

MANSFIELD TOWNSHIP COMMITTEE MEETING

August 26, 2015

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. Watters, Mrs. Kocher, Mrs. Korczukowski, Mr. Watters, Mayor Clancy

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 August 12, 2015, which was seconded by Mrs. Korczukowski.

Ayes: Mr. Watters, Mrs. Korczukowski, Mr. Watters, Mayor Clancy

Nays: None

Absent: Mr. Misertino

Abstain: Mrs. Kocher

BILL LIST:

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

Ayes: Mr. Watters, Mrs. Kocher, Mrs. Korczukowski, Mr. Watters, Mayor Clancy

Nays: None

Absent: Mr. Misertino

Abstain: None

CLERKS REPORT:

Ms. Hrebenak stated that she had an application for the Mansfield Cowboys Parents Association to hold a 50/50 and all items are in order so a motion is needed to approve the application.

Mrs. Korczukowski made a motion to approve the 50/50 application for Mansfield Cowboys Parents Association, which was seconded by Mr. Watters.

Ayes: Mr. Watters, Mrs. Kocher, Mrs. Korczukowski, Mr. Watters, Mayor Clancy

Nays: None

Absent: Mr. Misertino

Abstain: None

ENGINEERS REPORT:

Mr. Finelli stated that Constellation Solar is working to address the punch list so that they can receive their CO.

Mr. Finelli stated that we are still waiting for DEP approval for the Watters Road project.

Mr. Finelli stated that he met with Kevin Ward at the Duarte's property and decided that they will need to establish where the pipe comes out.

Mr. Finelli spoke about the Salt Shed Bid and the fact that the numbers were reduced from the previous bids received. Mr. Finelli requested that the bid be awarded to Clear Span.

Mr. Watters made a motion to award the bid for the Salt shed to Clear Span in the amount of \$61, 850, which was seconded by Mrs. Kocher.

Ayes: Mr. Watters, Mrs. Kocher, Mrs. Korczukowski, Mr. Watters, Mayor Clancy

Nays: None

Absent: Mr. Misertino

Abstain: None

Mr. Finelli stated that he would like the committee to make a motion to put the Second part of the salt shed bid for the site work out to bid.

Mrs. Korczukowski made a motion to put the second part of the Salt Shed for the site work out to bid, which was seconded by Mr. Watters.

Ayes: Mr. Watters, Mrs. Kocher, Mrs. Korczukowski, Mr. Watters, Mayor Clancy

Nays: None

Absent: Mr. Misertino

Abstain: None

PUBLIC PORTION:

Cate Oakley, asked where the salt shed is going.

Mayor Clancy stated that it is being installed at the DPW building on Route 57.

Cate Oakley asked when the state is going to complete the project on Route 57.

Mr. Finelli stated that when a roadway is being resurfaced it goes in sections.

Mrs. Oakley asked when the roads will be completed in the township.

Mrs. Korczukowski stated that we are starting on Monday on Hillside Road.

Elizabeth Griggs thanked Ms. Hrebenak for putting Mr. Watters email on the website.

Mr. Profrock, questioned about the house that is near him that is starting to decline and if the ordinance that is being introduced would cover this.

Mrs. Oakley asked what was going on with the Recreation fields and asked that the Township Committee entertain the idea of increasing the Open Space Tax to three cents to dedicate one cent to the Park build out.

Mrs. Korczukowski made a motion to have a referendum placed on the ballot to increase the Open Space Tax to .03 cents if there is time to have it done, which was seconded by Mrs. Kocher.

Ayes: Mrs. Kocher, Mrs. Korczukowski, Mayor Clancy
Nays: None
Absent: Mr. Misertino
Abstain: Mr. Watters

RESOLUTION:

RESOLUTION # 2015 -84
REFUND OF PLANNING BOARD ESCROW BALANCE
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Mansfield Commons II, L.L.C. issued checks for Planning Board escrow with the Township of Mansfield, County of Warren,
WHEREAS, there remains a balance of \$ 405.00 in the escrow account,
WHEREAS, the Planning Board Attorney and Engineer have determined that the escrow balance can be refunded,
NOW THEREFORE BE IT RESOLVED, that the Township Finance Office be authorized to refund the amount of \$ 405.00 to Mansfield Commons II, L.L.C.

