

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. Bryce, Township Attorney; Mrs. Macchia,  
Municipal Clerk  
Public Present – 7

**PRESENTATIONS**

None.

**APPROVAL OF MINUTES**

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve the minutes of June 4, 2015, as corrected. 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**

None.

**CONSIDERATION & APPROVAL OF VOUCHERS**

**Resolution 082-15 Approval of Change Order – Randolph Avenue Sidewalk**

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

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 nature of the changes as described in the attached Change Order No. 2 dated June 11, 2015 for the contract entitled, “Randolph Avenue Sidewalk Improvement Project (Phase 1)”, be and the same are hereby approved, and the Mayor is hereby authorized and directed to execute said Change Order on behalf of the Township.

BE IT FURTHER RESOLVED that said contract shall be amended to reflect an overall decrease in the amount of \$26,989.85 to reflect the final changes and as-built quantities as set forth in the attached Change Order. Final payment to the Contractor shall be conditioned upon the Contractor meeting the requirements for final payment as outlined in the Township Engineer’s letter dated June 11, 2015.

This Resolution shall take effect immediately.

**Bills List**

A motion was made by Mr. Coranato and seconded by Ms. Kanzenbach 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****Ordinance 19-15 Construction Fee Ordinance**

Mr. Bloom opened the public hearing on the ordinance. Seeing no discussion, the public hearing 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, and State of New Jersey, as follows:

SECTION 1. Chapter 235 of the Revised General Ordinances of the Township of Mine Hill, "Fees", shall be amended with regard to the following particulars only:

**A. CONSTRUCTION CODE FEES:****PLAN REVIEW FEE:**

- (1) The fee for plan review shall be twenty-five percent (25%) of the amount to be charged for the construction permit. Plan review fees are not refundable and may be required to be paid upon application.
- (2) The basic construction permit fee shall be the sum of the parts computed on the basis of the volume or cost of construction, the number of plumbing fixtures and pieces of equipment, the number of electrical fixtures and devices, the number of sprinklers, standpipes, and detectors (smoke and heat), specialty equipment at the unit rate provided herein. The minimum fee for a basic construction permit covering any or all of the building, plumbing, electrical or fire protection work shall be \$ 50.
- (3) All construction permit fees and the State of New Jersey Training Surcharge Fees for the construction, reconstruction, alteration or improvements of any building owned and operated by the following government entities and agencies listed below and designed to solely promote accessibility shall be waived:
  - A. List of entities and agencies:
    - a. Township of Mine Hill
    - b. County of Morris
    - c. State of New Jersey
    - d. Federal Government
    - e. Mine Hill Township Board of Education
    - f. Rockaway Valley Sewerage Authority
    - g. Mine Hill Township Fire Department
    - h. Mine Hill Township First Aid Squad
  - B. Designs taken to solely promote accessibility by the disabled person, or a parent or sibling of a disabled person to an existing structure to which they own and live in.

**B. BUILDING SUBCODE FEES:**

- (1) The fees for new construction shall be based upon volume of the structure. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The new construction fee shall be in the amount of \$.035 per cubic foot of volume for buildings and structures of all use groups as classified in the Building Subcode. The minimum for new construction shall be two hundred dollars (\$200.)
  - a. Foundations for modular homes and relocated homes shall be one hundred dollars (\$100) per thousand of estimated cost of construction.
- (2) Fees for renovation, alterations and repairs, shall be based upon the cost of the work. The fee shall be in the amount of thirty five (\$35) dollars per thousand dollars (\$1,000) up to \$ 50,000. From \$ 50,001 and up, the fee shall be \$25 per thousand of the estimated cost. For the purpose of

determining estimated cost, the applicant shall submit to the Construction Official such cost data as may be available produced the architect or engineer of record or by a recognized estimating firm or by the contractor. A contractor's bid or contract, if available shall be submitted. The construction official shall make the final decision regarding estimated cost. Minimum fee shall be one hundred dollars (\$150).

(3) Fees for additions shall be computed on the same basis as for new construction for the added portion, except that the minimum fee shall be two hundred dollars (\$200).

(4) Fees for combination renovation and additions shall be computed as the sum of the fees computed separately in accordance with Section B(1) and B(2) above.

