owner shall be given written notice to correct the condition within thirty (30) days from the date of the mailing of the notice. Failure to correct the condition or file an appeal within the time provided shall constitute a violation of this Section.

B. All signs shall be maintained in good repair. Lack of proper maintenance shall be considered abandonment and the sign shall be removed upon notification by the Construction Official.

C. If a sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within thirty (30) days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.

D. If the message portion of the sign is removed, leaving only the "shell" of the sign of the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within thirty (30) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This shall not be construed to prevent the changing of the message of a sign.

25-10.20.18 Signs in Residential Zoning Districts.

Only the following signs shall be permitted:

A. One (1) name plate sign attached to a wall. The sign shall not be more than one (1) square foot in area, and shall be located within the property lines. A sign for conditional home business use shall indicate only the name and profession of the resident.

B. One (1) lawn sign identifying the occupant and/or conditional home business use, not exceeding two (2) square feet in area on each side located ten (10) feet from the right-of-way and all property lines. A sign for a conditional home business use shall indicate only the name and profession of the resident (not telephone numbers, web addresses or any other information).

C. One (1) permanent sign to identify the name of a residential development of twenty-five (25) units or more. Such sign shall be a maximum of thirty-two (32) square feet in size, seven (7) feet in height and shall be located a minimum of fifteen (15) feet from any property line. Multi-family developments shall be permitted one (1) freestanding sign per development for each public street frontage.

D. At the rental or sales office of the residential development, one (1) temporary freestanding sign advertising the office, not to exceed fifteen (15) square feet in area and not more than five (5) feet in height.

E. Religious institutions, nursing homes, assisted living facilities, private schools, service organizations and public buildings and facilities may have one (1) freestanding sign or bulletin board, not more than twenty-four (24) square feet in area, not to exceed six (6) feet in height, on each major street bordering the property. The source of light from any such sign, if illuminated, shall not be visible from any adjacent property or from any street.

F. Signs deemed necessary by the Governing Body.

G. With the exception of signs as noted in paragraph F. above, no sign permitted in the residential districts shall be located closer than ten (10) feet to any road right-of-way or adjoining property.

25-10.20.19 Signs in Nonresidential Zoning Districts.

Only the following signs shall be permitted:

1. One (1) façade, canopy, awning or permanent window sign per nonresidential occupant. The total aggregate area of all such signs shall not exceed ten (10%) percent of the area of the face of the wall upon which such sign or signs are erected, attached or painted.
2. One (1) freestanding sign per lot, not to exceed the following standards, based upon the predominant exposure:

<u>Maximum Freestanding Size</u>	<u>Minimum Freestanding Sign Setback</u>	<u>Maximum Freestanding Sign Height</u>
32 sq. ft.	10 feet	15 feet

25-10.20.20 Nonconforming Signs.

- A. Subject to the restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this Article may be continued except as provided below.
 1. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. No nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition, nor may illumination be added to any nonconforming sign.
 2. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Section.
 3. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Chapter, and the remnants of the former sign structure shall be cleared from the land. For purposes of this Section, a nonconforming sign is "destroyed" if damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds fifty (50%) percent of the value (tax value if listed for tax purposes) of the sign so damaged.
 4. The message of a nonconforming sign may be changed as long as it does not create any new nonconformities.
 5. Subject to other provisions of this Section, nonconforming signs may be repaired and renovated as long as the cost of such work does not exceed within any twelve (12) month period fifty (50%) percent of the value (tax value if listed for tax purposes) of such sign.
 6. If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise of activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
 7. If a nonconforming billboard remains blank for a continuous period of one hundred eighty (180) days, that billboard shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this article or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this Section, a sign is "blank" if:
 - (a) It advertises a business service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
 - (b) The advertising message it displays becomes illegible in whole or substantial part; or
 - (c) The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

SECTION 2. Section 25-2 of the Revised General Ordinances of the Township of Mine Hill, entitled "Definitions" shall be amended by the inclusion of the following additional definitions:

Billboard Sign shall mean a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Facade shall mean the total wall surface, including door and window area, of a building's principal face. In computing permitted sign area, only one (1) face of a building may be used as the principal face.

