

MANSFIELD TOWNSHIP COMMITTEE MEETING

December 12, 2012

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. Clancy made a motion to approve the minutes of the Regular meeting held on November 28, 2012, which was seconded by Mr. Smith.

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

Nays: None

Absent: None

Abstain: None

PAYMENT OF BILLS:

Ms. Hrebenak explained that there is an addendum that will be added to the bill list for the two tax lien redemptions.

Mr. Smith asked about the pitman arm fix from Petty Tire Service for Truck #1.

Mayor Tomaszewski stated that he asked that they check prior to putting on a new tire so that the tires were not being worn and they found that the pitman arm needed to be replaced.

Mr. Watters asked Lieutenant Reilly if the fee for the range is consistent and how often this fee is paid.

Lieutenant Reilly stated that this is the fee that we have paid for the past couple of years and that it is an annual fee.

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

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

Nays: None

Absent: None

Abstain: None

Mayor Tomaszewski stated that at this time he would like to clear the air about some recent articles that have been in the paper in reference to the auction of a tractor.

"First I am astonished that a member of this committee would go to the newspaper with baseless unfounded accusations before contacting me to get the facts. As Elected Officials we have a duty to the public to act in a manner that is not detrimental to the public as taxpayers. If Committeewoman Kocher believes that the auction was conducted improperly she should have said something immediately and not waited almost a full month after the auction. There have been three Township Committee meetings since the auction October 28, November 14, and

November 28, 2012. If Mrs. Kocher was concerned with protecting the Township she should have brought this up in a public meeting and not waited and gone to the press. Local Public Contract law requires us to hold a public auction when there is equipment owned by the Township that is no longer needed for a public purpose. The tractor was on the list for the auction and everyone was aware of it. Prior to the auction the Township Committee discussed setting minimum bids and the Committee decided that minimum bids would not be set, but that a value would be placed on each item of what we hoped to get on each item. Which is exactly what the law required. The fact that someone will come to the auction and bid on a piece of equipment and if they are the successful bidder they can keep it or resell it. I cannot control what a bidder does after they purchase something at an auction. I did not create the statutory process, but I am obligated to follow it. With regard to Oxford Township, Doug Ort and Louis Accetturo came over and looked at the tractor and I advised them that we were looking to get around \$21,000 for the tractor at the auction and Mr. Accetturo advised that Oxford Township is not interested at that price. Oxford Township did know that the tractor was up for auction and they could have attended the auction and placed a bid. On the day of the auction only one person appeared and bid on the tractor. The initial bid on the tractor was for \$12,000, I advised everyone at the auction that the bid was too low and that we would possibly come back to it at the conclusion of the last item. At the conclusion of the auction the bidder raised his bid to \$15,000 and then to \$15,250 which is not only the highest bid, but was the only bid. That is exactly what happened and since I take my obligation to the tax payers seriously, I wanted to say this in a public meeting and not through the newspaper.”

EXECUTIVE SESSION: PERSONNEL

Mr. Vex explained that there were two individuals that have received RICE notices and that personnel will be being discussed in Executive Session.

Mr. Watters made a motion to go into Executive Session at 7:45pm, which was seconded by Mayor Tomaszewski.

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

Nays: None

Absent: None

Abstain: None

Return to regular session at 8:13pm.

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

Mr. Vex stated that during the Executive Session there were discussions with two employees, discussion of some of the Township's Contracts, and there was also discussion on the Township's IT contract which there will be a motion to approve that contract.

RESOLUTION:

RESOLUTION # 2012-102
FOR TRANSFER OF FUNDS
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, there are insufficient funds in some of the 2012 budget line items; and
WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of funds from accounts with a surplus to cover such demands,

NOW, THEREFORE BE IT RESOLVED, (not less than two-thirds of all members thereof affirmatively concurring) that the Acting Chief Financial Officer of Mansfield Township, County of Warren, State of New Jersey, is hereby authorized to make the following transfers in accordance with the provision of this resolution:

	CURRENT FUND	
<u>Account:</u>	<u>From:</u>	<u>To:</u>
Code & Construction O/E	\$ 500.00	
Planning Board O/E	\$ 2,100.00	
Finance S/W	\$ 3,000.00	
Buildings & Grounds O/E		\$5,250.00
Senior Citizen O/E		\$ 350.00
TOTALS	\$ 5,600.00	\$ 5,600.00

Mr. Watters made a motion to approve the passage of Resolution 2012-102, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski
 Nays: None
 Absent: None
 Abstain: None

2012-103 2013 FUND YEAR STATEWIDE INSURANCE FUND

RISK MANAGEMENT CONSULTANT'S AGREEMENT

THIS AGREEMENT entered into this 12st day of December 2012, among the Statewide Insurance Fund ("FUND"), a joint insurance fund of the State of New Jersey, Mansfield Township ("MEMBER") and D&H Alternative Risk Solutions, Inc. ("CONSULTANT") through a fair and open process, pursuant to N.J.S.A.19:44A-20.4.