(5) Roofing and Siding:

- |                                  |   |
|----------------------------------|---|
| 1. Group R-5, Flat Fee           | \$100.  |
| 2. Group R-2, R-3, R-4, Flat Fee | \$250.  |
| 3. All other groups,             | Cost of Construction per \$1,000.<br>See Section B(2) |

(6) Sheds:

- |                         |                    |
|-------------------------|--------------------|
| 1. 0 to 100 Square Feet | Zoning Permit Only |
| 2. Over 100 Square Feet | \$ 75.             |

(7) Fences greater than six feet in Height (other than pool barriers):

- |                        |  |
|------------------------|--|
| 1. Group R-5, Flat Fee | \$ 75.   |
| 2. All other groups    | Cost of Construction per each \$ 1,000<br>See Section B(2) |

Note: Fences less than 6' in height with no pool

Zoning Permit Only

Fences less than 6' in height with pool

See Pools, #17 Below

(8) Retaining walls less than 4' in height

Zoning Permit Only

Retaining walls greater than 4' in height as follows:

- |  |  |
|--|--|
| 1. Walls less than 550 square feet, flat fee (Group R-5) | \$ 85.   |
| 2. Walls more than 550 square feet, flat fee (Group R-5) | \$175.   |
| 3. All other groups                                      | Per Cost of Construction, per \$ 1,000<br>See Section B(2) |

(9) Fees for Demolition of (per structure):

- |   |        |
|---|--------|
| 1. Group R-5, flat fee                                    | \$125. |
| 2. All Other Groups                                       | \$500. |
| 3. Group R-5, fuel tanks (per tank)                       | \$100. |
| 4. All other Groups, fuel tanks (per tank)                | \$400. |
| 5. Accessory/Miscellaneous structures, pools, sheds, etc. | \$ 75. |

(10) Fee for removal of a building or a structure from one lot to another or to a new location on the same lot shall be \$ 200 for demolition of original foundation.

New foundation and for placement in a completed condition in the new location shall be computed as in B(1)(a) above. Mechanical, plumbing electrical and fire subcode fees shall be computed separately.

(11) Fees for the installation of storage tanks are as follows:

- |                           |          |
|---------------------------|----------|
| 1. 0 to 550 gallons       | \$125.   |
| 2. 551 to 1,000 gallons   | \$250.   |
| 3. 1,001 to 4,999 gallons | \$500.   |
| 4. Over 5,000 gallons     | \$1,000. |

- (12) Signs (Ground & Wall):  
 Minimum fee is \$ 100. The fee shall be \$ 2.50 per square feet of the surface area of the sign. In the case of a double-faced sign, the area of the surface of only one side of the sign is used for purposes of the fee computation.
- (13) Radon Mitigation (exclusive of electric); flat fee (all groups) \$75.
- (14) Asbestos Abatement, flat fee (all groups)  
 \$100.
- (15) Lead Abatement, flat fee (all groups)  
 \$100.
- (16) Towers and Monopoles:
  - (1) Group R-5, flat fee \$100.
  - (2) All other Groups, flat fee \$800.
  - (3) Cellular, antenna, radio antennas, satellite dishes or similar devices, per device regardless of group, per device \$ 60.
- (17) Fees for installing swimming pools, hot tubs, spas (including the required barrier):
  - (1) Group R-5, Above ground pool, flat fee \$100.
  - (2) Group R-5, In ground pool, flat fee \$250.
  - (3) All other groups \$500.
- (18) Flag poles, greater than 12' Feet in height:
  - (1) Group R-5, flat fee \$ 50.
  - (2) All other groups, flat fee \$100.
- (19) Fireplace, stove & furnaces and other specific appliances:
  - (1) Group R-5 \$ 50.
  - (2) All other Groups Per Cost of Construction per \$1,000  
 See Section B(2)
- (20) Temporary Structures, tents, trailers, air supported structures, etc.:
  - (1) Group R-5, flat fee \$100.
  - (2) All other groups \$250.
- (21) Permits based on approved PROTOTYPE shall have the fee reduced by 20%. Permits based on an approved state-wide PROTOTYPE shall have the fee reduced by 15%.
- (22) Fees not listed. Any fee not mentioned herein shall be changed in accordance with N.J.A.C. 5.23-4.18 through 4.20.
- (23) Application for variation, fees per structure:
  - (1) R.C.S. Structures \$250.
  - (2) I.C.S. Structures \$700.
  - (3) H.H.S Structures \$1,000.
- (24) Fee for certifications and other miscellaneous items:
  - (1) Certificate of Occupancy:
    - a. Group R-5 \$ 60.
    - b. All other groups \$150.

