

## **MANSFIELD TOWNSHIP COMMITTEE MEETING**

**June 11, 2008**

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, Mr. Jewell, Mr. Baldwin  
Absent: Mayor Nerbak

Deputy Mayor Baldwin announced that Mayor Nerbak was not in attendance tonight because she went to visit her daughter and her new grandson.

Salute to the flag was done by all.

### **APPROVAL OF THE MINUTES:**

Mrs. Oakley made a motion to approve the minutes from the regular meeting held on May 14, 2008 with the corrections, which was seconded by Mr. Jewell.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Jewell, Mr. Baldwin  
Nays: None  
Absent: None  
Abstain: None

### **APPROVAL AND RELEASE OF EXECUTIVE SESSION MINUTES:**

Mrs. Oakley made a motion to approve and release the minutes from an Executive Session held on February 13, 2008, which was seconded by Mr. Jewell.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Jewell, Mr. Baldwin  
Nays: None  
Absent: None  
Abstain: None

### **PAYMENT OF BILLS:**

Mr. Jewell made a motion to approve the passage of the bill list, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Jewell, Mr. Baldwin  
Nays: None  
Absent: None  
Abstain: None

### **CFO REPORT:**

Deputy Mayor Baldwin stated that Mr. Coppola had asked to attend the League of Municipalities and asked that someone make a motion to approve his attendance.

Mrs. Oakley made a motion to approve Mr. Coppola's attendance at the League Convention, which was seconded by Deputy Mayor Baldwin.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Jewell, Mr. Baldwin  
Nays: None  
Absent: None

Abstain: None

Mr. Coppola stated that each of the committee members should have received a copy of the payroll report and also a copy of the overtime report.

Mr. Coppola explained that he met with the Township Auditor today for the exit interview for the audit. The Audit Report is complete and Tom would like to meet with the finance committee to go over the report. The finance committee agreed that the following Wednesday at 6:30 would work well for them.

Mr. Coppola stated that there will be a company coming in Wednesday June 25, 2008 at 6:30 to have a meeting about an Energy Audit for the township buildings. He asked who from the committee would like to attend.

Mr. Jewell stated that the buildings subcommittee should be the ones that attend this meeting.

The Township Committee agreed that Mr. Jewell and Mr. Baldwin should attend.

Mr. Coppola asked the Township Committee if they would have any objections to a program being opened up to Municipal Employees through Brown and Brown for car and homeowner's insurance.

The Township Committee explained that as long as everyone understands that this is not something that is the responsibility of the township.

Mr. Coppola explained that CA 08-02 is being reintroduced because the amount on introduction the first time was incorrect so we are reintroducing the capitol ordinance with the correct amount.

#### **CLERKS REPORT:**

Ms. Hrebenak stated that there will be another one day sale at NYK Logistics for the Puma stock it is being held on June 28, 2008.

Ms. Hrebenak also stated that we are in receipt of a letter from Warren County that they are accepting applications for the Warren County Conservancy Grants for 2008.

Ms. Hrebenak also stated that the page of the minutes that was handed was the correction of something that was missed in the original set of minutes that Mr. Watters had asked of Mayor Nerbak and Mayor Nerbak wanted me to clarify that when she stated that the Open Space Committee was ok with the spending of the money for the recreation park she meant that the members of the Open Space Committee that were in attendance at the previous two meetings which were Alice Mayberry, Dick Appleby, Jim Watters, and herself.

Ms. Hrebenak stated that she is still waiting for the revised plans for the Mansfield Motel Treatment Works Application that was sent in for a signature by the Mayor.

Mr. Kobert, Esq. asked why we are waiting for approval for the Mayor's signature until we get the plans in. If the plans are received prior to a Township Committee meeting then the permit will be held up longer for the approval to be given to the Mayor to sign the application. Why don't we authorize the Mayor to sign the TWA if the Township Engineer reviews the plans and they conform so that there is no hold up on the project if there is any urgency behind the project.

Mr. Jewell asked why it needs to be reviewed by the Township Engineer needs to review these plans and why this is not something that the Board of Health and the State of New Jersey reviewing this.

