

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. Bucco (arrived late), Township Attorney; Mrs. Macchia, Municipal Clerk
Public Present – 13

PRESENTATIONS

Freehold Doug Cabana presented the 2015 Morris County Budget.

Freeholder Candidate Tom Mulligan, who is currently a Councilman in Rockaway Borough, spoke briefly regarding his intentions for the County.

A brief recess was taken to see the Memorial site where ground was broken last week.

Following the recess, the Girl Scout Troop presented their research regarding plantings for the Memorial.

APPROVAL OF MINUTES

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve the minutes of May 7, 2015, as presented. The roll was called, and the minutes were approved by the following vote:

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

COMMUNICATIONS & PETITIONS

The following items of correspondence were noted:

- a. NJ DOT re: Municipal Aid Grant Denial for Hurd Street

Mr. Morris noted that he would be applying for this grant again in the future.

CONSIDERATION & APPROVAL OF VOUCHERS

Bills List

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

PUBLIC HEARING ON ORDINANCES PREVIOUSLY INTRODUCED

None.

ADMINISTRATIVE AGENDA

Mr. Morris provided the following report:

- The Veteran’s Memorial took a huge jump forward this week and the base section should be done by May 29th.
- Met with Water Department and am completing work on the DEP Water Operating Manual
- The Beach is ready to open. A food truck vendor has requested a space at the beach and will be selling hot food.
- Randolph sidewalk Phase I is complete. The punch-list items have been completed and we are happy with the speed and quality of the work. The retaining walls have been completed.
- Tennis court hardware is in. We are hoping to start on that in 1-2 weeks.

- I'm doing continuing analysis on extending a sewer line on Bassett Lane for houses with failing septic and cesspools, will be working on that with the engineer for costs and design. We believe we will be able to connect most of them this summer.
- I have been working street by street on getting more sign-ups for natural gas to have streets included, Canfield, Dolores and Howard have been active in this. Canfield and Howard have been submitted. Dolores, Wharton Ave and N. 1st Street are in process of getting sign-ups
- I met with 2 sewer meter vendors and am starting to form up prices.
- Remediation work on Thomastown Phase II is slowly progressing.
- We are set for the Memorial Day Parade

REPORTS OF COUNCIL LIAISONS

Recreation/Community Committee

Mr. Morris note that the committee is preparing for Memorial Day festivities.

Board of Education

Mr. Coranato reported that the new Superintendent starts July 1st, and that student awards will be given next week. The HVAC bids came in too high, so the project is being reexamined.

Fire & First Aid

Mr. Pepperman reported that the First Aid Squad held the King of the Hill Car Show this past weekend.

Police

Mr. Pepperman reported that the Police issued 121 tickets and made 5 arrests in the month of April. The Department is currently working on the Click It or Ticket campaign.

Open Space Committee

Mr. Bloom reported that meetings have been moved to the second Thursday of each month at 7 PM. Funds left in the grant will be used for signage and a project to remove a tree that is making trail passage difficult. Discussion followed regarding installation of a culvert to connect trails.

Planning Board

No report.

OPEN TO THE PUBLIC

Pete Bruseo of Hurd Street discussed ongoing problems with his driveway. When the road was lowered years ago, it changed the pitch of his driveway and created drainage problems. Discussion followed. New estimates will be obtained and a settlement will be reached.

INTRODUCTION OF ORDINANCES

Ordinance 17-15 Land Sale Ordinance

A motion was made by Ms. Kanzenbach and seconded by Mr. Coranato to introduce the ordinance. It was noted that the ordinance would be further considered at the next meeting on June 4, 2015. 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 Local Lands and Buildings Law, N.J.S.A. 40A:12-13, et seq., authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, the Township of Mine Hill is the owner of certain real property not needed for public use, and the Township Council has determined that it is in the best interest of the Township to sell the same.

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

1. The following property shall be offered for sale, pursuant to N.J.S.A. 40A:12-13(b)(5), to the owners of real property contiguous to the property listed for sale. Bids from contiguous property owners shall be submitted to the office of the Township Clerk by July 2, 2015, at 10:00 a.m.