- |     |  |              |
|-----|--|--------------|
| (2) | Certification of Continued Occupancy                           |              |
|     | a. Group R-5   | \$100.       |
|     | b. All other groups  | \$200.       |
| (3) | Temporary Certificate of Occupancy and for each renewal (“R”): |              |
|     | a. Group R-5   | \$ 50. R/25. |
|     | b. All other groups  | \$150. R/50. |
| (4) | Certificate of Approval  | No Charge    |
| (5) | Certificate of Compliance                                      | No Charge    |
| (6) | Certificate of occupancy at completion of asbestos abatement   | \$ 39.       |
| (7) | Certificate of occupancy at completion of lead abatement       | \$ 39.       |
| (8) | Change of Contractor, per subcode                              | \$ 50.       |

**C. STATE PERMIT SURCHARGE**

In order to provide for the training, certification and technical support programs required by the State Uniform Construction Code Act N.J.S.A. 52:27D-119 et seq. an enforcing agency, including the Department when acting as the local agency, shall collect a Surcharge Fee to be based upon the volume of new construction with the municipality. Said fee shall be accounted for and forwarded to the Bureau of Regulatory Affairs. This fee shall be in conformance with N.J.A.C. 5:23-4.19.

**D. THIRD PARTY ADMINISTRATIVE FEE**

In the event the township is required to call upon a third party agency, the Township shall have the authority to add 15% to the appropriate subcode fee to cover administrative costs.

**E. ELEVATORS**

Inspections for elevators, escalators and dumbwaiters shall be in compliance with N.J.A.C. 5:23-12.6. The fees for witnessing acceptance tests and performing inspections shall be as follows:

- |     |  |        |
|-----|--|--------|
| (1) | The basic fees for elevator devices in structures not in Use Group R-3 or R-4, or in an exempted R-2 structure, shall be as follows:   |        |
|     | (a) Traction and winding drum elevators:   |        |
|     | [1] One to 10 floors:  | \$330. |
|     | [2] Over 10 floors:  | \$550. |
|     | (b) Hydraulic elevators:   | \$ 95. |
|     | (c) Roped hydraulic elevators:   | \$ 30. |
|     | (d) Escalators, moving walks:  | \$295. |
|     | (e) Dumbwaiters:   | \$ 75. |
|     | (f) Stairway chairlifts, inclined and vertical wheelchair lifts/manlifts:  | \$ 75. |
| (2) | Additional charges for devices equipped with the following features shall be as follows:   |        |
|     | (a) Oil buffers (charge per oil buffer):   | \$ 60. |
|     | (b) Counterweight governor and safeties:   | \$150. |
|     | (c) Auxiliary power generator:   | \$110. |
| (3) | Elevator devices:  |        |
|     | (a) The fee for elevator devices in structures in Use Group R-3 or R-4, or otherwise exempt devices in R-2 structures, shall be \$220. This fee shall be waived when signed statements and supportive inspection and acceptance test reports are filed by an approved qualified agent or agency in accordance with N.J.A.C. 5:23-2.19 and 5:23-2.20. |        |
|     | (b) The fee for plan review for elevator devices in structures in Use Group R-3 and R-4 and for elevator devices wholly within dwelling units in R-2 structures shall be \$ 60.  |        |

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(c) The fee for plan review in structures in use groups other than R-3 and R-4, and devices in the R-2's exempted by N.J.A.C. 5:23-4.20(c)6, shall be, for each device, \$310.

(4) The fee for witnessing acceptance tests of and performing inspections of minor work shall be \$ 75.

(5) The fees for routine and periodic tests and inspections for elevator devices in structures not in Use Group R-3 or R-4, or otherwise exempt devices in R-2 structures, shall be as follows:

(a) The fee for six-month routine inspections are as follows:

[1] Traction and drum elevators:	
[a] One to 10 floors:	\$205.
[b] Over 10 floors:	\$265.
[2] Hydraulic elevators:	\$150.
[3] Roped hydraulic:	\$205.
[4] Escalators, moving walks:	\$205.

(b) The fees for one-year periodic inspection and witnessing of tests of elevator devices, which shall include a six-month routine inspection, shall be as follows:

[1] Traction and drum elevators:	
[a] One to 10 floors:	\$295.
[b] Ten plus floors:	\$350.
[2] Hydraulic elevators:	\$220.
[3] Roped hydraulic elevators:	\$255.
[4] Escalators, moving walks:	\$470.
[5] Dumbwaiters:	\$120.
[6] Manlifts, stairway chairlifts, inclined and vertical wheelchair lifts:	\$180.

(c) Additional yearly periodic inspection charges for elevator devices equipped with the following features shall be as follows:

[1] Oil buffers (charge per oil buffer):	\$ 60.
[2] Counterweight governor and safeties:	\$120.
[3] Auxiliary power generator:	\$ 75.

