

MANSFIELD TOWNSHIP COMMITTEE MEETING

April 24, 2013

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Star-Gazette and the Express Times of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Mr. Watters made a motion to approve the minutes from the regular meeting held on April 10, 2013, which was seconded by Mr. Clancy.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

APPROVAL OF THE BILL LIST:

Mr. Watters asked about the addendum and if the contract was signed by Butler Park Fire Company.

Ms. Hrebenak stated that the contract was signed.

Mrs. Smith asked about the bill for the rocker panel on the Dodge for the police department.

Mayor Tomaszewski stated that the part needed to be replaced.

Mr. Smith made a motion to approve the bill list and addendum, which was seconded by Mr. Watters.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

CFO REPORT:

Mr. Pandos stated that Washington Borough had advertised the Tax Collector position on Monday.

Mr. Smith asked if Mr. Pandos had heard anything from Washington Borough.

Mr. Pandos stated that last week he had heard from the Borough Manager and she stated that the Council had agreed to the Shared Service.

Mr. Smith asked that Mr. Pandos speak to the Borough Manager to see if there has been any response to the ad.

CLERKS REPORT:

Ms. Hrebenak stated she has a raffle application for Tri County Fire for a 50/50 all items are in order, so a motion is needed to approve the license.

Mr. Watters made a motion to approve the Raffle License for Tri County Fire, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

ENGINEERS REPORT:

Mr. DiSessa stated that he received notice from the County in reference to the culvert on Valley Road and it will run from May 1 through August 1, 2013 and the detour will be Mitchell Road.

Mr. DiSessa stated that the contractor is the same contractor as the Diamond Hill Project so there should be no problems.

Mr. DiSessa stated that as Ms. Hrebenak had stated the detours will begin for the bridge by Colonial Manor and Mr. Sliker is doing some of the repairs on Heiser Road to possibly alleviate some of the damages to the road.

Mayor Tomaszewski asked Mr. DiSessa if the DOT will be responsible for the damage to the road.

Mr. DiSessa stated that they are but we were trying to do some paving to keep the road intact for this project.

PUBLIC PORTION:

Mayor Tomaszewski stated that at the last meeting Mrs. Thompson had used profanity directed towards the Committee and that he was not planning on letting her speak during public portion.

Mrs. Thompson stated that she was upset and apologized for her behavior.

Mayor Tomaszewski stated that he understands the frustration but unfortunately we have to follow procedure as the attorney's office.

Mrs. Thompson had a prepared statement that she read to the Township Committee.

Mrs. Thompson asked if the Township allows a third business to run in the parking lot was this change of use approved.

Mrs. Thompson went through all of the other car lots and what they have needed to do.

Mr. Vex explained to Mrs. Thompson that they are State Licenses and if the State has a problem they should enforce their issues.

Nick and Joe Toscano, Route 57 Auto Salvage, the contractor that they were going to use is saying that it is a minimum three weeks for delivery.

Mr. Vex stated that they need to try to get the fence up as soon as possible.

Desiree Mora, spoke to the Township Committee in reference to the Community Day. June 22 and a rain date of June 23 at 1pm will be the day for the Community Day. Mansfield Fire will be donating a dunk tank and the FOP will be donating a bounce house. Mrs. Mora stated that there will be a pie baking contest and the Mayor, a Police Officer, and also a Chef will be the judges.

Kathy Todd, 509 Jackson Valley Road, recreation commission stated that she received a formal complaint from a parent from another parent.

RESOLUTION:

**RESOLUTION NO. 2013-61**

**A RESOLUTION ESTABLISHING THE RATE FOR OUTSIDE EMPLOYMENT OF OFF-DUTY POLICE**

**WHEREAS**, the Code of the Township of Mansfield provides for a rate of payment of police coverage in quasi-public matters under Article 2 Section 2-20.9 b; and

**WHEREAS**, the rate established therein may be changed from time to time by resolution of the Township Committee, and

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey that the charge for quasi-public services shall be paid as follows:

Uniformed Police Officer	\$64.94 per hour
Administrative Costs	\$25.56 per hour

The applicant for such services shall deposit sufficient funds to cover costs in advance which will be kept in escrow with the Acting Chief Financial Officer and any balance refunded upon written request on prescribed form.

Mr. Watters made a motion to approve the passage of Resolution 2013-61, which was seconded by Mrs. Kocher.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

RESOLUTION # 2013 -62  
REFUND OF PLANNING BOARD ESCROW BALANCE  
TOWNSHIP OF MANSFIELD

WARREN COUNTY, STATE OF NEW JERSEY

**WHEREAS**, Catherine Lake issued checks for Planning Board escrow with the Township of Mansfield, County of Warren,

**WHEREAS**, there remains a balance of \$ 200.00 in the escrow account,

**WHEREAS**, the Planning Board Attorney and Engineer have determined that the project is complete,

**NOW THEREFORE BE IT RESOLVED**, that the Township Finance Office be authorized to refund the amount of \$ 200.00 to Catherine Lake.