Ms. Hrebenak stated that when the request was brought before the committee previously it was requested that we get a copy of the plans and that Mr. Mace review them prior to the Mayor signing the application.

Mr. Kobert, Esq. stated that normally with a TWA the review is done by either the Township Engineer or the Health Department. Mr. Kobert suggested that the resolution be made that authorization be given for the Mayor to sign the TWA if the appropriate governmental entity has approved the plans.

Mr. Jewell made a motion to approve the Mayor signing the TWA as long as the plans have been approved by the appropriate government entity, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Jewell, Mr. Baldwin

Nays: None

Absent: None

Abstain: None

Mr. Kobert stated that at this time we need to find out whether the Township Engineer should be reviewing the plans or if the plans should be reviewed by the Board of Health.

**PUBLIC PORTION:**

Deputy Mayor Baldwin opened the public portion, seeing that there were no comments, the public portion was closed.

**RESOLUTION: (8:00)**

Deputy Mayor Baldwin stated that there were two budget workshops prior to this budget being presented and that everyone had worked on making the necessary cuts and that everyone seemed to agree that all the cuts were made that could be. Deputy Mayor Baldwin thanked Mr. Coppola for all of his hard work on putting the budget together.

**2008-59  
RESOLUTION TO AMEND BUDGET  
(see attached)**

Mrs. Oakley made a motion to approve the passage of Resolution 2008-59, which was seconded by Mr. Baldwin.

Ayes: Mrs. Oakley, Mr. Baldwin

Nays: Mr. Watters, Mr. Jewell

Absent: Mayor Nerbak

Abstain: None

Being that Resolution 2008-59 was not passed Resolution 2008-60 and 2008-61 were not able to be presented.

**2008-61  
AMENDMENT TO CAPITOL BUDGET  
(see attached)**

**2008-60  
2008 AMENDED BUDGET ADOPTION  
(see attached)**

Deputy Mayor Baldwin explained that this is something that we also got a grant from the State Forest Fire Service last year for roadside mowing, and that this grant is offered to municipalities due to the fact that if the roadsides are not maintained there is more of a risk that a fire could start and spread rapidly.

**2008-62  
GRANT AGREEMENT  
BETWEEN  
TOWNSHIP OF MANSFIELD  
AND**

THE STATE OF NEW JERSEY BY AND FOR  
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GRANT IDENTIFIER: COMMUNITY AND WILDFIRE HAZARD MITIGATION ASSISTANCE

It is in the best interest of the Township of Mansfield, a corporation of the State of New Jersey, to obtain a grant from the State of New Jersey in the amount of approximately \$5,000 to fund the following project: mowing roadside vegetation.

Therefore, the Township of Mansfield resolves that Brent Sliker or the successor to the office of Public Works Manager is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$5000 and not more than \$5000, and (c) and any amendments thereto which do not increase the Grantee's obligations.

The Township of Mansfield authorizes and hereby agrees to match 50% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. Fifty (50%) of the match will be made up of in kind services.

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Mr. Watters made a motion to approve the passage of Resolution 2008-62, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Jewell, Deputy Mayor Baldwin  
Nays: None  
Absent: Mayor Nerbak  
Abstain: None

**RESOLUTION NO. 2008-63**

**APPOINTMENTS TO CERTAIN MUNICIPAL OFFICES AND POSITIONS FOR THE YEAR  
2008:**

**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	Kyle Usa Scott Ward
-------------------------------------	------------------------

**BE IT FURTHER RESOLVED**, that the above listed employees would be hired at a salary of \$9.00 per hour for 40 hours per week from June 16, 2008 through August 22, 2008.

Mr. Jewell made a motion to approve the passage of Resolution 2008-63, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Jewell, Deputy Mayor Baldwin  
Nays: None  
Absent: Mayor Nerbak  
Abstain: None

**CAPITOL ORDINANCE**

**FIRST READING**

This Capitol Ordinance was not introduced being that the 2008 Budget Amendment was not approved for passage.