Mr. Watters made a motion to approve the passage of Resolution 2015-84, which was seconded by Mrs. Kocher.

Ayes: Mr. Watters, Mrs. Kocher, Mrs. Korczukowski, Mr. Watters, Mayor Clancy
Nays: None
Absent: Mr. Misertino
Abstain: None

Resolution 2015-85

RESOLUTION TO CANCEL GRANT FUND RECEIVABLES AND RESERVES OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY

WHEREAS, there exists receivables on the balance sheet of the Grant Fund; and

WHEREAS, there exists reserves on the balance sheet of the Grant Fund; and

WHEREAS, the receivables have been investigated and it has been determined that these funds were never received; and

WHEREAS, the funds creating these reserves have been investigated and it has been determined that these reserves are no longer needed and should be cancelled;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, that the following receivables and reserve be and the same are hereby canceled

Receivables:

NJDOT Bikeway	\$ 14,209.60
NJDOT Guide Rail	\$ 2,856.00
SHARE Police Feasibility	\$ 19,140.00

Reserves:

NJDOT Guide Rail	\$ 3,740.00
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SHARE Police Feasibility	\$ 19,140.00
SHARE Local Match	\$ 6,380.00

Mr. Watters made a motion to approve the passage of Resolution 2015-85, which was seconded by Mrs. Kocher.

Ayes: Mr. Watters, Mrs. Kocher, Mrs. Korczukowski, Mr. Watters, Mayor Clancy

Nays: None

Absent: Mr. Misertino

Abstain: None

ORDINANCE:

First Reading:

2015-13

AN ORDINANCE ADDING A CHAPTER ENTITLED "RESIDENTIAL MAINTENANCE CODE" TO THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MANSFIELD INCLUDING A NEW SECTION TO ESTABLISH STANDARDS FOR THE REGISTRATION AND MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES IN FORECLOSURE BY CREDITORS

WHEREAS, mortgage foreclosures often result in the abandonment and neglect of residential properties; and WHEREAS, P.L. 2014, c. 35, authorizes municipalities to adopt ordinances for the purpose of regulating the care, maintenance, security, and upkeep of the exterior of vacant and abandoned properties for which a creditor has filed an action to foreclose; and

WHEREAS, it is in the public interest for the Township of Mansfield to establish a mechanism to identify and track vacant and abandoned residential properties in the Township which are in foreclosure, to establish standards for the maintenance of those properties and to enforce those standards of maintenance;

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

The Revised General Ordinances of the Township of Mansfield are amended by the addition of a new Section to Chapter Residential Maintenance Code, to read as follows:

Registration and Maintenance of Vacant and Abandoned Residential Properties in Foreclosure
a. Definitions

1. "Creditor" means a State chartered bank, savings, bank, savings and loan association or credit union, any person or entity required to be licensed under the provisions of the "New Jersey Residential Mortgage Act," P.L. 2009, c. 53 (C.17:11C-51 et seq.), any foreclosing entity subject to the provisions of C. 46:10B-51 (P.L. 2008, c. 127, Sec. 17, as amended from time of time) and any entity acting on behalf of the creditor named in the debt obligation including, but limited to, services.

2. "Vacant and Abandoned" residential property means, consistent with section 1 of P.L. 2010, c. 70 (C.2A:50-73), residential real estate, where a notice of violation has been issued pursuant to Paragraph e. 1 of this Section and subsection b. of section 1 of P.L. 2014, c. 35 (C.40:48-2.12s). Residential property shall further be deemed Vacant and Abandoned where a mortgaged property is not occupied by a mortgagor or tenant and at least two of the following conditions exist:

- (a) overgrown or neglected vegetation;
- (b) the accumulation of newspapers, circulars, flyers or mail on the property;
- (c) disconnected gas, electric, or water utility services to the property;
- (d) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (e) the accumulation of junk, litter, trash or debris on the property
- (f) the absence of window treatments such as blinds, curtains or shutters;
- (g) the absence of furnishings and personal items;
- (h) statements of neighbors, association management, delivery persons, or government employees indicating that the residence is vacant and abandoned;

- (i) windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and repaired;
- (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (k) a risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (l) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (m) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (n) a written statement issues by any mortgagor expressing the clear intent of all mortgagors to abandon property;
- (o) any other reasonable indicia of abandonment.

b. Registration of Vacant and Abandoned Properties.