WHEREAS, the CONSULTANT has offered to the MEMBER professional risk management consulting services as required by the Bylaws of the FUND; and

WHEREAS, the CONSULTANT has advised the FUND that he/she is familiar with the terms, conditions and operations of the FUND; and

WHEREAS, the MEMBER desires these professional services from the CONSULTANT; and

WHEREAS, the MEMBER has complied with relevant law in regard to the appointment of a Risk Management Consultant; and

WHEREAS, the Bylaws of the FUND require that members engage a CONSULTANT and that the CONSULTANT comply with certain requirements set forth therein.

NOW, THEREFORE, the parties in consideration of the mutual promises and covenants set forth herein, agree as follows:

1. For and in consideration of the amount stated hereinafter, the CONSULTANT shall:
 - (a) assist in evaluating the MEMBER'S exposures and advise on matters relating to the Member's operation and coverage.
 - (b) explain to the MEMBER, or its representatives, the various coverages available from the FUND.
 - (c) explain to the MEMBER, or its representatives, the terms of the member's commitment and obligations to the FUND.
 - (d) explain to the MEMBER, or its representatives the operation of the FUND.
 - (e) prepare applications, statements of values, etc., on behalf of the MEMBER, if required by the FUND.
 - (f) review the MEMBER'S assessment and assist in the preparation of the MEMBER'S insurance budget.
 - (g) review losses and engineering reports and provide assistance to the MEMBER'S safety committee, if required.
 - (h) assist in the claims settlement process, if required, by MEMBER or FUND.
 - (i) attend the majority of meetings of the Fund Commissioners or Executive Committee, if requested, and perform such other services as required by the MEMBER or the FUND.
 - (j) comply with the obligations imposed upon Risk Managers in the FUND'S Bylaws.
 - (k) act in good faith and fair dealing to the FUND.
 - (l) perform other duties for the FUND as may be required from time to time by the FUND.

2. In exchange for the above services, the CONSULTANT shall be compensated in the following manner:
 - (a) The CONSULTANT shall be paid by the FUND, on behalf of the MEMBER, a fee as compensation for services rendered. Said fee, an apportionment of the MEMBER's assessment: 6% of workers' compensation (excluding any fees, PLIGA, and loss ratio apportionment); 7.5% of all lines assessment (excluding any fees, PLIGA, and loss ratio apportionment); and 10% of Selective umbrella assessment (excluding fees, PLIGA and administrative expenses).
 - (b) The CONSULTANT shall be entitled to compensation for services provided during any calendar year only if the CONSULTANT has been appointed and holds the position of Risk Management Consultant, as of

January 31 of the said calendar year for counties and municipalities holding general elections and July 30 for municipalities holding regular elections.

- (c) For any insurance coverages authorized by the MEMBER to be placed outside the FUND, the CONSULTANT shall receive as compensation the normal brokerage commissions paid by the insurance company. The premiums for said policies shall not be added to the FUND's assessment in computing the fee set forth in 2(a).
- (d) If the MEMBER shall require of the CONSULTANT extra services other than those outlined above, the CONSULTANT shall be paid by the MEMBER a fee at a rate to be negotiated by the parties.

3. The term of this Agreement shall be from **January 1, 2013 to January 1, 2014**. However, this Agreement may be terminated by either party at any time by mailing to the other thirty (30) days written notice, certified mail return receipt.
4. The CONSULTANT shall comply with all laws applicable to producers who provide insurance products to public entities and shall comply with all applicable statutes and regulations relating to joint insurance funds.
5. The CONSULTANT agrees to comply with all affirmative action laws applicable in accordance with Exhibit A and to submit all necessary documentation establishing compliance within seven (7) days of this Agreement.