CA08-04

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, WARREN  
COUNTY, NEW JERSEY, APPROPRIATING \$200,065 FOR  
CONSTRUCTION/RECONSTRUCTION OF VARIOUS ROADS

ORDINANCE NUMBER – CA-08-02

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, WARREN  
COUNTY, NEW JERSEY, APPROPRIATING \$20,500.00 FOR  
PURCHASE OF RECREATION EQUIPMENT

WHEREAS, there is a need for equipment necessary for the maintenance of recreation facilities;

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

1. The amount of \$ 20,500 is hereby appropriated from Capital Surplus.
2. There is no debt incurred by this Ordinance.
3. This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

Mrs. Oakley made a motion to introduce CA-08-02 and requested that a public hearing be advertised for June 25, 2008, which was seconded by Mr. Watters.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Jewell, Deputy Mayor Baldwin  
Nays: None  
Absent: Mayor Nerbak  
Abstain: None

**SECOND READING**

Deputy Mayor Baldwin opened the meeting for public comment on CA-08-03,

Ted Tomaszewski, Snyder Road, asked what this money is going to be used for.

Mr. Coppola explained that this money will be used to purchase rifles and radar and equipment for cars.

ORDINANCE NUMBER – CA-08-03

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, WARREN  
COUNTY, NEW JERSEY, APPROPRIATING \$15,403.00 FOR  
PURCHASE OF POLICE EQUIPMENT

WHEREAS, there is a need for equipment necessary to ensure public safety;

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

1. The amount of \$ 15,403 is hereby appropriated from Capital Surplus.
2. There is no debt incurred by this Ordinance.
3. This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Jewell, Deputy Mayor Baldwin

Nays: None

Absent: Mayor Nerbak

Abstain: None

**ORDINANCE:**

**FIRST READING**

**2008-10**

**SOLID WASTE MANAGEMENT / RECYCLING ORDINANCE**

**The Council of the Township of Mansfield, in the County of Warren, does ordain:**

Section 17-1, Chapter XVII, SOLID WASTE MANAGEMENT shall be deleted and replaced and amended in its entirety so as to read:

Definitions

Source Separation, Exemptions

Collection of Recyclable Materials

Residential Dwelling Compliance Requirements

Commercial Establishment Compliance Requirements

**New Developments of Multi-Family Residential Units or Commercial, Institutional,**

**or**

**Industrial Properties**

**Prohibition of the Collection of Waste Mixed with Recyclable Materials**

Enforcement

Violations and Penalties

**Definitions**

Commingled- means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling;

Commercial Use- means an activity involving the sale of goods or services carried out for profit;

Designated recyclable materials- means those materials designated within the Warren County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include: container glass (clean, green, & brown), aluminum cans, bimetal cans, plastic beverage bottles PETE and HDPE resins, HDPE plastic milk and water jugs, newspapers, corrugated cardboard, high-grade paper, household batteries, magazines, junk mail, textiles, tires, waste motor oil, computers, white goods, asphalt, concrete paving and brick, automotive batteries (lead acid), laser and inkjet cartridges, leaves and yard waste, scrap metals, fluorescent lighting tubes, oil-based paint, alkyd, varnish, polyurethane, stain, and sealers.

**Electronic waste- shall mean a computer central processing unit and associated hardware including keyboards, modems, printers scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than 4 inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones;**

Hotel - shall mean any building, including but not limited to any related structure, accessory building, and land appurtenant thereto, and any part thereof, which contains 10 or more units of dwelling space or has sleeping facilities for 25 or more persons and is kept, used, maintained, advertised as, or held out to be, a place where sleeping or dwelling accommodations are available to transient or permanent guests.