(d) The fee for the three-year or five-year inspection of elevator devices shall be as follows:

[1] Traction and winding drum elevators:	
[a] One to 10 floors five-year inspection):	\$500.
[b] Over 10 floors five-year inspection):	\$555.
[2] Hydraulic and roped hydraulic elevators:	
[a] Three-year inspection:	\$375.
[b] Five-year inspection:	\$220.

#### **F. ELECTRICAL SUBCODE FEES:**

Minimum Fee \$ 50.

1. For all fixtures, receptacles, switches, fractional motors, air conditioners, dishwasher, water heaters, communication points, detectors, alarm devices, FAC panels, bells, horns/strobes, water flow or tamper switch, pull stations, security items such as security points for door/window, alarm points, card readers, magnetic locks, etc.

a. 1 to 20 devices	\$ 50.
b. For each additional 20 devices	\$ 20.

2. Solar/Photovoltaic Systems (Number of Kilowatts)

a. Zero to 50	\$ 60.
b. Fifty one to 100	\$115.
c. Over One Hundred +	\$575.
d. Micro-inverters, 1-20	\$ 50.
For each additional 20 devices	\$ 20.
e. Inverters	\$ 75.
f. Meter	\$ 25.

3. Services, Subpanels & Disconnects

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a. Amperage		
i. Up to 200		\$ 75.
ii. 201 to 500		\$150.
iii. 501 to 1000		\$225.
iv. Over one thousand		\$650.
b. Replacement of services exceeding three meters		
i. Each additional meter		\$ 25.
4. Generator/Transformers/Vaults/Enclosures/Substations (Number of Kilowatts)		
a. One to 10		\$ 20.
b. 10.1 to 45		\$ 75.
c. 45.1 to 112.5		\$125.
d. Over 112.5		\$600 .
5. Heat Pumps		
a. For the first ten pumps		\$ 50.
b. Each additional pump		\$ 10.
c. All other groups		\$ 100.
6. Motors (Horsepower)		
a. 1 to 10		\$ 20.
b. 10.1 to 50		\$ 75.
c. 50.1 to 112.5		\$ 125.
d. Over 112.5		\$ 600.
7. Signs: Free standing or on a structure, flat fee of		\$ 75.
8. Inspection of Elevator (per)		\$ 100.
9. Light Poles		
a. Under eight feet in height	Regular/Fixture/Device	
b. Over eight feet in height, each		\$ 25.
10. Swimming Pools		
a. Residential Above Ground Pool		\$ 75.
b. Residential Inground Pool		\$100.
c. Residential Spa/Hot Tub*		\$ 50.
d. Public Spa/Hot Tub*		\$150.
e. Annual pool, spa, hot tub inspection*		\$150.
*Each additional pool, spa or hot tub on site		\$ 50.

**G. FIRE SUBCODE FEES:**

Minimum Fee \$ 50.

1. Sprinkler system, each new installation and/or relocation; relocation; fire alarm systems; (horns, strobes, bells, smoke/carbon monoxide, heat, pulls, duct smoke detectors, electronic door locks).

Note: In computing the fee for heads or devices, the number of each shall be counted separately and two fees, one for heads, and one for devices, shall be charged:

- a. One to 20 heads and devices \$ 75.

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b.	21 to 100 heads and devices	\$175.
c.	101 to 200 heads and devices	\$300.
d.	201 to 400 heads and devices	\$800.
e.	401 to 1000 heads and devices	\$1,400.
f.	Over 1000 heads and devices	\$1,800.
2.	Standpipe systems, each new installation, relocation and/or repair, each:	\$ 250.
3.	Pre-action valves, dry pipe valve each:	\$ 150.
4.	Yard hydrants or underground piping, per loop:	\$ 200.
5.	Central Control Station, per each station:	\$ 200.
6.	Central Fire Control Center, each:	\$1,000.
7.	Fire Pump, each:	\$ 500.
8.	Installation of hazardous or smoke exhaust systems:	
a.	Atriums exhaust system, each:	\$ 400.
b.	Commercial kitchen hood system, each:	\$ 200.
c.	Hazardous exhaust system, each:	\$ 200.
d.	Commercial kitchen hood suppression, each:	\$ 200.
9.	Pre-engineered system including carbon dioxide foam, dry or wet chemical, inert gas, FM200 or other chemical or special systems (except commercial kitchen hood systems), each:	\$ 200.
10.	Installation of emergency generator, each:	
a.	Group R-5:	\$ 75.
b.	All other groups:	\$200.
11.	Fire Water Storage Tank, each:	\$ 300.
12.	Crematorium Fee, each:	\$ 500.
13.	Incinerator Fee, each:	\$ 500.
14.	Heating and cooling equipment (furnaces, air handlers, dryers, ovens, space heaters, pool heaters, boilers, fuel-burning appliances, fireplaces, chimney liner and metal vents):	
a.	First device, each:	\$ 60.
b.	Additional device, each:	\$ 15.
15.	Flammable/Combustible storage tanks:	
a.	Each tank, 0 to 999 gallons	\$ 100.
b.	Each tank, 1000 to 4999 gallons	\$ 300.
c.	Each tank, 5000 gallons or more	\$ 400.
16.	Field Inspection/Location of sprinkler heads and/or fire extinguisher placement,	\$ 100.

