

MANSFIELD TOWNSHIP COMMITTEE MEETING

May 14, 2014

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. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Mr. Clancy made a motion to approve the passage of the minutes from the regular meeting held on April 23, 2014, which was seconded by Mrs. Kocher.

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

Nays: None

Absent: Mayor Tomaszewski

Abstain: None

BILL LIST:

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

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

Nays: None

Absent: Mayor Tomaszewski

Abstain: None

CLERKS REPORT:

Ms. Hrebenak had nothing to report.

ENGINEERS REPORT:

Mr. DiSessa stated that the reclamation part of the project in Diamond Hill is completed and that they have moved onto curbs and driveways and next week they will be starting to pave Clairmont and should be wrapping up the job by the end of the month.

Mr. Misertino asked Mr. DiSessa who will be taking care of the repairs to the vehicle that have had damaged.

Mr. DiSessa stated that it is in the contract that the Contractor will be dealing with any issues to property damage.

RESOLUTION:

RESOLUTION 2014-71

A RESOLUTION AUTHORIZING THE PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE 2116-33-001-003 FROM THE BENSI OF MANSFIELD, LLC, INC. TO TAP

HOUSE GRILLE, LLC

WHEREAS, an application has been filed for a Person-to-Person, Place-to-Place transfer of Plenary Retail Consumption License Number 2116-33-001-003, heretofore issued to Bensi of Mansfield, LLC. located at 1930 Route 57, Suite 1, Hackettstown, NJ 07840;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE, BE IT RESOLVED that the Township of Mansfield Committee does hereby approve, effective May 14, 2014, the transfer of the aforesaid Plenary Retail consumption License to Tap House Grille, LLC, formerly located at 1930 Route 57, Suite 1, Hackettstown, NJ 07840 to 1930 Route 57, Suite 1, Hackettstown, NJ 07840, within the Township of Mansfield, Warren County, New Jersey, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Tap House Grille, LLC, located at 1930 Route 57, Suite 1, Hackettstown, NJ 07840, effective May 14, 2014.

Mr. Misertino made a motion to approve the passage of Resolution 2014-71, which was seconded by Mrs. Kocher.

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

2014-72
TOWNSHIP OF MANSFIELD
SELF-EXAMINATION OF BUDGET RESOLUTION
[as required by DCA]

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Township of Mansfield* has been declared eligible to participate in the program by the Division of Local government Services, and the Acting Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2014 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the *Township of Mansfield* that in

accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Acting Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Mr. Clancy made a motion to approve the passage of Resolution 2014-72, which was seconded by Mr. Misertino.

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

Nays: None

Absent: Mayor Tomaszewski

Abstain: None

RESOLUTION # 2014 -74
REFUND OF PLANNING BOARD PERFORMANCE BONDS
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Carco Construction issued checks for the Laurel Ridge Development with the Township of Mansfield, County of Warren,

WHEREAS, there remains a balance as follows:

Account # 14-289-56-1255 (75004) \$ 34,667.03

Account # 14-289-57-1256 (75005) \$ 30,204.01

WHEREAS, the Planning Board Attorney and Engineer have determined that the performance bonds can be returned,

NOW THEREFORE BE IT RESOLVED, that the Township Finance Office be authorized to refund the performance bonds in the amount of \$ 64,871.04.

Mr. Watters made a motion to approve the passage of Resolution 2014-74, which was seconded by Mr. Clancy.

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

Nays: None

Absent: Mayor Tomaszewski

Abstain: None

PUBLIC PORTION: (3 minute limit per person)

Dawn Smith, 324 Mount Bethel Road, asked if the discussion between Mr. DiSessa and Mr. Watters was in reference to the NJDOT grants.

Mr. Watters stated that the grant that was being discussed was in reference to the generator that was installed last year.

Mrs. Smith asked if the Township applied for the NJDOT grant.

Mr. DiSessa and Mr. Watters stated that we had applied but that we were awarded the grant last year and that the grants are typically not given out year after year.

Mr. McKeivitt asked Mr. DiSessa if he had checked on the property that he had called about.