BLOCK	LOT	MINIMUM BID
403	21	\$5,000
1407	20	\$25,000

2. The property sold shall be subject to the following restrictions in term of sale:
 - i. To conduct all necessary title searches prior to the date of sale.
 - ii. That no representations of any kind are made by the Township of Mine Hill as to the condition of the property, said premises are being sold in their present condition "as is".
 - iii. The property being sold will be merged with the existing contiguous lot of the successful bidder. A deed restriction precluding any future subdivision will be required.

3. That the sale is made subject to such state of facts as an accurate survey may disclose, existing tenancies, rights of persons in possession, easements, conditions, covenants and restrictions and any other encumbrances of title which the Township Council may impose on any parcel at the time of the sale, including but not limited to restrictions on the use to be made of such real property, capital improvements of personal property and any conditions of sale as to buildings or structures, or as to the type, size or other specifications of buildings or structures to be constructed thereon, or as to the demolition, repair or reconstruction of buildings or structures, and the time within such conditions shall be operative, or any other conditions of sale in like manner to the same extent as by any other vendor.

4. The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Township of Mine Hill.

5. That should the title to the property prove to be unmarketable for any reason, the liability of the Township shall be limited to the repayment to the purchaser of the amount of deposit and any portion of the purchase price paid and shall not extend to any further costs, expenses, damages or claims. Notice of any alleged defect in title or claim of un-marketability must be served on the Township Clerk, by the purchaser, in writing no later than thirty (30) days after the sale is approved by the Township Council, failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition.

6. That no employee, agent or officer of the Township of Mine Hill has any authority to waive, modify or amend any of the conditions of sale.

7. The successful bidders agree to the following conditions:
 - i. To deposit cash, check or money order in an amount not less than 25% of the bid price at the time that the bid is submitted.
 - ii. To submit with the bid, a copy of the Deed for the contiguous property.
 - iii. To pay by the time of closing:
 - a. The balance of the purchase price.
 - b. The cost of preparation of all legal documents, including any special property description.
 - c. The proportionate cost of advertisement of the sale.
 - d. The cost of recording Deeds and agree that Deeds shall be recorded on behalf of the purchaser by the Township Attorney.
 - iv. To pay prorated real estate taxes for the balance of the current year as of the date of closing.
 - v. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support any variance from or realization of said regulations.
 - vi. That the failure to close title as agreed shall forfeit to the Township of Mine Hill any and all money deposited with the Township.
 - vi. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any Court of this State as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.

8. The Township reserves the right to withdraw the offer of sale and reject any and all bids.

9. All sales are subject to final approval by the Township Council. Parties interested in submitting bids and who require additional information should contact:

Amanda Macchia, Township Clerk
 Township of Mine Hill
 Baker Street, Mine Hill, New Jersey 07803

10. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.
11. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.
12. This Ordinance shall take effect after final passage and publication in the manner provided by law.

Ordinance 18-15 Noise Ordinance

A motion was made by Ms. Kanzenbach and seconded by Mr. Coranato to introduce the ordinance. It was noted that the ordinance would be further considered at the next meeting on June 4, 2015. 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, excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and

WHEREAS, a substantial body of science and technology exists by which excessive sound may be substantially abated; and

WHEREAS, the people have a right to, and should be ensured of, an environment free from excessive sound,

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

SECTION 1. Chapter 344 of the Revised General Ordinances of the Township of Mine Hill, "Noise", shall be amended and shall read, in its entirety, as follows:

Noise Control

344-1 Definitions

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

"Minor Violation" means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the

violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
2. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Noise Control Investigator" (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Plainly audible" means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an

outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

“Sound production device” means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

“Sound reduction device” means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

344-2 Applicability

(A) This noise ordinance applies to sound from the following property categories:

1. Industrial facilities;
2. Commercial facilities;
3. Public service facilities;
4. Community service facilities;
5. Residential properties;
6. Multi-use properties;
7. Public and private right-of-ways;
8. Public spaces; and
9. Multi-dwelling unit buildings.

