

MANSFIELD TOWNSHIP COMMITTEE MEETING

June 27, 2007

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: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin all present.

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Mrs. Oakley made a motion to approve the minutes of the Regular Meeting held on May 23, 2007, which was seconded by Mr. Watters.

**Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin
Nays: None**

Mr. Baldwin stated that he would like to appoint Mrs. Zola Mills to the Zoning Board of Adjustment for the unexpired term of Bill Mills as 1st Alternate term to expire 12/31/2008.

Ms. Nerbak made a motion to approve the appointment of Zola Mills to the Zoning Board of Adjustment, which was seconded by Mr. Appleby.

**Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin
Nays: None**

PAYMENT OF BILLS:

Ms. Nerbak made a motion to approve the bill list as presented, which was seconded by Mrs. Oakley.

**Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin
Nays: None**

Mayor Baldwin asked if the request for the Abundant Life Church to receive money from the Historical Preservation needed to be done this evening.

Ms. Nerbak stated that this should be addressed tonight and also that all of the items that are being fixed are part of the historical preservation and that the only item that they would like to replace that is questionable are the seamless gutters.

Mr. Kobert stated that the request from Beattystown Church should be granted because they were already given an opinion by Mr. Lee.

Mr. Kobert advised the Township Committee that they could authorize the award to Abundant Life Church for all but the seamless gutters until further review.

Ms. Nerbak made a motion to approve the Historic Preservation moneys for Abundant Life Church in the amount of \$12,040, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin

Nays: None

Mr. Kobert suggested that guidelines be set up for the Historical Preservation money to be applied for.

INSURANCE SURPLUS RETURN:

Sharon Cooper, Brown & Brown Insurance, spoke to the Township Committee about the Insurance Surplus return from the Public Alliance Insurance Fund. If the fund has a surplus at the end of the year than all of the entities get a portion of the surplus returned. Since the township joined the PAIC Insurance Group in 2001 they have received a return every year. Mansfield Township has elected to take a credit for the third installment payment which the credit for this year will be \$4,619. The amount that has been credited back to the township from the year 2001 was \$2491, 2002 was \$1063, 2003 was \$11590, 2004 was \$13605, 2005 was \$8196, 2006 was \$4255 which all years total out to \$55,192. Plus the township has been able to save money being a member of PAIC Insurance.

CHIEF ORT REQUEST FOR OFFICE SPACE

Chief Ort asked that everyone look at the letter and the diagram that he had given to the Township Committee. Chief Ort explained that the proposal for more space is all explained on the diagram. There would be a interview room and the detectives area on the one side of the hallway were the construction office was. The Chief's office would then be on the opposite side of the hallway for confidentiality reasons, and his present office would be for the Sergeants to have a space for their paperwork.

Ms. Nerbak stated that the plans look wonderful, but the construction office may be needed in the future if our agreement does not work out.

Chief Ort stated that the police department could have all of there stuff removed within a couple of days if the space is needed.

Ms. Nerbak stated that the Recreation Commission should be given some space to handle their registrations and paperwork.

The Township Committee agreed to go down to the police department to tour prior to the July 25, 2007 meeting.

ENGINEERS REPORT:

Mr. Mace stated that the Census Bureau is now basing the census on dwelling unit numbers between the biennial census count. They are also allowing the municipalities to have input on the way the census is performed. There are a lot of important items that are things that we should have input on. Mr. Mace recommended using a computer program situation so we have more control over this census.

Mr. Mace stated that the recreation driveway is underway and that the reports are that the work is going well.

RESOLUTION:

RESOLUTION TO PARTICPATE IN OBEY THE SIGNS OR PAY THE FINES
TOWNSHIP OF MANSFIELD
NUMBER 2007-83

WHEREAS, the Division of Highway Traffic Safety is providing funding for an “Obey the Signs or Pay the Fines” designated enforcement period of July 1 to 31, 2007; and

WHEREAS, the Township of Mansfield desires to participate in Obey the Signs or Pay the Fines in an effort to raise awareness and increase safety,

NOW, THEREFORE, BE IT RESOLVED that the Township of Mansfield hereby declares it’s support for the Obey the Signs or Pay the Fines program and accepts a grant for the same in the amount of \$4000.00 to be used for 80 hours of overtime enforcement (at \$50/hour) during the designated enforcement period.