Mr. Watters made a motion to approve the passage of Resolution 2012-103, which was seconded by Mrs. Kocher.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

2012-104

STATEWIDE INSURANCE FUND

RESOLUTION APPOINTING FUND COMMISSIONER

WHEREAS, Mansfield Township (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body that Dena Hrebenak is hereby appointed as the Fund Commissioner for the Local Unit; and

BE IT FURTHER RESOLVED that Brent Sliker is hereby appointed as the Alternate Fund Commissioner for the Local Unit; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Mr. Smith made a motion to approve the passage of Resolution 2012-104, which was seconded by Mr. Clancy.

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

Nays: None
Absent: None
Abstain: None

2012-105

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, Mansfield Township (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Hunterdon and State of New Jersey, as follows:

1. Mansfield Township hereby appoints D&H Alternative Risk Solutions, Inc. its local Risk Management Consultant.
2. The Mayor (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2013 in the form attached hereto.

Mayor Tomaszewski made a motion to approve the passage of Resolution 2012-105, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

RESOLUTION # 2012-106
LIEN REDEMPTION

TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, the Tax Collector of the Township of Mansfield has advised the

Committee that the following property has been redeemed and the money due thereon paid to the Township of Mansfield Tax Collector;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 12th day of December 2012, that payment is to be made to the certificate holder as noted:

US Bank-Cust for Crestar Capital
US Bank TLSG
50 S. 16th Street, Suite 1950
Philadelphia, PA. 19102

Block 1603 Lot 5.04
Certificate # 2012-16
\$ 5,477.21

Mr. Watters made a motion to approve the passage of Resolution 2012-106, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

RESOLUTION # 2012-107
Return of Premium

TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, the Tax Collector of the Township of Mansfield has advised the Committee that the following property has been redeemed within five (5) years of the tax sale, and a premium of \$9,500 was paid at the time of the sale;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 12th day of December 2012 that the \$9,500 premium is to be returned to the certificate holder as noted:

<i>CERTIFICATE HOLDER</i>	<i>BLOCK/LOT</i>	<i>CERT #</i>
US Bank-Cust for Crestar Capital US Bank TLSG	Block 1603 Lot 5.04	2012-16

50 S. 16th Street, Suite 1950
Philadelphia, PA. 19102

Mr. Watters made a motion to approve the passage of Resolution 2012-107, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

2012-108
RESOLUTION
Authorizing IN REM Foreclosure Proceedings

WHEREAS, the Tax Collector of the Township of Mansfield has prepared the attached Foreclosure List, and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 12th day of December, 2012 that the Tax Sale Certificates on the attached Tax Foreclosure List, now held by the Township of Mansfield, be foreclosed by summary proceedings, IN REM, and as described and set forth in NJSA 54:5-104 et seq., as amended, and pursuant to the Rules of Civil Practice of the Supreme Court of the State of New Jersey.

Mr. Clancy made a motion to approve the passage of Resolution 2012-108, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

RESOLUTION 2012-109

BONFIRES

WHEREAS, the Mansfield Township Fire Company #1 has made application to the Township Committee for the permission to hold a Bonfire on the Fire Department property, located on Main Street; and

WHEREAS, Permit No. A6-12-184 issued by The New Jersey Department of Environmental Protection Bureau of Forest Management, Bonfire Date December 12, 2012 has been submitted to the Township Committee by the Mansfield Township Fire

Company #1 to verify that they have State approval for the permit.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, that Mansfield Township Fire Company #1 are authorized, in accordance with the Fire Permit issued, dated December 12, 2012, to be held on January 19, 2013 between the hours of 1600 and 2100 upon the condition that Mansfield Township Fire Company #1 make arrangements for the Fire Department to be in attendance at all times during the period that the fire is burning, and that the applicant comply with all of the matters set forth in the application Permit No. A6-12-184 as set forth therein.

Mr. Watters made a motion to approve the passage of Resolution 2012-109, which was seconded by Mayor Tomaszewski.

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

Nays: None

Absent: None

Abstain: None

Mayor Tomaszewski stated that at this point he will turn the meeting over to Deputy Mayor Watters and left the meeting at 8:18pm.

FINANCE REPORT:

Mr. Pandos stated that the contract with Washington Township, Morris County for Information Technology was the same as it was last year and we asked that the contract include the 7 hours in the office.

Mr. Clancy made a motion to continue the contract with Washington Twp for IT with the change of making 7 hours inclusive in the price, which was seconded by Mr. Smith.

