

## **MANSFIELD TOWNSHIP COMMITTEE MEETING**

**June 13, 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**

**Mayor Baldwin asked for everyone to please join him after the flag salute in a moment of silence for Bill Mills who had passed away earlier this week.**

**Salute to flag was done by all.**

**Mayor Baldwin explained that Mr. Mills for anyone who did not know him was a member of the Zoning Board of Adjustment and was a large part of the Open Space Committee when it was first started.**

### **PROMOTION OF PATROLMAN SHAWN BATES TO CORPORAL**

**Mayor Baldwin asked for Chief Ort and Patrolman Bates to come forward. Mrs. Oakley presented Patrolman Bates with a Corporal badge and thanked him for his exceptional service to the township. The Township Committee congratulated Corporal Bates and thanked him for his efforts.**

### **RECOGNITION OF FIREMAN FROM AIRPORT ROAD FIRE**

**Mrs. Oakley and Robert Griffith, OEM Coordinator, presented the fireman with their awards and Mrs. Oakley read the following resolution.**

#### **RESOLUTION NO. 2007-77**

#### **COMMENDATION FOR BRAVERY IN THE RESCUE OF FIREFIGHTERS OF THE TOWNSHIP OF MANSFIELD**

**WHEREAS, on February 14, 2007 a house fire erupted in the Township of Mansfield on Airport Road and fire crews from the Township of Mansfield and the Town of Hackettstown were dispatched to the scene; and**

**WHEREAS, during the course of fighting the fire, members of the Tri County Fire Company encountered the floor of the building caving in under their feet; and**

**WHEREAS, an emergency MAYDAY call went out to obtain assistance for the individuals who fell through the caved in floor;**

**Three fireman of the Hackettstown Fire Department responded to the MAYDAY, breaking the sliding glass door windows and calling for, locating and removing the men of the Tri County Fire Department trapped in the basement of the burning building;**

**NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Mansfield, Warren County, New Jersey, that these men be commended for the outstanding service they provided to members of Tri County Firehouse in this emergency.**

**It is with the deepest personal gratitude that Mayor George Baldwin on behalf of the Mansfield Township Committee and the residents of the Township of Mansfield, presents this Resolution of Commendation and Certificate of Appreciation to Buddy Volkert, Scott Tillou, and Johnny Tillou for there extraordinary efforts in assistance to fellow firefighters during this unfortunate emergency situation a great risk of personal injury to themselves.**

**Mrs. Oakley made a motion to approve the passage of Resolution 2007-77 and thanked all of the firefighters for their efforts, which was seconded by Mr. Appleby.**

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

**Nays: None**

**Dorothy Maxwell asked the Township Committee for approval to use the property in between the municipal building and the school for National Night Out activities which will be held on Tuesday, August 7, 2007 to do either a movie in the park or get a band to perform this event goes on throughout the country. This event will be small due to the limited time that they have to put it together.**

**Mayor Baldwin asked the Township Committee for a motion in support of the National Night Out being held on the property.**

**Ms. Nerbak asked if the Recreation Commission should also be consulted about the use of the property.**

**Mr. Kobert stated that all of the administrative issues should all be considered.**

Ms. Nerbak made a motion to approve the Mansfield Township Ladies Auxillary in conjunction with National Night Out having this event pending the approval of the Recreation Commission, which was seconded by Mrs. Oakley.

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

Mayor Baldwin stated that the Clerk received notification that she had passed her exam and that he would like to take a break and asked that everyone join the Township Committee for refreshments to congratulate the new Clerk.

Ms. Nerbak made a motion to take a break for refreshments at 7:45pm, which was seconded by Mrs. Oakley.

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

Return from break at 8:00pm.

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

#### APPROVAL OF THE MINUTES:

Mr. Watters made a motion to approve the minutes of the regular meeting held on May 9, 2007, which was seconded by Mr. Appleby.