Ms. Nerbak made a motion to approve the passage of Resolution 2007-83, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin

Nays: None

RESOLUTION
TOWNSHIP OF MANSFIELD
NUMBER 2007-84

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item thereof was not determined at the time of the adoption of the budget, and;

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Mansfield will receive \$4,000 to administer an Obey the Signs or Pay the Fines Grant from the Division of Traffic Safety and wishes to amend its 2007 Budget to include a portion of this amount as a revenue

NOW, THEREFORE, BE IT RESOLVED that the Township of Mansfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$4,000 that is now available as revenue from:

Miscellaneous Revenues

**Special Items of General Revenue Anticipated with Prior Written Consent
Of the Director of Local Government Services:
Public and Private Revenues Offset with Appropriations:
Obey the Signs or Pay the Fines Grant**

BE IT FURTHER RESOLVED that a like sum of \$4,000 be and the same is hereby appropriated under the caption of:

General Appropriations

**(a) Operations – Excluded from 5% Caps Public and Private Programs Offset by
Revenues:
Obey the Signs or Pay the Fines Grant**

BE IT FURTHER RESOLVED, that the Municipal Clerk forward two copies of this resolution to the Director of Local Government Services.

Mrs. Oakley made a motion to approve the passage of Resolution 2007-84, which was seconded by Ms. Nerbak.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin

Nays: None

**Township of Mansfield
County of Warren**

RESOLUTION # 2007-85

**Resolution in support of Assembly Republicans
Budget Plan and Property Tax Relief**

WHEREAS, New Jersey has the highest property taxes in the United States; and

WHEREAS, property taxes have increased by an average of 36 percent statewide in the past five years with many towns experiencing annual increases of 10 or more percent; and

WHEREAS, the ever-increasing property tax burden is making it difficult for families to afford living in our communities and is particularly troublesome for seniors living on fixed incomes; and

WHEREAS, all of these factors have made it legitimate to call the current situation a property tax crisis; and

WHEREAS, it is the responsibility of the Legislature to address problems of this magnitude; and

WHEREAS, state spending has increased by \$9.8 billion since 2002; and

WHEREAS, there have been numerous audit reports, investigations and newspaper stories highlighting wasteful and unnecessary spending,

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

- 1. That we urge the New Jersey State Legislature to adopt a plan put forth on June 6, 2007 by Assembly Republican leaders to cut \$1.5 billion in wasteful and unnecessary state spending from the Governor's FY2008 budget, and channel those savings into an additional \$1 billion in property tax relief and \$300 million in additional school aid.**
- 2. That property tax relief should take the form proposed by the Assembly Republican budget plan with all taxpayers receiving a minimum 20 percent reduction and seniors and families earning under \$200,000 receiving a 30 percent cut.**

BE IT FURTHER RESOLVED, that certified copies of this resolution be sent to Governor Jon Corzine, Senate President Richard Codey, Senate Minority Leader Leonard Lance, Assembly Speaker Joseph Roberts, Assembly Minority Leader Alex DeCroce, Assemblyman Michael Doherty and Assemblywoman Marcia Karrow.

Mrs. Oakley made a motion to approve the passage of Resolution 2007-85, which was seconded by Mr. Appleby.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin

Nays: None

RESOLUTION NO. 2007-86

APPOINTMENTS TO CERTAIN MUNICIPAL OFFICES AND POSITIONS FOR THE YEAR 2007:

BE IT RESOLVED, that the following person to the following respective municipal offices and/or positions of the Township of Mansfield:

Public Works-Recreation Summer Help

**Anthony Barski
Kyle Usa**

Ms. Nerbak made a motion to approve the passage of Resolution 2007-88, which was seconded by Mr. Appleby.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin
Nays: None

ORDINANCE:

First Reading

Mayor Baldwin introduced Ordinance 2007-08 for first reading:

2007-08
GROWTH SHARE ORDINANCE

PURPOSE

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”) and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”) that every municipality in New Jersey has an affirmative obligation to facilitate the provision of affordable housing; and

WHEREAS, the New Jersey Council on Affordable Housing (“COAH”) is the State administrative agency created pursuant to the FHA vested with primary jurisdiction for the administration of affordable housing obligations in accordance with sound regional planning considerations in New Jersey; and