**H. PLUMBING SUBCODE FEES:**



Minimum Fee \$ 50.

1. For all fixtures or devices, except those listed in Subsection H2 hereafter, including but not limited to backflow preventers up to one inch, backwater valves, bathtubs, bidets, clothes washers, dishwashers, drinking fountains, floor drains, garbage disposals, floor sinks, hose bibs, soda dispensing equipment, ice cream or yogurt makers, ice making equipment, kitchen sinks, laundry tubs, lavatories, shower stalls, slop sinks, vent stacks, roof/overflow drains, urinals, utensil washers, vacuum breakers, water closets and whirlpools shall be (each): \$ 25.
2. For special devices, including backflow preventers, 1 1/4 inches and up, condensate pumps, dental chairs and related dental equipment, eye washers, fixture ejector or pump, garbage can washers, grease traps, neutralizing devices, water softeners, humidifiers, oil recovery tanks, oil and sand interceptors, sewer ejectors, sump pumps, emergency showers, spas, hot tubs, tank less heater, drip or safe pans, hose reels and indirect waste receptors, pool drains, solar systems or other specialty device shall be (each): \$ 75.
3. Each oil or gas appliance, including but not limited to broilers, clothes dryers, coffee and tea urns, deep fryers, grills, ovens, radiant heater, steam tables or kettles, log lighters and/or fireplaces, each device or fixture shall be: \$ 20.
4. Water heater, furnace, rooftop units, steam/hot water boiler, heat pumps, pool heaters:
  - a. Group R-5: \$ 75.
  - b. All other groups: \$ 100.
5. Replacement, repair, removal or new installation of a building water service shall be: \$ 75.
6. Replacement, repair, removal or new installation of a building sewer service shall be: \$ 75.
7. Air conditioning, refrigeration and condensate systems, each unit shall be: \$ 75.
8. Required inspection and certificate of compliance for the annual backflow preventer, each device shall be: \$ 75.
9. Each abandoned septic tank and/or pit shall be: \$ 100.
10. Installation of each liquefied petroleum (propane) gas tank/cylinder shall be as follows:
  - a. Each tank 0 to 999 gallons \$ 100.
  - b. Each tank 1000 to 4999 gallons \$ 500.
  - c. Each tank 5000 gallons or more \$ 800.

**(I) MECHANICAL INSPECTIONS:**

Minimum fee \$ 75.

1. Performed by mechanical/plumbing inspector for the installation and replacement of mechanical equipment in existing buildings, group R-5, R-4, R-3:
  - a. First piece of equipment each: \$ 75.
  - b. Additional equipment, each: \$ 20.No separate fee shall be charged for gas, fuel oil or water connections associated with the mechanical equipment.

**(J) ANNUAL PERMIT FEES:**

1. Fees to be charge for an annual construction permit shall be charged on an annual basis. This fee shall be per maintenance worker primarily employed in an appropriate subcode:
  - a. From 1 to 25 workers, each \$ 933.
  - b. Over 25 workers, each additional worker \$ 329.

1. Prior to the issuance of an annual permit, a training registration fee of \$196 per subcode and a list of not more than three individuals to be trained per subcode shall be submitted by the applicant to the Township's Construction Code Official who shall forward the fee to the Department of Community Affairs, Bureau of Construction Code Enforcement, Training Section, along with copies of the Construction Permit (form F-170). Checks shall be made payable to Treasurer, State of New Jersey. Note: Annual permit fees are not refundable.

**(K) MISCELLANIOUS FEES**

Miscellaneous Fees: Special inspections not enumerated above shall be performed by the appropriate subcode official at an hourly rate of \$ 100 with a minimum of four hours. (Example: inspections requested to be performed after hours)

**(L) ZONING FEES:**

Zoning fees enumerated as follows:

- |     |   |        |
|-----|---|--------|
| (1) | Zoning letter of compliance                     | \$ 50. |
| (2) | Zoning permit NOT requiring construction permit | \$ 50. |

**NOTE:**

Except as numerated above, all checks shall be made payable to the Township of Mine Hill.