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

#### PAYMENT OF BILLS:

Mrs. Oakley made a motion to approve the bill list with addendum, which was seconded by Mrs. Nerbak.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak abstain from 270634, Mr. Appleby, Mayor Baldwin  
Nays: None

#### PRESENTATION OF THE ANNUAL AUDIT- Tom Ferry

Tom Ferry, CPA, RMA, highlighted various parts of the 2006 Audit he began with the fund balance which for the end of the year 12/31/2006 the fund balance was \$1,163,083 which was less than the fund balance for the end of the year 12/31/2005 the fund balance was \$1,530,477. The reason for this difference between the years was we had used some of the surplus from the fund balance to keep the taxes lower. All of the items that are being done now will allow for the surplus to increase. Right now the net debt is \$4, 291, 000. which equals about .54% which the state allows an amount of 3.5%. Everything else looks pretty good and we just need to keep an eye on the current fund.

Mr. Ferry stated that there were only a couple of recommendations which are the way the recreation funds are collected and reported, the audit synopsis was never advertised for the year 2005, and there was an employee left out of the salary ordinance. Mr. Coppola went through the Corrective Action Plan with the Township Committee for the current year.

Mrs. Nerbak made a motion to approve the Corrective Action Plan, which was seconded by Mr. Watters.

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

Nays: None

#### ENGINEERS REPORT:

Mr. Mace stated that the Township Committee had referred to him a letter from a resident from Hilltop Road and he did a review of the area and he wanted to send his request down to the State for a speed limit change.

Mr. Mace told the Committee that there will be a preconstruction meeting tomorrow for the Recreation Driveway and parking lot.

Mr. Mace explained to the Committee that the nine lot subdivision off of Airport Road is being purchased by a company called Brakerhoff and one of their questions that has come up is connecting to the water line that is located in Brantwood. Mr. Mace told them to go to HMUA for their approval.

Brakerhoff went before the HMUA last night and HMUA stated that they would like correspondence from the Township Committee requesting that the line be extended. Mr. Mace asked for the Township Committees approval to submit a letter to HMUA.

Ms. Nerbak made a motion to approve Mr. Mace submitting a letter to HMUA, which was seconded by Mr. Appleby.

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

Nays: None

Mr. Mace stated that the Zoning Board of Adjustment had requested that the age restricted development also appear before HMUA to request hook ups for the water and sewer service area. The HMUA stated that they will endorse this if the Governing Body requests that this is a future service area. Mr. Mace asked the Governing Body for their approval again to submit a letter to the HMUA stating that this area is in the townships plans for a future service area.

Ms. Nerbak made a motion to approve Mr. Mace writing a letter to the HMUA detailing the Townships intent for that area, which was seconded by Mr. Appleby.

Mr. Tarlowe stated that he was at that meeting and from his understanding the HMUA will be sending a letter to the Township Committee requesting their approval of this area.

Discussions involving this issue ensued between Mr. Mace and the Township Committee and Mr. Paul Tarlowe.

Ayes: Ms. Nerbak, Mr. Appleby

Nays: Mrs. Oakley, Mr. Watters, Mayor Baldwin

Mr. Mace explained that the wastewater management plan is still in review by the DEP and is at the Highlands office right now for approval, which it has been for a couple of months. Highlands Commission would like for the township to enact controls for legislation prior to them giving approval. The Meadows people have asked that Mr. Mace and Mayor Baldwin appear at the July meeting of the Highlands Commission and request that the wastewater management plan be approved.

**RESOLUTION:**

**RESOLUTION  
TOWNSHIP OF MANSFIELD  
NUMBER 2007-75**

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 a Click-It or Ticket Grant 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:**

**Click-It or Ticket 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:**

**Click-It or Ticket 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 2007-75, which was seconded by Mr. Watters.**

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

#### **RESOLUTION 2007-76**

#### **RESOLUTION SUPPORTING U.S. SENATE BILL NO. 719 AND HOUSE BILL NO. 1248 TO REMOVE SOLID WASTE FACILITIES FROM THE FEDERAL SURFACE TRANSPORTATION BOARD JURISDICTION**

**WHEREAS, proper regulation of solid waste management facilities is essential to protect the public health, safety and welfare; and**