Mr. Watters made a motion to approve the passage of Resolution 2013-62, which was seconded by Mr. Sliker.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

ORDINANCE

First Reading:

Mayor Tomaszewski introduced Ordinance 2013-07;

**ORDINANCE 2013-07**

**TOWNSHIP OF MANSFIELD  
WARREN COUNTY, NEW JERSEY**

**AN ORDINANCE TO AMEND CHAPTER 22 OF THE CODE OF THE TOWNSHIP OF MANSFIELD TO PROVIDE REGULATIONS REGARDING USED CLOTHING DONATION BINS.**

**WHEREAS**, the Township of Mansfield believes that in light of the recent trend of businesses placing clothing donation bins, such amendments are necessary to update, supplement, clarify and/or explain certain provisions in the Zoning Ordinance, and

**WHEREAS**, the Township of Mansfield recognizes the control of the location of Clothing Donation Bins has become a matter of public concern as they may effect the health and safety of residents of this community, and

**WHEREAS**, the Township of Mansfield Residents making donations utilizing said bins are entitled to information regarding the entities receiving said donations, and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2.60 et seq. entities utilizing said bins for the receipt of donations are required to obtain a permit from the municipality allowing such use;

**NOW, THEREFORE**, be it ordained by the Mayor and Township Committee of the Township of Mansfield that the Land Use Code of the Township of Mansfield shall be amended as follows:

CHAPTER 22 – Zoning, of the Ordinances of Mansfield Township, Section 22-2, Definitions, is

hereby amended and supplemented with the following new definition:

**CLOTHING DONATION BIN** — Any enclosed receptacle or container made of metal, steel or a similar product and designed or intended for the donation and the temporary storage of clothing or other materials.

Chapter 22-13A of the Ordinances of Mansfield Township is hereby amended and supplemented, by adding the following new subsections as follows:

*22-13A.4 Clothing Donation Bins*

- Placement of clothing donation bins shall not be permitted in any residential or industrial zones of the township.
- It shall be unlawful for any person to place, use, or employ a clothing donation bin (herein referred to as bin) for solicitation purposes within the Township of Mansfield unless all of the following requirements are met:
  - Any person desiring a permit under this chapter shall file with the Zoning Officer an original application, in writing, on a form furnished by the Zoning Department, along with an initial application fee as specified on the application.
  - The permit will be valid for a specified period of time.
  - In applying for such a permit, the applicant shall set forth the following information:
    - The applicant's name, business name and business address;
    - The location where the bin would be situated, as precisely as possible;
    - A description of the clothing donation bin to be covered by the permit;
    - The manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;
    - The name, and telephone number of the bona fide office required pursuant to subsection (4) of this section, of any entity which may share or profit from any clothing or other donations collected via the bin;
    - Name and phone number of the nonprofit organization displayed on each bin; and

- Written consent from the property owner(s) to place the bin on the property.
- All bins on a single property shall not cover a ground surface area in excess of six feet by twelve feet, nor be more than six feet in height.
- The bin(s) shall be appropriately located so as not to interfere with sight triangles, on-site circulation, required setbacks, landscaping, parking, and any other requirements that may have been imposed as part of the site plan approval for the premises, and shall be placed on a concrete or paved surface.
- The Zoning Officer shall not grant an application for a permit to place, use or employ a clothing donation bin, if he/she determines that the placement of the bin(s) could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of clothing donation bins within 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases, or the placement of the bin would constitute a traffic hazard.
- The bin(s) shall be of the type that are enclosed by use of a receiving door and locked so that the contents of the bin(s) may not be accessed by anyone other than those responsible for the retrieval of the contents.
- The following information shall be clearly and conspicuously displayed on the clothing donation bin(s):
  - The name and address of the registered person that owns the bin(s) and of any other entity which may share or profit from clothing or other donations collected via the bin(s); and
  - The telephone number of the person's bona fide office, and if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin(s);
  - In cases where any entity other than the person who owns the bin(s) may share or profit from any clothing or other donations collected via the bin(s), a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin(s), their proceeds or both, may be shared or given entirely to, an entity other than the person who owns the bin(s), and identifying all such entities which may share or profit from such donations;
  - A statement consistent with the information as required by Section 3-(4) of this Ordinance, indicating the manner in which the person anticipates any clothing or other donations collected via the bin(s) would be used, sold or dispensed and indicating the method by which the proceeds of the collected donations would be allocated.