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

Nays: None

Absent: Mayor Tomaszewski

Abstain: None

Mr. Pandos stated that the fixed assets company will be coming in a couple of weeks and they will be in the Township for about 4 whole days logging and tagging the township's assets at the Municipal Building, DPW garage and the old garage. Lieutenant Reilly is working on a list for Mr. Pandos of the inventory that cannot be tagged. Mr. Pandos stated that the report should be to us in about a week after the inventory is completed.

Mr. Pandos stated that CASA the payroll company that was chosen at the last meeting does not have all of the required forms they unfortunately do not have a SAS16 which is an audit by a CPA firm and that he would like to check with the Township Auditor to see if the report that they have provided will allow us to go with them.

Mr. Pandos stated that they have looked into a number of different banks and there are only two banks that have any interest in serving the township which are Unity Bank and also our present bank which is Fulton bank. Mr. Pandos stated that the two banks are about the same except that Unity bank the interest would be .15% and Fulton Bank offers us .25%. Mr. Pandos stated that the difference between the two banks

would be about \$1600 per year. Mr. Pandos stated that he would volunteer to be the courier and in the case that he is on vacation Mrs. Harris would take the deposits.

Mr. Smith made a motion to switch to Unity Bank, which was seconded by Mr. Clancy.

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

Nays: None

Absent: Mayor Tomaszewski

Abstain: None

CLERKS REPORT:

Ms. Hrebenak stated that she spoke with the gentleman that is redoing the website and that everything is going well and that he should be ready with a demo next week.

Mr. Smith asked that Ms. Hrebenak speak to him and ask him to come to the next meeting.

Ms. Hrebenak stated that she has asked the Township Attorney's office for clarification for some of the questions for the codification.

ENGINEERS REPORT:

Mr. DiSessa stated that the generator is going to be placed on the pad next Tuesday.

Mr. Watters stated that next Tuesday is a court day so this is not a good idea.

Mr. DiSessa stated that he already spoke with the Court Administrator and Lieutenant Reilly and both stated that it should be ok.

Mr. DiSessa stated that Woodland Auto went to court and the decision should be made at court next Tuesday.

Mr. DiSessa stated that there has been a problem at Yusen and he assured Drew that he will clean up the parking area.

Mr. Watters asked if Mr. DiSessa had spoken with Deborah Hirt about the Hances Brook Bridge.

Mr. DiSessa stated that he has a call in and has not spoken with her.

PUBLIC PORTION:

Marvin Kocher, Chief Butler Park, asked that the Township Fire Liaison meet with the Fire Companies to discuss the contract.

Mr. Watters stated that he would schedule a meeting with the Chiefs of the Fire Companies.

Mr. Vex stated that the Fire Chiefs would receive something in the mail by next Wednesday and then a meeting can be scheduled if needed.

Robert Griffith, Township OEM, stated that he wanted to do this at the last meeting, but was not given the chance. He wished to thank the Mansfield Police, DPW, EMS, Fire Companies for the great job that was

done during Hurricane Sandy. He wished to thank Ed Kemp, Superintendent at the Mansfield School, he is one of the greatest guys to work with he was always available and was willing to help with anything he could, the school had an issue with their generator which is why we could not open any kind of shelter, but he offered support through the Schools Honeywell system and also with anything that was asked of him. Mr. Griffith stated that Tri County Fire, which is the Township's EOC also lost their generator during the storm which made things difficult. Mr. Griffith thanked Ms. Hrebenak for her help through the storm since he was working and he was asking her to handle things. Mr. Griffith stated that he feels it will be much easier when the Township is the EOC it will be much easier to disseminate information. Mr. Griffith stated that there have been discussions with Mr. Kemp, Ms. Hrebenak and the Police about getting information out. The request for Public Assistance has been sent to FEMA for the Township and the Fire Companies are required to file separately. Mr. Griffith stated that he does have some concerns with a safety issue. He is unsure of the Townships moving wires on township roads. He had heard that the Mayor wanted the DPW employees to move wires that were in the road and that is a concern.

Mr. Watters stated that each of the DPW workers has now been issued a hot stick to test prior to moving any wires.

Mr. Griffith stated that at the Fire academy the recruits are taught not to touch any wires and to assume that all wires are live. Mr. Griffith stated that the sensors that were purchased by the township are only good for 1000 volts which is ok for residential use. This process should be avoided until there is something in writing from JCP&L. Mr. Griffith explained that there are a number of people that are backfeeding their generators and the stepdown generator on the power lines could turn into a step up generator and increase the voltage if there is a back feed issue, which could cause someone harm in that situation.