**WHEREAS, the Federal Surface Transportation Board (FTSB) was instituted in 1996 as the primary regulator of the rail industry to offer railroads the ability to operate a nationally uniform system free from varying state requirements, and to increase the rail industry's competitive viability; and**

**WHEREAS, the FTSB's procedures allow Class III rail carriers or non-carrier rail companies to file a "Verified Notice of Exemption" with the Board simply stating the company qualifies as a Class III carrier or non-carrier rail company, and the company will be developing "transloading" and appurtenant transportation facilities to receive and originate unspecified freight shipments on and along a specified segment of rail line and spurs; and**

**WHEREAS, this filing and acceptance of this notice by the FTSB eliminates requirements for any further federal review and regulation of the applicant's proposed operation; and**

**WHEREAS, once the FTSB has ruled on the rail company's Notice the company is not only exempted from any further federal review and permitting, but is also able to claim exemption from any local and state reviews, permits and approvals, thereby providing the company with the opportunity to proceed with construction and operation of its "transloading" and related facilities, whether it involves stone, lumber, consumer goods, trash or any other materials, with no review and approval of specific plans; and**

**WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has, since its inception in 1970, developed specific and comprehensive engineering and environmental procedures and regulations, with adequate opportunity for local review during conceptual and design stage, for recycling and solid waste management facilities;**

**WHEREAS, despite attempts by the State of New Jersey to properly regulate the growing number of rail based solid waste facilities through development of regulations tailored to facilities along rail lines and continuing legal action through the court system, strong federal preemption**

language in the legislation forming the Federal Surface Transportation Board (FTSB) has continued to thwart all efforts to establish adequate control of these waste management operations; and

WHEREAS, there are presently fifteen to twenty of these rail based solid waste facilities in New Jersey- and numerous others throughout the northeast and other parts of the United States- many of which simply dump waste outdoors on the ground and include unsupervised compacting, crushing and other types of processing operations, causing unknown safety and health hazards, with little or no ability to inspect or enforce receipt and handling procedures; and

WHEREAS, all or most of these existing rail-based facilities result from small rail companies formed strictly for the purpose of securing the federal "exception" from local and state regulations and have qualified themselves as Class III carriers to avoid any permitting requirements and regulatory oversight, even on the federal level; and

WHEREAS, properties of sufficient size and functionality may exist along Warren County's railroad lines that could contain "transloading" operations and be exempt from any local and state reviews; and

WHEREAS, the Township of Mansfield Committee recognizes that the health, safety and welfare of the localities are being affected by this exemption because proper site plan review at the state and local level is being avoided; and

WHEREAS, it would appear the only effective method to prevent the further proliferation of these unregulated solid waste operations is to seek appropriate amendment of the federal legislation which had established the Federal Surface Transportation Board to remove the FTSB's jurisdiction of these rail based solid waste facilities; and

WHEREAS, Senate Bill No. 719 has been introduced by Senator Lautenberg and House Bill No. 1248 has been introduced by Representative Pallone on February 28, 2007 to specifically remove solid waste facilities from the FTSB jurisdiction,

NOW THEREFORE BE IT RESOLVED, by the Township of Mansfield Committee that immediate action is urged to move and adopt this legislation to close this particular loophole which has enabled the unregulated construction of questionable waste management facilities, with little federal and no state or local oversight.

BE IT FURTHER RESOLVED that to the extent allowable by law, the provisions of this amended legislation should be applied to all such rail-based solid waste facilities, which had previously or are currently in the process of application to the FTSB for approval of any "Verified Notice of Exemption".

BE IT FURTHER RESOLVED that the Municipal Clerk forward a certified copy of this resolution to the Congressional Delegation, Legislative Delegation of Warren County, Board of Chosen Freeholders of the County of Warren, and the Warren County Planning Board.

Ms. Nerbak made a motion to approve the passage of Resolution 2007-76, which was seconded by Mrs. Oakley.