- It shall be the duty of each registered organization issued a permit hereunder to properly maintain and service any clothing donation bin placed within the Township so as to prevent such clothing bins from creating any nuisance, hazardous or unsafe condition, including accumulation of any items outside of the bin(s).
- An expiring permit for a clothing donation bin may be renewed upon application for renewal and payment of a renewal fee not to exceed \$25 annually.
- If any used clothing donation bins are placed without a permit, or an inspection reveals that such bins are not in compliance with this section, enforcement and abatement shall take place as generally provided under this article.
  - The minimum penalty of fine for the violations of any of the provisions of this chapter shall be \$100 per violation.
  - The zoning officer, the building inspector, or other code enforcement officer, the police department, and the Warren County Department of Health are hereby individually and severally empowered to enforce the provisions of the Ordinance.
- A violation of this ordinance may result in the Township seizing the bin, removing it at the owner's expense and selling the contents at public auction. All proceeds from such sale shall be paid to the Chief Financial Officer of the municipality.

This Ordinance shall take effect immediately upon passage, publication according to law, and filing with the Warren County Planning Board.

Mr. Clancy stated that the Fire Company has a clothing bin and is located in a Residential zone.

Ms. Hrebenak stated that the Municipal Building also has a clothing bin.

Mr. DiSessa stated that he will change the ordinance so that these uses may still be allowed.

Ms. Hrebenak stated that the Ordinance will need to be tabled until the changes are made.

Mr. Watters made a motion to table Ordinance 2013-07, which was seconded by Mr. Clancy.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

ADOPTION OF 2013 MUNICIPAL BUDGET Resolution 2013-54

Mr. Profroch asked what the Verizon Franchise Fee.

Mrs. Hrebenak stated that this is for the Tower for cell.

Mr. Profroch asked why there is such a high increase in the Administrative and Executive line.

There was no answer and Mr. Pandos and Mr. Ferry stated that they will look into this and get back to him.

Mr. Profroch asked about the amount that is in the Open Space.

Mr. Ferry went through the budget with the Township Committee.

Mr. Ferry stated that this year the average home is \$236,289 in Mansfield and that for the budget that has been presented the municipal tax would be is \$1351.97 and that in 2012 the municipal tax for the same house was \$1334.30.

Mr. Watters made a motion to approve the passage of Resolution 2013-54 Municipal Budget, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Second Reading:

**ORDINANCE # 2013-06**

**AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE SALARIES AND WAGES FOR THE OFFICERS OF THE TOWNSHIP OF MANSFIELD.**

**BE IT ORDAINED, by the Township Committee of the Township of Mansfield, County of Warren, and State of New Jersey as follows:**

**The salary range per annum of rates of compensation for the following officers of the Township of Mansfield is determined to be as follows:**

Sergeant	\$ 80,000.00	-	\$ 93,300.00
Lieutenant	\$ 93,000.00	-	\$ 98,494.00
EMT Stipend	\$ 1,000.00	-	\$ 1,200.00

Mr. Clancy made a motion to approve the passage of Ordinance 2013-06 and requested that the results be advertised, which was seconded by Mrs. Kocher.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

RESOLUTION:

**RESOLUTION # 2013-60  
MANSFIELD TOWNSHIP POLICE DEPARTMENT**

**2013 SALARIES**

**WHEREAS**, there is an agreement in place between the Township of Mansfield, Warren County, New Jersey and the Fraternal Order of Police Lodge # 157 on behalf of the Township of Mansfield Police which sets forth the per annum salaries for a Lieutenant and Sergeants;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Mansfield, Warren County, New Jersey, that the per annum salaries for the following Lieutenant and Sergeants shall be as follows:

		<u>From</u>	<u>To</u>		<u>From</u>	<u>To</u>
Lt. Michael Reilly	\$ 95,136.00	1-Jan	31-Dec			
Sgt. Shawn Bates	\$ 90,061.00	1-Jan	31-Dec			
Sgt. Patrick Kirchner	\$ 90,061.00	1-Jan	31-Dec			
Sgt. James Hikade	\$ 88,730.00	1-Jan	1-Dec.	\$ 90,061.00	2-Dec	31-Dec
Sgt. Michael MacDonough	\$ 90,061.00	1-Jan	31-Dec			

**BE IT FURTHER RESOLVED**, that salaries are to be paid in accordance with Salary Ordinance 2013-06, which was adopted by the Mansfield Township Committee on April 24, 2013.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, the Acting Chief Financial Officer shall be hereby authorized to pay the foregoing salaries in accordance with Ordinance 2013-06 commencing April 24, 2013.