(B) This noise ordinance applies to sound received at the following property categories:

1. Commercial facilities;
2. Public service facilities;
3. Community service facilities (i.e. non-profits and/or religious facilities)
4. Residential properties;
5. Multi-use properties;
6. Multi-dwelling unit buildings.

(C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

344-3 Exemptions

(A) Except as provided in Sections 344- 9 and 10 below, the provisions of this ordinance shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.

(B) Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.

(C) Construction and demolition activities are exempt from the sound level limits set forth in tables I and II and III except as provided for in. Section 344-9 below.

344-4 Enforcement Officers

(A) Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.

(B) Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.

(C) Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another’s municipal noise ordinances.

344-5 Measurement Protocols

(A) Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in Section 344-6 (B) of this ordinance and with the definition of "real property line" as contained herein.

(B) When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

344-6 Maximum Permissible Sound Levels

(A) No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in 344-3 (A) above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in 344-4 B.

(B) Impulsive Sound

Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

**TABLE I
 MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
 WHEN MEASURED OUTDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours
Maximum A-Weighted sound level standard, dB	65	50	65

**TABLE II
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED INDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours
Maximum A-Weighted sound level standard, dB	55	40	55

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

**TABLE III
MAXIMUM PERMISSIBLE OCTAVE BAND
SOUND PRESSURE LEVELS IN DECIBELS**

Receiving Property Category	Residential property, or residential portion of a multi-use property		Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility	Commercial facility or non-residential portion of a multi-use property
	OUTDOORS		INDOORS		OUTDOORS	INDOORS
Octave Band Center Frequency, Hz.	Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB
Time	7a.m.-10p.m.	10p.m.-7a.m.	7a.m.-10p.m.	10p.m.-7a.m.	24 hours	24 hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57
500	63	48	53	38	63	53
1,000	60	45	50	35	60	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	43	28	53	43

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

344-7 Sound Production Devices

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in 344-6(B) of this ordinance. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

**TABLE IV
 MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS
 WITHIN A RESIDENTIAL PROPERTY**

<p>Week Nights 10:00 p.m. – 7: a.m. Weekend nights 11:00 p.m. and 9:00 a.m.</p>	<p>All other times</p>
<p>3 dB(C)</p>	<p>6 dB(c)</p>

344-8 Restricted Uses and Activities

The following standards shall apply to the activities or sources of sound set forth below:

A. Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

B. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

C. All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.

D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.

E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.

F. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;

G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:

(1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,

(2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

344-9 Motor Vehicles

Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.

(A) No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.

(B) No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.

(C) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.

(D) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

344-10 Enforcement

(A) Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.

(B) Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

(C) Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.

(D) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section 344-2 of this ordinance) a NOV shall be issued to the violator.

1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.

2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the Health Department. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.

(E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.

(F) The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.

(G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.

(H) The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.

(I) Any claim for a civil penalty may be compromised and settled based on the following factors:

1. Mitigating or any other extenuating circumstances;
2. The timely implementation by the violator of measures which lead to compliance;
3. The conduct of the violator; and
4. The compliance history of the violator.

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 upon publication in accordance with law.

CONSENT RESOLUTIONS

None.

NON-CONSENT RESOLUTIONS**Resolution 071-15 Water Operator Contract**

A motion was made by Ms. Kanzenbach and seconded by Mr. Willis 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 Township of Roxbury has provided the Township of Mine Hill with the services of a Water Operator as per an Interlocal Services Agreement dated June 12, 2012; and

WHEREAS, the term of the Agreement was for one year with optional one-year extensions; and

WHEREAS, the Agreement was last extended by Resolution 084-14 on June 26, 2014; and

WHEREAS, Mine Hill wishes to continue to utilize these 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, that the current Interlocal Services Agreement be extended until June 12, 2016. A copy of this Resolution shall serve as written notice to the Township of Roxbury.