WHEREAS, COAH’s Third Round Substantive Rules (N.J.A.C. 5:94-1 et seq.) implement a “growth share” approach to affordable housing production which requires affordable housing to be produced in conjunction with market-rate residential and nonresidential growth and development within the Township of Mansfield; and

WHEREAS, the Township of Mansfield desires to implement the “growth share” policies promulgated by COAH in its Third Round Substantive Rules in an effort to foster the production of affordable housing opportunities for qualified low and moderate income households through COAH’s third round, which extends from 1999 to 2014.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township Committee of the Township of Mansfield that the Land Use Ordinance of the Township of Mansfield be and is hereby amended as follows:

The following new Section is hereby added to the Township of Mansfield’s Land Use Ordinance, to read as follows:

A. Applicability

1. Residential Development. Except as exempted in subsection B, all residential development that results in the construction of eight (8) or more new market-rate dwelling units in accordance with N.J.A.C. 5:94-1 et seq., shall be subject to the “growth share” provisions of this ordinance.
2. Non-residential development. Except as exempted in subsection B, all non-residential development that results in an increase in twenty-five (25) or more jobs in accordance with N.J.A.C. 5:94-1 et seq., shall be subject to the “growth share” provisions of this ordinance.

B. Exemptions

Developments that received preliminary or final approval from the Planning Board and/or Board of Adjustment, as applicable, prior to the effective date of this ordinance.

C. Residential Growth Share Provisions

All residential development which results in the construction of eight (8) or more new market-rate dwelling units in the Township of Mansfield shall provide one unrestricted affordable housing unit on-site for every eight market rate units constructed.

D. Non-Residential Growth Share Provisions

All non-residential development that results in an increase in gross floor area of any existing non-residential building or the construction of a new non-residential building in the Township of Mansfield shall provide one unrestricted affordable unit for every 25 jobs that results from the application of standards adopted by COAH (presently found in Appendix E of N.J.A.C. 5:94-1 et seq.) and based on use groups, as defined by the International Building Code (IBC) which has been incorporated by reference into the Uniform Construction Code (UCC). Non-residential developers shall construct an unrestricted affordable housing unit elsewhere in the Township of Mansfield.

E. General Provisions for Constructing Affordable Units

Affordable housing units being constructed on-site or off-site shall be in conformance with COAH's third round rules at N.J.A.C. 5:94-1 et seq. and the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq., including, but not limited to, requirements regarding phasing schedule, controls on

affordability, low/moderate income split, heating source, maximum rent and/or sales prices, affordability average, bedroom distribution, and affirmative marketing.

Ms. Nerbak made a motion to approve the introduction of Ordinance 2007-08 and requested that the ordinance be forwarded to the Planning Board for review and the second reading be advertised, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin

Nays: None

Mayor Baldwin introduced Ordinance 2007-09 for first reading:

2007-09

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD AMENDING THE TOWNSHIP CODE TO ENSURE PROPER EXTERIOR PROPERTY MAINTENANCE WITHIN THE TOWNSHIP.

WHEREAS, the Township Committee of the Township of Mansfield has become aware of increasing incidences of poor exterior property maintenance practices in the Township and of complaints regarding same from nearby property owners; and

WHEREAS, the Township Committee of the Township of Mansfield has determined that said deficiencies in exterior property maintenance negatively impact the community and permitting said deficiencies to continue unabated would be unacceptable; and

WHEREAS, the Township Committee of the Township of Mansfield has further determined that the adoption of a municipal ordinance to address said deficiencies is critical for the betterment of the community and for the protection of the public health, safety and welfare.

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

Section I.

The Code of the Township of Mansfield is hereby amended to include the following additional provisions intended to address and correct exterior property maintenance deficiencies within the Township:

§1. Exterior Property Maintenance Requirements.