Mr. DiSessa stated that he has inspected the property and they have sent a letter that a permit is required.

Scott Minter stated that they had requested Snow overtime and that the report that they were given had employees names redacted. Mr. Minter would like this report with the names not redacted and that he feels that there was no reason for the names to be redacted.

COMMITTEE PERSON COMMENTS:

Mr. Misertino stated that recreation is doing well and that they are moving forward. Recreation is planning a survey.

Mr. Misertino made a motion to have the Chief's association dues for County and State paid, which was seconded by Mr. Clancy.

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

Nays: None

Absent: Mayor Tomaszewski

Abstain: None

Deputy Mayor Watters stated that he would like to have the Court purchase a copy for \$5606 with a maintenance agreement.

Deputy Mayor Watters made a motion to purchase the XM7150 for Court Copier, which was seconded by Mr. Clancy.

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

Deputy Mayor Watters stated that he was given information about the cameras but he would like to go through this at the next meeting.

ORDINANCE:

Second Reading

Mr. Clancy stated that 2014-07 is being taken off the agenda because the township was under the impression that the County funds would be available for 100% of the purchase price and the funds will only be available for 50% of the purchase.

Deputy Mayor Watters made a motion to move 2014-07, and the ordinance received no second.

Mr. Lavery stated that the motion dies.

Deputy Mayor Watters opened the floor for public comment on Ordinance 2014-08;

ORDINANCE 2014 -08

ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 296 TITLED "STREETS AND SIDEWALKS" TO CREATE A NEW ARTICLE VI "SIDEWALKS" SECTION 296-30 TITLED "MAINTENANCE OF SIDEWALKS".

BE IT ORDAINED by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, that Chapter 296 of the Code of the Township is hereby amended as follows:

Section 1

**Article VI
Section 296-30
Maintenance of Sidewalks**

Section 296-30.1 Duties of Owner.

The owner, occupant or tenant on any street in the Township in which a sidewalk passes shall be responsible for the repair, maintenance and replacement of the sidewalk on the property and shall keep same free from snow, ice, grass, weeds, limbs and branches of trees or shrubs, debris and other obstructions.

Section 296-30.2 Snow and Ice Removal.

Snow and ice removal from sidewalks shall be govern by Section 296, Subsections 18 through 21.

Section 296-30.3 Repair of Sidewalk.

If the Township or its authorized agent determines that a sidewalk is in such state of disrepair that it requires repair, maintenance, and/or replacement and an owner or tenant occupant fails to take such steps to repair, maintain and/or replace, the owner or tenant shall be given 60 days from the date of written notice to make the necessary repair, maintenance or repair. If owner or tenant occupant fails to address the reason for the notice within 60 days, the Township may take all necessary actions to issue a violation and/or to repair, maintain or replace the sidewalk without further notice. Any owner, tenant or occupant may within 15 days of receipt of notice from the Township, make a written application for an extension of time to repair, maintain or replace which may be granted for a good cause shown.

Section 296-30.4 Trimming of Trees and Shrubs.

- A. All trees or shrubs planted on private property that stand along public sidewalks and public streets, the branches of which extend over any part of a public sidewalk or a public street, shall be trimmed by the owner, occupant or tenant of the premises that directly front upon that part of the sidewalk or street along which the trees or shrubs stand. Such owner, occupant or tenant shall keep the branches and limbs of such trees or shrubs trimmed and cut so that no limb or branch shall overhang the public sidewalk or the public street at a height of less than 8 feet above ground level.
- B. If the Township or its authorized agent determines that the owner or tenant occupant of a property has failed to trim his/her/its trees or shrubs and are overhanging a public sidewalk or the public street, the owner or tenant shall be given 60 days from the date of the notice to trim the overhanging trees or shrubs. If owner or tenant occupant fails to address the reason for the notice within 60 days, the Township may take all necessary actions to issue a violation and/or to trim the overhanging trees or shrubs without further notice. Any owner, tenant or occupant may within 15 days of receipt of notice from the Township, make a written application for an extension of time to repair, maintain or replace which may be granted for a good cause shown.
- C. The owner or tenant occupant is responsible for any trees or shrubs located on his/her/its property regardless of whether these trees or shrubs are located within any municipal, county or state road right-of-way.