Resolution 072-15 Request for Extension of Time for Route 46 / Canfield Avenue Project

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

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

Nays: none

Absent: none

Abstentions: none

WHEREAS, the Township of Mine Hill (“Township”) was awarded a grant from the Municipal Aid portion of the Transportation Trust Fund in the amount of \$180,000.00 from the NJDOT for the construction of sidewalks on Route 46 and Canfield Avenue in the 2013 calendar year; and

WHEREAS, the grant agreement for the project required the Township to award a construction contract by December 2014 to avoid losing the grant allocation; and

WHEREAS, the Township was unable to meet the December 2014 deadline to award a construction contract and was in need of an extension of time; and

WHEREAS, the economic downturn that began in 2008 in the United States had a significant impact on the Township, particularly as it relates to State aid and tax revenues; and

WHEREAS, the Township through its budget process, determined that it did not have the ability due to anticipated revenues and tax collections to incorporate monies for the completion of design and the construction of the improvements in the 2014 calendar year budget; and

WHEREAS, the Township filed a request with the NJDOT’s Division of Local Aid and Economic Development for a six (6) month extension of time on the Route 46 and Canfield Avenue Sidewalk Improvement Project; and

WHEREAS, the Township indicated in the resolution filed with the six month extension request that it would allocate monies for design and construction in the 2015 calendar year; and

WHEREAS, NJDOT’s Division of Local Aid and Economic Development granted a six (6) month extension of time for the project in December 10, 2014; and

WHEREAS, the Township did allocate monies for design and construction in its 2015 budget for the project; and

WHEREAS, the Township has obtained topographic survey work and initiated work on a NJDOT permit application for the Route 46 portion of the sidewalk work; and

WHEREAS, the design and permitting process is still on-going; and

WHEREAS, a construction contract will not be awarded by June 11, 2015 since the design and permitting process is still on-going; and

WHEREAS, the Township is in need of a second six (6) month extension of time to allow for the design and permitting process to be completed and the project advertised for public bids; and

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE Township of Mine Hill, that a request be filed with the NJDOT's Division of Local Aid and Economic Development for a second six (6) month extension of time on the Route 46 and Canfield Avenue Sidewalk Improvement Project; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the NJDOT's Division of Local Aid and Economic Development.

Resolution 073-15 Authorizing Membership in the North Jersey Wastewater Coop

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, the Township of Mine Hill desires to become a member of the North Jersey Wastewater Cooperative Pricing System, NJWCPS, effective June 1, 2015, and, that such membership shall be for the period ending November 24, 2019 and each renewal, thereafter of the system, unless the Township of Mine Hill elects to formally withdraw from the system.

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 Mayor and Township Clerk are hereby authorized and directed to execute the attached agreement for such membership.

This Resolution shall take effect immediately.

Resolution 074-15 Rejecting Request for Performance Bond Release

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, Landmark at Thomastown LLC the developer of Thomastown Courts has requested the release of performance guarantees held by the Township to ensure the completion of site improvement in the Thomastown Courts Phase 2 Development; and

WHEREAS, Township Engineer Paul M. Sterbenz, P.E. P.P. has reviewed the request and recommended that he request be denied at this time for reasons set forth in his correspondence dated May 19, 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 Landmark at Thomastown LLC for the release of performance guarantees held by the Township to ensure the completion of site improvement in the Thomastown Courts Phase 2 Development is hereby denied for the reasons set forth in the correspondence dated May 19, 2015 from Township Engineer Paul M. Sterbenz, P.E. P.P.

NEW & OLD BUSINESS

Mr. Morris discussed metering requirements from the sewer authority and explained how the necessary equipment works. He noted that this will be the most sophisticated technology on the RVRSA's lines. Three of the meters will cost approximately \$50,000. Once the meters are installed, they become the property of the RVRSA, but Mr. Morris intends to require that RVRSA agree to the type of meter he is recommending and

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MINUTES OF THE MINE HILL TOWNSHIP COUNCIL
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that the Township has access to the raw data gathered from the meter. The coop that we entered into in the resolution above allows us to purchase these meters without bidding.

OPEN TO THE PUBLIC

Sandy Seibert, Maple Avenue, asked if the street sweeper would be coming through town again. Mr. Morris reported that it would probably happen early next week.

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 9:33 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