1. A Creditor filing a summons and complaint in an action to foreclose on a Vacant and Abandoned property, or a Creditor who has previously filed a summons and complaint to foreclose on a residential property which subsequently becomes Vacant and Abandoned, shall within thirty (30) calendar days after the building becomes Vacant and Abandoned or within thirty (30) calendar days after assuming ownership of the Vacant and Abandoned property, whichever is later; or within ten (10) calendar days of receipt of notice from the Township, and annually thereafter, file a registration statement for such Vacant and Abandoned property with the municipal clerk on forms provided by the Township for such purposes. Any failure to receive notice by the Township shall not constitute grounds for failing to register the Vacant and Abandoned property.

2. Each Vacant and Abandoned property having a separate block and lot number as designated in the official tax maps of the Township shall be registered separately.

3. The registration statement shall include name, street address, telephone number, and email address (if applicable) of a person twenty-one (21) years or older, designated by the Creditor as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such Creditor in connection with the enforcement of any applicable code.

4. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the Vacant and Abandoned property. The individual or representative of the firm responsible for maintaining the Vacant and Abandoned property shall be available by telephone or in person on a twenty-four-hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

5. The registration shall remain valid for one year from the date of registration except for the initial registration except for the initial registration which shall be valid through December 31st of the year in which it was filed. The Creditor shall be required to renew registration annually as long as the building remains Vacant and Abandoned and shall pay a registration or renewal fee in the amount prescribed in Paragraph c. of this Section for each Vacant and Abandoned property registered.

6. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be prorated for registration statements received less than ten (10) months prior to that date.

7. The Creditor shall notify the municipal clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration an amended registration statement on a form provided by the municipal clerk for such purpose.

8. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the Creditor.

c. Fee Schedule

The initial registration fee for each Vacant and Abandoned property under the provisions of this Section shall five hundred (\$500.00) dollars. The fee for the first annual renewal shall be one thousand five hundred (\$1,500) dollars and the fee for the second annual renewal shall be three thousand (\$3,000) dollars. The fee for any subsequent annual renewal beyond the second renewal shall be five thousand (\$5,000) dollars.

Vacant Property Fee Schedule

Initial registration	\$ 500.00
First renewal	\$1,500.00
Second renewal	\$3,000.00
Any subsequent renewal	\$5,000.00

d. Creditor Responsibility for Vacant and Abandoned Properties.

1. A Creditor filing a summons and complaint in an action to foreclose on a residential property within the Township shall be immediately responsible for the care, maintenance, security and upkeep of the exterior of the property, after the property becomes Vacant and Abandoned as defined in this Section.
2. Where a Creditor is located out-of-state, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor's behalf for the purpose of satisfying the requirements of Paragraph d. 1 of this Section. Notice of said representative or agent shall be provided to the municipal clerk pursuant to Paragraph b. 3 and 4 of this Section and pursuant to paragraph (1) of subsection a. of section 17 of P.L.2008, c. 127 (C.46:10B-51).
3. Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to section 4c of this Chapter", and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 18" x 24".

e. Property Inspection and Notice

1. After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Town to conduct an exterior and interior inspection of the building to determine compliance with the municipal code following reasonable notice, during the period covered by the initial registration or any subsequent renewal.
2. The enforcement officers designated in this Section shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Township, if the enforcement officer determines that the Creditor has violated this Section by failing to provide for the care, maintenance, security, and upkeep of the exterior of a Vacant and Abandoned property. Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to Paragraph d. 2 of this Section and paragraph (1) of subsection a. of section 17 of P.L.2008, c. 127 (C.46:10B-51).
3. The notice referenced in Paragraph e. 2 of this Section shall require the Creditor to correct the violation(s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.
4. The issuance of a notice pursuant to Paragraph e. 2 of this Section shall constitute proof that a residential property is Vacant and Abandoned for the purposes of this Section.

f. Enforcement Officers.