All fees collected pursuant to this ordinance are nonrefundable.

**(M) SEARCH EXAMINATION**

Search, examination and reproduction of code enforcement records. The Construction Official is designated as the deputy custodian of all Building Department and building subcode records. Duplicating costs and special service charges related to the reproduction of any Building Department records and documents shall be in accordance with provisions of the Open Public Records Act as specified under § 125-9, entitled "Open Public Records Act," under Chapter 125 of the Code of the Township, entitled "Fees."

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

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

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

Section 5. This Ordinance shall take as provided by law.

**ADMINISTRATIVE AGENDA**

Mr. Morris provided the following report:

- Tennis court upgrade
- Discussing the need for a truck
- Dpw doing sidewalks and basins
- 25,000 in autumn run settled from 1999 – will be used for sidewalks, paving, etc.
- Memorial construction slowed but will start again.
- Moving forward with paleggi monuments
- Bassett lane and Indian falls sewer line
- Working on technical data for rvrsa for length of time for metering.
- Speed bumps in numerous locations – 4 on Hurd, 1 on Indian Falls, 1 on Glen
- Numerous bear sightings and a bobcat sighting. Want to call fish and game
- Getting quotes for rewiring town hall for a generator
- Civic center carpet is in
- Zack's eagle project was started. Power washing and some demolition of benches. Will resume on Saturday 27th.
- Street Lamps are ordered for Baker Street
- \$73,000 grant for Dolores Walking Path came in
- Beach took in \$800 at the gate on Sunday

**REPORTS OF COUNCIL LIAISONS**

**Recreation/Community Committee**

No report.

**Board of Education**

Mr. Coranato reported that the last day of school is next week, and Mr. Nettle will be starting in July.

**Fire & First Aid**

Mr. Pepperman reported that First Aid purchased a stretcher.

**Police**

Mr. Pepperman reported that 115 tickets were issued and 10 arrests were made in the month of May.

**Open Space Committee**

Mr. Bloom reported that the Committee is ready to have the materials for the culvert purchased, and noted that there is some need for tree removal on the trails.

**Planning Board**

No report.

**OPEN TO THE PUBLIC**

Mr. Paschal of Thomastown Road noted that the fence around the mushroom site is down and in need of repair.

**INTRODUCTION OF ORDINANCES**

**Ordinance 20-15 Licensing of Used Motor Vehicle Dealers**

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to introduce the ordinance. It was noted that the ordinance would be further considered at the next meeting on July 16, 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

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

Section 1. The Revised General Ordinances of the Township of Mine Hill shall be amended by the inclusion of new Chapter 514 (new codification) which shall be entitled "Used Motor Vehicle Dealers" and shall read, in its entirety, as follows:

Chapter 514

USED MOTOR VEHICLE DEALERS

514-1 License Required.

No person shall engage in or carry on the business of motor vehicle junk dealer or dealer in second hand motor vehicles or parts thereof in the Township without obtaining a license as provided in this section. Each license shall expire on December 31 of the year in which it was issued and shall be renewed annually.

514-2 Definitions.

As used in this section:

"Motor vehicle junk dealer" or "dealer in second hand motor vehicles" shall mean and include purchasing, selling, exchanging, or storing dismantled, partly dismantled or used motor vehicles, including motorcycles. This section shall not apply to a casual sale of a single motor vehicle previously owned and operated by the seller.

514-3 Application for License.

Every applicant for a license shall make a separate application for the granting of a separate and distinct license for each separate and distinct location where the business is to be maintained and operated. The application shall include the following:

a. The name of the person or entity making such application and business address. The name of any individual holding any interest in an entity making an application including the address of all persons holding an interest.

b. In the case of an application for a newly established location, the application must be accompanied by a site plan duly approved by the Planning Board of the Township of Mine Hill.

c. In the case of an application for an existing location which existed prior to the enactment of this Ordinance, the application must be accompanied by a zoning permit indicating that the existing use is a legal use or a certificate of non-conformity as well as a location survey map of the premises giving the street frontage and delineating the exact area of the premises upon which the business is to be conducted.

d. A statement of any criminal convictions of the applicant or any person holding any interest in any applicant which is not an individual, including a statement of any indictments, presentments or complaints against the applicant which did not lead to conviction.

e. A statement of any judgments against the applicant or any individual who holds any interest in any applicant which is not an individual, including a statement of any proceeding as to insolvency, receivership or bankruptcy involving the applicant.

f. A copy of any State issued licenses or permits.