Mr. Watters made a motion to approve the passage of Resolution 2013-60, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Executive Session:

Mr. Watters made a motion to go into Executive Session at 8:55pm, which was seconded by Mr. Smith.

Return to Regular Session at 9:19pm.

Roll Call: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Mr. Watters stated that Warren County is purposing that the Township renew the agreement.

Mr. Vex stated that there were two ordinances that the Township Committee would like to introduce.

**ORDINANCE 2013-08**

**AN ORDINANCE AMENDING THE TOWNSHIP OF MANSFIELD GENERAL ORDINANCES TO CLARIFY THE TOWNSHIP’S PROHIBITIONS ON SMOKING INSIDE TOWNSHIP BUIDLINGS AND VEHICLES AND OUTSIDE TOWNSHIP BUILDING ENTRANCES**

**WHEREAS**, the Township Committee of the Township of Mansfield has determined that clarification is required with respect to the Township’s policy regarding smoking by employees and visitors inside Township buildings and outside the Municipal Building entrances

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mansfield,

County of Warren, State of New Jersey as follows:

**Section 1**

The following new regulation related to smoking shall be added to the Township of Mansfield Ordinances:

**SMOKING PROHIBITIONS IN MUNICIPAL BUILDINGS AND WITHIN 30 FEET OF ALL ENTRANCES TO THE MUNICIPAL BUILDING**

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breath clean air supersedes the rights of smokers. In accordance with the State law, the Township has adopted a smoke-free policy for all buildings. Township facilities shall be smoke-free, and no employee or visitor will be permitted to smoke anywhere inside Township buildings. Employees and visitors are permitted to smoke only outside of Township buildings and in such locations as not to allow the reentry of smoke into any building entrances. Furthermore, employees and visitors are prohibited from smoking within 30 feet of any entrance to the Township Municipal Building, as that building is regularly frequented by other employees and many members of the general public. Smoking inside vehicles owned by the Township and near equipment that may be sensitive to smoke is also prohibited.

**ENFORCEMENT**

The enforcement authority for this chapter shall be the police officers of the Township of Mansfield.

**VIOLATIONS AND PENALTIES**

Any person who violates any provision of this chapter shall be subject to the following penalties:

- (1) For the first offense, a fine not to exceed the amount of \$50.
- (2) For the second offense, a fine not to exceed the amount of \$100.
- (3) For each additional violation, a fine not to exceed \$250.

**Section 2**

All other ordinance provisions which are inconsistent with the terms of this Ordinance, are hereby declared null and void and repealed.

Mr. Watters made a motion to approve the introduction of Ordinance 2013-08 and requested that the public hearing be advertised for May 8, 2013 at 8pm, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

**ORDINANCE 2013-09**

**AN ORDINANCE AMENDING THE TOWNSHIP OF MANSFIELD GENERAL ORDINANCES TO CREATE THE POSITION OF OFFICE MANAGER**

**WHEREAS**, the Township Committee of the Township of Mansfield has determined that it is in the best interests of the Township to create the position of Office Manager to supervise the day to day operations of the Municipal Building administrative staff.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey as follows:

**Section 1**

**OFFICE MANAGER**

**Appointment; Term.** The Officer Manager shall be appointed by majority vote of the governing body. He or she shall hold this office for a two year term (with the first term ending December 31, 2014). He or she may also be removed from the position for cause as determined by the governing body.

**Duties.** The Office Manager shall be responsible for the following duties:

1. Supervise the Township administrative office and staff.
2. Coordinate the operations, activities and administration of the programs, departments, offices, boards, committees, agencies and activities of the Township.
3. Investigate, examine and inquire, when deemed necessary or as directed from time to time by the Township Committee, into the affairs and operations of any department, office, board, committee or agency of the Township in connection with the performance of their designated responsibilities and to generally ensure the efficient operations thereof.
4. Perform such other and additional duties and functions as may from time to time be designated or assigned by the Township Committee.

## **Section 2**

The Township's Salary Ordinance shall reflect that the annual salary rate for the Office Manager position shall be \$20,000 to \$25,000.

## **Section 3**

All other ordinance provisions which are inconsistent with the terms of this Ordinance are hereby declared null and void and repealed.

Mr. Smith made a motion to approve the introduction of Ordinance 2013-09 and requested that the public hearing be advertised for May 8, 2013 at 8pm, which was seconded by Mr. Watters.

Ayes: Mr. Smith, Mr. Watters, Mayor Tomaszewski

Nays: Mrs. Kocher, Mr. Clancy

Absent: None

Abstain: None

Mr. Watters made a motion to adjourn at 9:36pm, which was carried by all.