Desiree Mora, asked that the Township Committee consider changing the Liaison to the Recreation Commission because she feels that the Liaison is bias. Mrs. Mora also thanked the Township Committee for the \$68,000 that was raised through the auction.

ORDINANCE:

ORDINANCE 2012-08
TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY

ORDINANCE AUTHORIZING THE PRIVATE SALE OF CERTAIN LAND OWNED BY THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY KNOWN AS BLOCK 2712 LOT 16

WHEREAS, the following property owned by the Township of Mansfield is not needed for public purposes;

Block 2712 Lot 16

and

WHEREAS, Felix Jose, a contiguous owner of property to Block 2712 Lot 16 has offered the assessed value of said property, \$4,600, to purchase the same; and

WHEREAS, all other contiguous owners have been offered the same price and have shown no interest in purchasing the same;

WHEREAS, it is in the best interest of the Township of Mansfield to sell this property at private sale to Felix Jose;

Whereas, pursuant to N.J.S.A. 40A:12-13.2, the Township has offered contiguous property owners the right of first refusal for the sale of real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon.

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

1. Block 2716 Lot 16 on the Tax Map of the Township of Mansfield is not needed for public purposes.
2. The Mayor and Clerk of the Township of Mansfield, in consideration of and receipt of the sum of \$4,600 to be paid in hand by Felix Jose, shall and are hereby authorized to convey title and execute such further documents deemed necessary by the Municipal Attorney to satisfactorily transfer Block 2712 Lot 16 as depicted on the Tax Map of the Township of Mansfield, said property to be conveyed subject to existing encumbrances, liens, zoning regulations, easements, other restrictions, such facts as an accurate survey would reveal and any present assessments for the construction of improvements benefiting said property.
3. This Ordinance shall become effective immediately upon publication as required by law.

Mr. Clancy made a motion to approve the introduction of Ordinance 2012-09 and requested that the public hearing be scheduled for December 26, 2012 at 8pm, which was seconded by Mr. Smith.

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

Nays: None

Absent: Mayor Tomaszewski

Abstain: None

ORDINANCE 2012-09

TOWNSHIP OF MANSFIELD WARREN COUNTY, NEW JERSEY

AN ORDINANCE SUPPLEMENTING CHAPTER 19 OF THE CODE OF THE TOWNSHIP OF MANSFIELD ENTITLED "LAND USE ADMINISTRATION AND PROCEDURES" BY PROVIDING A PENALTY PROVISION FOR FAILURE TO COMPLY WITH CONDITIONS IMPOSED ON LAND SUBDIVISION, SITE PLAN OR VARIANCE APPROVALS

BE IT ORDAINED by the Township Committee of the Township of Mansfield, that the following Ordinance Amendment be enacted by the addition of the following provision:

SECTION 19-10.5 (New Section) VIOLATIONS AND PENALTIES

- A. Any person or business entity that fails to comply with any condition incorporated in a Resolution memorializing the approval of a land subdivision, site plan or variance application shall, upon conviction, be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) per day, or community service, or both, in the discretion of the Court. Each and every day such violation continues shall be considered a separate and distinct violation. In addition to the foregoing, the Township shall be entitled to apply to the Superior Court for an injunction to prohibit continuation of the approved application for failure to comply with or adhere to any of the conditions imposed in connection with any of the foregoing approvals.
- B. The zoning officer shall have the ability to enforce this section regarding the violation of any zoning or planning approvals to issue violations for the noncompliance therewith.

EFFECTIVE DATE: This Ordinance shall take effect following its final passage and publication in accordance with the law.

REPEALER: All Ordinances of the Township of Mansfield, which are inconsistent with the provision of this Ordinance are hereby repealed to the extent of such inconsistency. If any section, subsection, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Mr. Smith made a motion to approve the introduction of Ordinance 2012-09 and requested that the public hearing be scheduled for December 26, 2012 at 8pm, which was seconded by Mr. Clancy.

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

Nays: None

Absent: Mayor Tomaszewski

Abstain: None

COMMITTEE PERSON COMMENTS

Mrs. Kocher stated that the Township Committee was given resumes for the position of Deputy Clerk/Deputy Registrar.

Mr. Watters stated that he would like to review them and that we can discuss this at the next meeting.

Mr. Clancy made a motion to adjourn at 8:48pm which was carried by all.

****ITEMS LISTED ON THE AGENDA MAY CHANGE PRIOR TO THE MEETING****