Section 296-30.5 Cost to become a lien.

The Costs and expenses incurred by the Township for the repair, maintenance and/or replacement of the sidewalks or trimming of overhanging trees shall be ascertained by the Committee and certified to be assessed by the Township and such expense shall be added to and form a part of the Township's taxes next to be levied and assessed on the lot or lots and land in front of which the sidewalk passes. The costs and expenses levied by the Township may include all costs related to postage, publication or legal fees incurred by the Township to notify owner or tenant occupant.

Section 296-30.6 Violations and Penalties.

Any owner or tenant occupant who violates the above sections of this Article shall, upon conviction thereof, be punished by a fine not exceeding \$250 together with the cost of prosecution incurred by the Township of Mansfield.

Section 2 - Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3 - Repealer

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Mr. Watters made a motion to approve the passage of Ordinance 2014-08 and requested that the results be advertised, Mr. Misertino

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

Nays: None

Absent: Mayor Tomaszewski

Abstain: None

**2014-09
CALENDAR YEAR 2014
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP
BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Township Committee of the Township of Mansfield in the County of Warren finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Township Committee hereby determines that a 1.5 % increase in the budget for said year, amounting to \$ 60,250.19 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Committee of the Township of Mansfield, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Township of Mansfield shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$140,583.79, and that the CY 2014 municipal budget for the Township of Mansfield be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mr. Clancy made a motion to approve the passage of Ordinance 2014-09 and requested that the results be advertised, which was seconded by Mr. Misertino.

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

Nays: None

Absent: Mayor Tomaszewski

Abstain: None

ADOPTION OF 2014 Municipal Budget Resolution 2014-66 and Budget Amendment 2014-73

Mr. Ferry went through the 2014 Municipal Budget with the Township Committee.

Mr. Petteroti asked about the valuation that was discussed is this the valuation that came from the Reassessment.

Mr. Ferry stated that this number increase is from the Reassessment and that it is the township as a whole.

Dawn Smith asked what the new initiatives are in the budget that have not been done in the past new purchases for example, or a codification.

Mr. Watters stated that the codification was worked on and he was under the assumption that this was completed.

Mrs. Smith asked if this would be an issue since it is not in the budget.

Mrs. Smith asked if there is a Deputy Clerk in budget.

Mr. Watters stated that this is in the plans possibly for the end of the year.

Mr. Minter asked if this is something that is needed why not plan for this position.

Mrs. Smith asked Mr. Ferry stated that she was at a presentation and Assemblyman Erik Peterson and he explained that the Interest Arbitration 2% Cap has expired and not been extended.

Mr. Smith asked Mrs. Kocher about the budget process and if there were budget meetings.

Mrs. Kocher stated that she asked for a special meeting for a discussion of the budget and it was sent to the Acting CFO, attorney and the Mayor and there was no response.

Mrs. Smith asked about the Special Meeting Ordinance and why has the Township Committee not moved forward with this.

Mrs. Griggs asked Mr. Ferry about the percent of money that goes to schools the numbers that were given are different than that being given here.

Mr. Ferry explained the budget amendment to the Township Committee and explained that the municipal portion 1355. Mr. Ferry also explained that the increase will be about \$3.78 on the average assessed house.

Mr. Watters made a motion to introduce the passage of Resolution 2014-73, which was seconded by Mr. Misertino.

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

Mr. Minter asked what the fund balance is.

Mr. Ferry explained the fund balance.

Mr. Watters made a motion to approve Resolution 2014-66 2014 Budget, which was seconded by Mr. Misertino.

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

Mr. Misertino made a motion to approve the passage of Resolution 2014-75 Budget Amendment, which was seconded by Mr. Watters.

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

Mr. Misertino made a motion to enter into Executive Session at 8:59 pm to discuss a contractual matter dealing with Insurance, which was seconded by Deputy Mayor Watters.

Return from Executive Session at 9:43pm.

Roll Call: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher

Mr. Watters made a motion to adjourn at 9:41pm.