The following requirements shall apply to all property owners or tenants residing in or utilizing property located in any residential, commercial, industrial, redevelopment or other designated zone located within the Township of Mansfield and shall supplement all existing municipal, county, state and federal laws or regulations regarding same:

- A. All areas of the exterior property and premises, including but not limited to open porches, open structures, decks and driveways, shall be free from any accumulation of rubbish, garbage, non-functioning vehicles or other nonfunctioning or unused equipment.
- B. All areas of the exterior property and premises, including but not limited to open porches, open structures, decks and driveways, shall be free from any accumulations of furniture, toys, bicycles, tires, construction supplies and equipment, landscaping supplies or other similar items, except as permitted by the limited exception set forth in §1 C herein.
- C. Construction and landscaping materials and equipment may be stored on exterior areas of the property and premises, including open porches, open structures, decks and driveways, but only if said materials and equipment are neatly secured or covered and so long as said materials and equipment are removed within ninety (90) days of the last date work was performed on the property and premises with that specific type of material or piece of equipment.

§2. Violations and Penalties.

Any property owner or tenant who shall violate any of the provisions of this ordinance shall, upon conviction, be punished as provided for in this Code (General Penalty Provisions). Each day that any violation of this ordinance shall continue without abatement may be considered as a separate violation.

Section II.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section III.

If any section, subsection, paragraph, phrase or sentence of these amendments to the Township Code is, for any reason, declared to be unconstitutional or invalid, such section, subsection, paragraph, phrase or sentence shall be deemed severable.

Section IV.

This Ordinance shall take effect immediately upon final publication as provided by law.

Mrs. Oakley made a motion to approve Ordinance 2007-09 for first reading and requested that the public hearing be scheduled for July 11, 2007 and be advertised as such, which was seconded by Ms. Nerbak.

Ayes: Mrs. Oakley, Ms. Nerbak, Mr. Appleby, Mayor Baldwin

Nays: Mr. Watters

Second Reading

Mayor Baldwin presented Ordinance 2007-06 for public hearing, seeing that there were no comments from the public the public hearing was closed.

ORDINANCE NO. 2007-06

AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE SALARIES AND COMPENSATION FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MANSFIELD AND THE METHOD OF PAYMENT OF SUCH SALARIES AND COMPENSATION.

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

The salaries per annum of rates of compensation of the following officers and employees of the Township of Mansfield are determined to be as follows:

Patrolmen	\$46,902 - \$75,962
Sergeants	\$72,597 - \$80,663

This Ordinance shall take effect immediately upon publication as provided by Law.

Mrs. Oakley made a motion to approve Ordinance 2007-06 and requested that the results be advertised, which was seconded by Ms. Nerbak.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin
Nays: None

Mayor Baldwin presented Ordinance 2007-07 for public hearing, seeing that there were no comments from the public the public hearing was closed.

Ordinance 2007-07

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD GRANTING THE TOWNSHIP CLERK AUTHORITY TO ISSUE A ONE DAY PERMIT FOR THE SALE OF GOODS IN INDUSTRIAL ZONES OR OTHER ZONES WHERE SUCH SALES ARE OTHERWISE PROHIBITED.

WHEREAS, the Township Committee of the Township of Mansfield has determined that local businesses, non-profits and residents would benefit from the availability of one day permits for the sale of goods in industrial zones or other Zones where such sales are otherwise prohibited; and

WHEREAS, the Township Committee seeks to retain full discretion to review requests for said permits so that a request may be denied where reasonably deemed to be inappropriate for the location, date or time at issue.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, that the Code of the Township of Mansfield is hereby amended to include the following provisions:

§ ___-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

PERSON – Includes individuals, partnerships, voluntary associations and corporations.

ONE DAY SALE – Any sale of merchandise not conducted as part of a continuing business venture, or any casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale. The term "one day sale" shall include all types of one time sales including "company merchandize sales" or "flea market sales" but shall not include local garage or yard sales conducted and advertised for no more than two locations. A one day sale permit is required for larger block or neighborhood-wide garage or yard sales.

§ ___-2. Permit required; issuance of permit; display of permit; fees.

A. No person shall conduct a one day sale within the Township of Mansfield without first filing with the Township Clerk the information required by § ___-3 hereof and obtaining a one day sale permit from said Clerk.

B. The Township retains full discretion to review requests for said permits so that a request may be denied where reasonably deemed to be inappropriate for the location, date or time at issue. Sufficient parking and safety concerns will also be considered.