#### 514-4 License Fee.

An applicant for a license under this Chapter shall pay an annual fee for such license as set forth in Chapter 235 "Fees". The license fee shall be due annually and there shall be no proration of the fee for licenses issued after January 1.

#### 514-5 Regulation of Licenses.

a. None of the materials, the purchase, sale, exchange or storage of which is regulated herein, shall be kept on any sidewalk, street, or right of way and shall be set back at least ten (10) feet from any sidewalk, street, or right of way

b. It shall be unlawful for any licensee to permit any materials, the purchase, sale, exchange or storage of which is regulated herein, to be placed upon the licensed premises in such a manner so as to permit rain water to collect and remain in and about said premises for a period longer than 24 hours.

c. It shall be unlawful for any licensee to stack, pile or place any materials upon the licensed premises in such a manner as to create a fire hazard or to create a place for the harboring or breeding of rats, mice or vermin.

d. It shall be unlawful for any licensee to cause any materials which may be inflammable to be destroyed by burning, either on the premises or at any other place within the township.

e. Vehicles shall be parked on a lot which shall be paved with concrete, bituminous penetration macadam pavement or other equivalent materials, all of good quality. Such pavement shall be maintained in a good state of repair.

f. Licensed lots shall have adequate drainage system to drain away, quickly and at all times, all surface waters, so that no pools of water may form, at any time, on said lot or any water flow from said lot onto the street or sidewalk or on any adjoining land. Such drainage system shall not be installed in such a way as to interfere with, prevent or affect, in any manner, the proper maintenance or adequate functioning of any sewer system, storm sewer or storm drain of the Township or diminish its effectiveness.

g. Environmental oversight.

1. No license shall issue unless the applicant has submitted all current required New Jersey Department of Environmental Protection permits with the application or has submitted an affidavit certifying that the use and operations on site do not require any permits from the New Jersey Department of Environmental Protection.

2. It shall be unlawful for any licensee to discharge to land, groundwater or surface waters of this State any pollutant. A "pollutant" means any dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, thermal waste, wrecked or discarded equipment, and construction waste or runoff or other residue. If a licensee's business activities include the storage or control of pollutants on site, the licensee shall provide an appropriate physical location and proper procedures within acceptable environmental standards for the storage and handling of pollutants so as to prevent the discharge or potential discharge of pollutants to land, groundwater or surface waters.

#### 514-6 Inspection.

The Health Officer, the Zoning Officer, or any other authorized agent of the Township are hereby authorized and directed during reasonable business hours to make reasonable periodic inspections of all said premises and buildings for the purpose of ascertaining that said business is being conducted upon the licensed premises in accordance with the provisions hereof.

#### 514-7 Violations and Penalties.

Any person, partnership or corporation violating the provisions of this section shall be subject to the penalties set forth in Section 1-3 of this Code.

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 final publication and in accordance with law. Licenses under this ordinance shall not be required until January 1, 2016.

**CONSENT RESOLUTIONS**

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

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

Nays: none

Absent: none

Abstentions: none

**Resolution 083-15 Refund of Water Payment**

WHEREAS, this parcel is a vacant property; and

WHEREAS, the Township shut the water off to the property on April 30, 2012; and

WHEREAS, the homeowner has questioned being billed for water consumption during a time when they did not occupy the home; and

WHEREAS, the Tax Collector has performed an audit of the bills for this property and finds that consumption charges were generated after the water was turned off, requiring a refund from 2012 to 2015 in the amount of \$98.95.

THEREFORE, BE IT RESOLVED by the Mine Hill Township Council, County of Morris, and State of New Jersey, that the Treasurer shall refund \$98.95 to FWDSL & Associates the party who has paid these expenses.

Total amount of refund \$98.95

FWDSL & Associates, LC  
5 Cold Hill Rd. Sough #11  
Mendham, NJ 07945

**NON-CONSENT RESOLUTIONS**

**Resolution 084-15 Approval of Liquor License – Rest A Bit Tavern**

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 applicant for Alcoholic Beverage Control License set forth below has been duly investigated; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MINE HILL IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that the Township Council hereby agrees to issue to the following applicant, the following permanent license under the aforesaid State Statutes for the following annual fee, said license to commence July 1, 2015 and to expire at midnight on June 30, 2016.

APPLICANT:	ADDRESS:	FEE:
Zanotti, Inc.	221 Route 46	\$1,200.00
T/A Rest-a-Bit Tavern		
For Plenary Retail		
Consumption License		

No. 1420-33-005-002

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to issue the aforesaid license in the form approved by the Department of Alcoholic Beverage of the State of New Jersey to the aforesaid applicant.