The duty of administering and enforcing the provisions of this Section is conferred upon the municipal clerk, construction official, zoning officer, housing officer, health officer, township police, and any other duly appointed representatives.

g. Violations and Penalties.

1. A Creditor subject to this Section that is found by the municipal court of the Township, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Section shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following the receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.
2. An out-of-state Creditor subject to this Section that is found by the municipal court of the Township, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to this Section shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17u of P.L.2008, c. 127 (C.46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

3. A Creditor subject to this Section that is found by the municipal court of the Township, or by any other court of competent jurisdiction, to be in violation of the requirement to register a Vacant and Abandoned property pursuant to Paragraph b. of this section shall be subject to a fine not exceeding two thousand (\$2,000.00) dollars. Any fines imposed on a Creditor under this Paragraph shall commence 11 days following receipt of notice from the Township pursuant to this Section shall be utilized by the Township for municipal code enforcement purposes.

II
REPEAL

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

III
SEVERABILITY

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

Mr. Watters made a motion to introduce Ordinance 2015-13 and to advertise the public hearing to be held on September 23, 2015 at 8:00pm, which was seconded by Mr. Clancy.

Ayes: Mr. Watters, Mrs. Kocher, Mrs. Korczukowski, Mr. Watters, Mayor Clancy
Nays: None
Absent: Mr. Misertino
Abstain: None

ORDINANCE NUMBER – CA-15-03

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW
JERSEY, APPROPRIATING \$105,191.14 FOR IMPROVEMENTS TO STREETS AND
ROADS

WHEREAS, there is a need to improve various streets and roads within the municipality with milling and paving;

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

1. The amount of \$5,191.14 is hereby appropriated from the reserve for streets and roads in the general capital fund.
2. The amount of \$100,000.00 is hereby appropriated from the Capital Improvement in the General Capital Fund.
3. There is no debt incurred by this Ordinance.
4. This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

Mr. Watters made a motion to introduce Capital Ordinance 15-03 and to advertise the public hearing to be held on September 23, 2015 at 8:00pm, which was seconded by Mrs. Korczukowski.

Ayes: Mr. Watters, Mrs. Kocher, Mrs. Korczukowski, Mr. Watters, Mayor Clancy

Nays: None

Absent: Mr. Misertino

Abstain: None

COMMITTEE PERSON COMMENTS:

Mr. Watters made a motion to approve TP Construction doing the work for the Police door and awning if the awning estimate is in line with the rest, which was seconded by Mrs. Korczukowski.

Ayes: Mr. Watters, Mrs. Kocher, Mrs. Korczukowski, Mr. Watters, Mayor Clancy

Nays: None

Absent: Mr. Misertino

Abstain: None

Mr. Watters made a motion to enter into Executive Session at 9:01 to enter into executive session, which was seconded by Mrs. Korczukowski.

Ayes: Mr. Watters, Mrs. Kocher, Mrs. Korczukowski, Mr. Watters, Mayor Clancy

Nays: None

Absent: Mr. Misertino

Abstain: None

Return to Regular Session at 9:21pm.

Roll Call: Mr. Watters, Mrs. Kocher, Mrs. Korczukowski, Mr. Watters, Mayor Clancy

Mr. Wenner, Esq. stated that during Executive Session the Committee discussed a possible property acquisition and DPW personnel matter copies of these minutes will be available as soon as the Committee feels they are no longer a harm to the public interest.

Mr. Watters made a motion to have the Mayor meet with the clerk to format a letter to send to the county about the concerns about the tax rate, which was seconded by Mrs. Korczukowski.

Ayes: Mr. Watters, Mrs. Kocher, Mrs. Korczukowski, Mr. Watters, Mayor Clancy

Nays: None

Absent: Mr. Misertino

Abstain: None

The Township Committee agreed that the Mayor should sign the letter in support of the Warren County Transportation.

Mrs. Korczukowski made a motion to adjourn at 9:26 pm.