C. A one day sale permit shall be issued to any applicant who complies with the terms and conditions of this article, except that such shall not be issued to the same applicant or for the same property more than twice within any calendar year. One day sale permits shall not be issued for more than two consecutive calendar days.

D. A one day sale permit must be prominently displayed on the premises upon which the sale is conducted throughout the entire period of the sale.

E. Upon filing of the application set forth in § ___-3 hereof, and the Clerk finding said application complete, accompanied by a permit fee of \$100 per day and appropriate as to location, date and time, the Clerk shall be authorized to issue said permit.

§ ___-3. Contents of application.

The following information must be filed with the Township Clerk, on a form provided therefore, before a one day sale permit may be issued:

- A. The name of the person conducting the sale.
- B. Written consent of the owner, if the applicant is a tenant in possession of the property on which the sale is to be conducted.
- C. The location at which the sale is to be conducted.
- D. The number of days of the sale.
- E. Plans for parking and security at the event.
- F. The date and nature of any past sale.
- G. Whether the applicant is conducting the sale together with, for or on behalf of any other person, firm, group, organization, association or corporation and, if so, the name of said person, firm, group, organization, association or corporation and the date or dates of any past sale held by same.
- H. Whether or not the applicant has, within the last 12 months, been issued any other vendor's license by any local, state or federal agency.
- I. A sworn statement or affirmation by the person signing that the information therein given is full and true and known by him to be so.

§ ___-4. Signs.

All signs advertising a one day sale shall have a space allotted thereon, upon which shall be placed the name and address of the person to whom the permit has been issued. No signs for advertising are to be posted on any place other than the premises of the applicant, the location where the sale is to take place, if different, or such other location with the written permission of the property owner. The sign is not to exceed four square feet in size and shall not be placed on the premises earlier than one week prior to the sale and shall be removed within 24 hours after the sale has terminated. Signs providing direction to the location of a one day sale may only be posted on the day of said sale and must be removed within 24 hours after the sale has terminated.

§ ___-5. Hours for sales.

All one day sales shall be conducted between the hours of 9:00 a.m. and 5:00 p.m. only.

§ ___-6. Applicability.

The provisions of this article shall not apply to or affect the following persons or sales:

- A. Persons selling goods otherwise expressly permitted by these ordinances, State or Federal law, or pursuant to an order or process of a court of competent jurisdiction.

B. Persons acting in accordance with their powers and duties as public officials.

C. Any persons selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number.

§ ___-7. Waiver for certain organizations.

Upon application by any bona fide charitable, nonprofit civic, educational, cultural or governmental institution or organization, the Township Committee may waive any or all of the requirements of this article; provided, however, that the burden of establishing eligibility for waiver shall be on the organization or institution applying for such waiver.

§ ___-8. Violations and penalties.

Any person conducting a one day sale without first obtaining a permit therefore or who shall violate any of the other provisions of this article shall, upon conviction, be punished as provided for in this Code (General Penalty Provisions). Each day that such sale shall continue without a proper permit shall be considered a separate violation.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

If any section, subsection, paragraph, phrase or sentence of these amendments to the Township Code is, for any reason, declared to be unconstitutional or invalid, such section, subsection, paragraph, phrase or sentence shall be deemed severable.

This Ordinance shall take effect immediately upon final publication as provided by law.

Ms. Nerbak made a motion to approve the passage of Ordinance 2007-07 and requested that the results be advertised, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin

Nays: None

PUBLIC PORTION:

Marvin Kocher, Butler Park Chief, discussed with the committee the problems that had arisen at the Fire Departments line officers meeting that was held earlier in the week.

COMMITTEE PERSON COMMENTS:

Mrs. Oakley stated that the Yard Sale will be held on July 14th and 15th from 8am to 3pm.

Mr. Watters stated that he attended a meeting of line officers for the fire department and that they had discussed a possible violation at Bensi restaurant.

Mr. Watters made a motion to approve Tri County Fire Company's use of the Department of Public Works parking area for parking of the members of Tri County for July 14, 2007 for the wetdown for the new firetruck, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin

Nays: None

The Township Committee agreed that there will still be a charge for the clean up permits that are sold for the cleanup on July 21.

Mr. Watters made a motion to adjourn at 9:20pm, which was seconded by Mr. Appleby and carried by all.