**Resolution 085-15 Approval of Liquor License – L&L Package Store**

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 applicant for Alcoholic Beverage Control License set forth below has been duly investigated; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MINE HILL IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that the Township Council hereby agrees to issue to the following applicant, the following permanent license under the aforesaid State Statutes for the following annual fee, said license to commence July 1, 2015 and to expire at midnight on June 30, 2016.

<u>APPLICANT:</u>	<u>ADDRESS:</u>	<u>FEE:</u>
L&L Package Store, Inc. For Plenary Retail Distribution License No. 1420-44-003-002	264 Route 46	\$750.00

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to issue the aforesaid license in the form approved by the Department of Alcoholic Beverage of the State of New Jersey to the aforesaid applicant.

**Resolution 086-15 Approval of Junk Dealer License**

A motion was made by Ms. Kanzenbach and seconded by Mr. Willis to approve the resolution as amended to include a condition. 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, John Paschal, who resides at 35 Thomastown Road, has made application for a Junk Dealer Permit renewal for the 2015-2016 Licensing Year; and

WHEREAS, the application fee of \$50.00 has been paid; and

WHEREAS, the Zoning Officer has made an inspection of the property and recommends that the license be renewed for the upcoming Licensing Year, contingent upon payment of the State Fire Marshal Fee.

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 Municipal Clerk is hereby authorized and directed to issue a Junk Dealer Permit to John Paschal of 35 Thomastown Road upon proof of payment of the State Fire Marshal Fee.

**NEW & OLD BUSINESS**

Mr. Morris lead brief discussion on the following topics:

- A meeting will be set up to discuss Mr. Paschal's property
- Plans have been revised for the repair of the Tennis Courts

- (It was noted that Mr. Bucco arrived and Mr. Bryce left at this time)
- Once the Gillen Street sewer connections are complete, Gillen, Randall and Autumn will be paved
- DPW is in need of another truck which will be used for sewer installations
- Revised plans are being considered for sidewalks at the intersection of Canfield and Route 46

**OPEN TO THE PUBLIC**

Mr. Paschal asked if a portajon would be considered at the tennis courts. Mr. Morris responded that it would not as it is a maintenance nightmare.

**CLOSED SESSION**

Mr. Bucco determined that the intended closed session item, COAH litigation, could be discussed in open session. He explained that a resolution was needed to apply to the courts for protection, and that the Township would have to prove to the courts that COAH obligations were met. The deadline to pass such a resolution is in July. Mr. Bucco advised that the resolution be passed at this time.

**Resolution 088-15 Seeking Determination of Compliance with COAH Obligations**

A motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to approve the resolution as amended to include a condition. 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, on March 10, 2015, the New Jersey Supreme Court issued its decision in the case of In Re Adoption of N.J.A.C. 5:96 and 5:97 by NJ Council on Affordable Housing, holding that enforcement of the Fair Housing Act (“FHA”) and the Mount Laurel Doctrine be returned from the Council on Affordable Housing (“COAH”) to the New Jersey Superior Courts, due to COAH’s failure to adopt Third Round Rules on municipal affordable housing obligations; and

WHEREAS, the New Jersey Supreme Court ordered, in that decision, that municipalities such as Mine Hill which had actively pursued applications for Third Round Substantive Certification status with COAH are permitted to file a declaratory judgment action with the Superior Court; and

WHEREAS, the purpose of the declaratory judgment action is to seek a judicial declaration that the municipality’s affordable housing plan presents a realistic opportunity for the provision of its fair share of present and prospective need for low and moderate income housing so that the municipality is entitled to protection from lawsuits challenging its zoning as afforded under the FHA; and

WHEREAS, the Township Council deems it to be in the best interest of the Township and its residents to authorize the Township Attorney to file a declaratory judgment action seeking judicial approval of the Township’s compliance with its Third Round affordable housing obligation.

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 Attorney is hereby authorized to file a declaratory judgment action with the Morris County Superior Court to seek a judicial declaration of the Township’s compliance with its affordable housing obligations and any other actions deemed necessary in accordance therewith; and

BE IT FURTHER RESOLVED, that the appropriate municipal officials are hereby authorized to execute any and all documents necessary to implement and effectuate this Resolution.

This resolution shall take effect immediately.

16-2015-06-18

MINUTES OF THE MINE HILL TOWNSHIP COUNCIL  
REGULAR MEETING – June 18, 2015

**ADJOURNMENT**

There being no further business, a motion was made by Ms. Kanzenbach and seconded by Mr. Pepperman to adjourn the meeting at 8:47 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