Facade Sign - See wall sign.

Freestanding Sign shall mean any immovable sign not affixed to a building.

Ground or Monument Sign shall mean any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure.

Pole or Pylon Sign shall mean a sign that is mounted on a freestanding pole or similar support so that the bottom edge of the sign face is three (3) feet or more above grade.

Portable Sign shall mean a sign that is not permanent, affixed to a building, structure or the ground.

Residence Designation Sign shall mean a sign or plate indicating the name of the property or occupants.

Roof Sign shall mean a sign erected above the facade or on the roof of a building.

Temporary Sign shall mean a sign that (a) is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short period of time after the erection of such sign, or (b) is intended to remain on the location where it is erected or placed for a period not more than fifteen (15) days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

Wall Sign shall mean a sign attached to, painted upon or erected against an awning, canopy, the wall or facade of a building or structure and not extending more than twelve (12) inches from a building face or facade of the structure.

Window Sign shall mean a sign maintained in or painted upon a window which is clearly visible from the exterior of a structure through a window.

The following definition shall replace the existing definition of “sign”:

Sign shall mean any object, device, display or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images

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.

CONSENT RESOLUTIONS

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

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

Nays: none

Absent: none

Abstentions: none

Resolution 065-14 Release of Thomastown Performance Guarantee

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 April 23, 2014 (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 mylars and signed and sealed prints of the record survey plan depicting the improvements constructed in Thomastown Courts Section II, Block 1503, Lot 1, Group 5 in a form satisfactory to the Township Engineer; and
3. The payment of any outstanding fees or assessments owed to the Township.

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 066-14 Release of Thomastown Performance Guarantee

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 April 23, 2014 (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 mylars and signed and sealed prints of the record survey plan depicting the improvements constructed in Thomastown Courts Section II, Block 1503, Lot 1, Group 3 in a form satisfactory to the Township Engineer; and
3. The payment of any outstanding fees or assessments owed to the Township.

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 067-14 Release of Thomastown Performance Guarantee

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 April 23, 2014 (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 mylars and signed and sealed prints of the record survey plan depicting the improvements constructed in Thomastown Courts Section II, Block 1503, Lot 1, Group 7 in a form satisfactory to the Township Engineer; and
3. The payment of any outstanding fees or assessments owed to the Township.

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 068-14 Release of Thomastown Performance Guarantee

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 April 23, 2014 (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 mylars and signed and sealed prints of the record survey plan depicting the improvements constructed in Thomastown Courts Section II, Block 1503, Lot 1, Group 4 in a form satisfactory to the Township Engineer; and
3. The payment of any outstanding fees or assessments owed to the Township.

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 069-14 Acceptance of Municipal Audit FYE 12/31/2013**

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. Willis; Mr. Bloom

Nays: none

Absent: none

Abstentions: none

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transaction; and

WHEREAS, The Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Township Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52-27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled: "General Comments" and "Recommendations;" and

WHEREAS, the members of the governing body have personally reviewed at a minimum the annual Report of Audit, and specifically the sections of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least , the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB52 to wit: R.S. 52:27BB52- "A local officer or member of a local governing body who, after a date fixed for

compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mine Hill, in the County of Morris and State of New Jersey, that the Township Council hereby states that it has complied with the regulations of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution 070-14 Corrective Action Plan

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

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

Nays: none

Absent: none

Abstentions: none

WHEREAS, the Division of Local Government Services requires preparation of a Corrective Action Plan in accordance with the Single Audit Act, U.S. Office of Management and Budget, and New Jersey Office of Management and Budget; and

WHEREAS, Chief Financial Officer has prepared the following Corrective Action Plan for the Township of Mine Hill;

Recommendation #1

Over \$376,000 of tax title liens remain as of December 31, 2013. Property tax levies on these properties are added to liens in excess of \$21,000 annually, of which the Township has to bear the full cost of the related local school and county tax levies.