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

**RESOLUTION NO. 2007-78**

**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:**

**Tax Assessor's Assistant                  Jennifer Hikade**

**Ms. Nerbak made a motion to approve the passage of Resolution 2007-78, which was seconded by Mrs. Oakley.**

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

**RESOLUTION NO. 2007-79**

**AUTHORIZING PAYROLL DEDUCTION FOR SAVINGS PLAN**

**WHEREAS, The Township Committee of the Township of Mansfield wish to offer the employees a voluntary savings program through payroll deduction.**

**NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, that the Chief Financial Officer is hereby directed to withhold such sums of money from the employees' payroll and remit same to Trans World Assurance Company upon written authorization from each employee.**

**Ms. Nerbak made a motion to approve the passage of Resolution 2007-79, which was seconded by Mr. Appleby.**

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

**TOWNSHIP OF MANSFIELD  
COUNTY OF WARREN, STATE OF NEW JERSEY  
RESOLUTION 2007-80**

**A RESOLUTION AUTHORIZING IN REM FORECLOSURE PROCEEDINGS TO FORECLOSE CERTAIN TAX SALE CERTIFICATES HELD BY THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY**

**BE IT RESOLVED**, by the Township Committee of the Township of Mansfield, the governing body of the Township of Mansfield, Warren County, New Jersey, that the Tax Sale Certificates as shown on the attached Tax Sale 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.

Ms. Nerbak made a motion to approve the passage of Resolution 2007-80, which was seconded by Mrs. Oakley.

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

Nays: None

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT  
2007-81**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2007 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Mansfield, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.**

Ms. Nerbak made a motion to approve the passage of Resolution 2007-81, which was seconded by Mrs. Oakley.

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

Nays: None

Ms. Nerbak made a motion to approve the Corrective Action plan as presented, which was seconded by Mr. Watters.

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

Nays: None

**ORDINANCE:**

**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.**

**NOW, THEREFORE, BE IT FURTHER ORDAINED, the Chief Financial Officer shall be hereby authorized to pay the foregoing salaries commencing January 1, 2007.**

Mrs. Oakley made a motion to approve Ordinance 2007-06 for first reading and requested that the public hearing be scheduled for June 27, 2007 and be advertised, which was seconded by Ms. Nerbak.

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

**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 Ordinance 2007-07 for first reading and requested that the public hearing be scheduled for June 27, 2007 and be advertised, which was seconded by Mrs. Oakley.**

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

**PUBLIC PORTION:**

**Sidney Clark, Clinton Ave, requested that the Township Committee post 25mph signs on Clinton Ave possibly one on each end, because there have been many incidences that cars are flying up and down the road.**

**COMMITTEE PERSON COMMENTS:**

**Ms. Nerbak made a motion to approve Mr. Coppola and Ms. Hrebenak's attendance at League of Municipalities Convention, which was seconded by Mr. Watters.**

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

**Ms. Nerbak made a motion to approve reimbursement to employees going to training \$10. for meals, which was seconded by Mr. Watters.**

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

**Mayor Baldwin stated that the Township Committee will take a five minute break at 9:41pm and then return into Executive Session.**

**A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12.**

**WHEREAS, the Township Committee of the Township of Mansfield is subject to certain requirements of the Open Public Meetings Act. N.J.S.A. 10:4-6, et seq. and**

**WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and**

**WHEREAS, it is necessary for the Township Committee of the Township of Mansfield to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:**

- (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.**

- (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- (4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) Matters Relating to Public Safety and Property: any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.
- (7) **Matters Relating to Litigation, Negotiations, and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.**
- (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.
- (9) Matters relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Mansfield, assembled in public session on June 13, 2007, that an Executive Session closed to the public shall be held on June 13, 2007 at 9:46 PM in the Mansfield Township Municipal Building, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in the closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

**Ms. Nerbak made a motion to approve the executive session resolution, which was seconded by Mrs. Oakley.**

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

**The Township Committee reconvened at 10:25pm.**

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

**Ms. Nerbak made a motion to proceed with getting prices and oil & chipping the roads that millings were put down on, which was seconded by Mr. Appleby.**

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

**Mr. Appleby made a motion to adjourn at 10:28pm, which was seconded by Mrs. Oakley.**