1. Analysis: The Tax Collector is working with the Collection Attorney and the Mayor to expedite the in-rem foreclosure process. Research on titles and liens continues but is a lengthy process with some owners impossible to trace.
2. Corrective Action: The Township has initiated in-rem foreclosure procedures to liquidate existing tax title liens and will continue to work with the attorney.

Recommendation #2

Fixed Asset Ledgers have not been maintained on a perpetual basis.

1. Analysis: The Township needs to conduct a physical inventory or approval of fixed assets.
2. Corrective Action: the Township has compiled, a statement of value for all Township owned property, a vehicle schedule for all Township owned vehicles, and an equipment schedule for all Township owned equipment. This information was compiled in the Township risk management plan.

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 Corrective Action Plan is hereby approved as submitted.

BE IT FURTHER RESOLVED that a copy of the Plan be submitted to the Division of Local Government Services as required.

Resolution 071-14 Approval of Participation in Middlesex County Co-op

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. Willis; Mr. Bloom

Nays: none

Absent: none

Abstentions: none

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Middlesex Regional Educational Services Commission, hereinafter referred to as the “Lead Agency ” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

Mine Hill Township, Morris County, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

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. This resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Mine Hill.
2. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
3. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
4. This resolution shall take effect immediately upon passage.

Resolution 072-14 Authorization of Petty Cash Fund for Beach

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. Willis; Mr. Bloom

Nays: none

Absent: none

Abstentions: none

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund.

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 a petty cash fund shall be established and maintained in the Finance Office in the amount of \$150.00. Such petty cash shall be used purposes of making change at the Township of Mine Hill Beach.

Resolution 073-14 Authorizing Amnesty Period for Water Hookup Fees

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

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

Nays: none

Absent: none

Abstentions: none

WHEREAS, the Code of the Township of Mine Hill requires the payment of a connection fee prior to a permit being issued for the new connection of a property to the public water system; and

WHEREAS, the Code also requires that once public water becomes available, any property not connected to the public water system must pay a base fee for having a water connection available even when the property is not connected to the public water system and also pay a connection fee prior to actually connecting to the public water supply; and

WHEREAS, in order to encourage property owners who have been paying the base fee for water availability to actually connect to public water system the Council has decided to authorize a one year waiver of the connection fee for any property which has been paying the base fee for water connection availability if such property connects to the system within the one year period..

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. There shall be a waiver of the water connection fee for the connection of any unconnected property which, as of the date of this Resolution, has been paying the base fee for water service provided the connection shall be made no later than May 15, 2015.
2. This Resolution shall take effect immediately.

NEW & OLD BUSINESS

Mr. Bloom mentioned they had a stream cleanup, next to the beach, lake area and the woods across from Green Road as part of the Raritan Headwaters. It was very successful as they removed a lot of trash.

Next cleanup will be along Route 46 and Mr. Pepperman will run it.

Mr. Morris discussed the updates on Facelift 46. M&O Transmission is going to install a fence and straighten up the property. One house that needs painting is in estate as the owner passed away and the son lives in Virginia, but he is in contact with a painter and working on it. Town is cracking down on people not following site plans. No Parking signs were put up along Clover Place and Fairfield Avenue.

A short discussion took place about naming the lake at 34 Green Road.

Resolution 074-14 Naming the Lake at he Mine Hill Beach “Sunset Lake”

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

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

Nays: none

Absent: none

Abstentions: none

WHEREAS, the Lake at the Mine Hill Beach has never been formally named; and

WHEREAS, the Mayor and Council wish to name the Lake “Sunset Lake.”

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 Lake at the Township Beach shall be named “Sunset Lake.”

This Resolution shall take effect immediately.

OPEN TO THE PUBLIC AND COUNCIL COMMENTS

None at this time.

ADJOURNMENT

There being no further business, a motion was made by Ms. Kanzenbach and seconded by Mr. Coranato to adjourn the meeting at 9:45 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