This definition shall also mean and include any hotel, motor hotel, motel, or established guesthouse, which is commonly regarded as a hotel, motor hotel, motel, or established guesthouse, as the case may be, in the community in which it is located; provided, that this definition shall not be construed to include any building or structure defined as a multiple dwelling in this act, registered as a multiple dwelling with the Commissioner of Community Affairs as hereinafter provided, and occupied or intended to be occupied as such nor shall this definition be construed to include a rooming house or a boarding house as defined in the "Rooming and Boarding House Act of 1979," P.L.1979, c.496 (C.55:13B-1 et al.) or, except as otherwise set forth in P.L.1987, c.270 (C.55:13A-7.5, 55:13A-7.6, 55:13A-12.1, 55:13A-13.2), any retreat lodging facility, as defined in this section.

Multifamily dwelling- means any building or structure of complex of buildings in which

three or more dwelling units are rented or leased or offered for rental or lease for residential purposes (see NJSA 13:1E-99.13a.) except hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (C.55: 13A-1 et seq.);

**Municipal Recycling Coordinator-** means the person or persons appointed by the municipal governing body and who shall be authorized to enforce the provisions of this Ordinance, and any rules and regulations which may be promulgated hereunder. The Recycling Coordinator shall be appointed by the Governing Body for a term of one (1) year expiring December 31st of each year. The initial term shall be for the remainder of the calendar year succeeding the appointment.

Municipal solid waste (MSW) stream- means all solid waste generated at residential, commercial and institutional establishments within the boundaries of the municipality of Mansfield Township;

Recyclable material- means those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products;

Source-separated recyclable materials- means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

Source separation- means the process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

## **Source Separation; Exemption from Source Separation Requirements**

A. Mandatory source separation: It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the municipality of Mansfield Township, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises and shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Township of Mansfield.



B. Exemptions: Pursuant to N.J.S.A. 13:1E-99.16(d), the governing body of a municipality may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream, the specified recyclable materials if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this Chapter, a commercial or institutional generator of solid waste shall file an application for exemption with the municipal recycling coordinator on forms to be provided for this purpose. The form shall include, at a minimum, the following information: the name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials, and a certification that the designated recyclable materials will be recycled, and that, at least on an annual basis, said recycling service provider shall provide written documentation to the municipal recycling coordinator of the total number of tons collected and recycled for each designated material.

### **Collection of Recyclable Materials**

The collection of recyclable material shall be in the manner prescribed as follows:

- A. Recyclables shall be transported by the resident or commercial or institutional establishment to the Warren County Recycling Center, which is hereby designated by the township as its official recycling center, or to the Mansfield Township drop-off site, or the resident or commercial or institutional entity may, upon arrangement with a garbage hauler to collect such recyclables, place the same at curbside to be delivered by such hauler to the Warren County Recycling Center or other bona fide recycling center.
- B. All recyclables placed at curbside for collection by a hauler shall be separated and placed in containers acceptable to and conforming with the requirements of the hauler servicing said resident, institution or commercial establishment.
- C. All recyclables placed at curbside for collection shall be deemed the property of the township or its authorized agent.
- D. The Governing Body may use municipal personnel to collect all or some of the recyclable materials set forth herein at a drop-off center and may sell the recyclable material if a market exists pursuant to N.J.S.A. 40A:11-1 et seq. The Governing Body may elect to enter into agreements with qualified persons or corporation or with Pollution Control Financing Authority of Warren County authorizing them to collect the recyclable material from a drop-off center and to sell the recyclable materials. (Ord. No. 14-88; Ord. No. 13-94)

- E. All receptacles or dumpsters shall be maintained in a clean and safe manner.

#### **Residential Dwelling Compliance Requirements**

- A. The owners/occupants of single family and two family dwellings shall be responsible for compliance with this Ordinance.
- B. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including the designation of a building/complex recycling coordinator who will oversee the recycling system which includes the collection of recyclable materials.
- C. Violations and penalty notices will be directed to the owner, occupant, or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy.

#### **Commercial Establishment Compliance Requirements**

- A. All commercial, business, or industrial facilities shall be required to comply with the provisions of this Ordinance.
- B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.
- C. Annually, every business, institution, or industrial facility shall report to the municipal Recycling Coordinator the recycling activities undertaken at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service. The forms to be used will be provided by the municipal recycling coordinator.
- D. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

#### **New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties**

A. Any application to the planning board of the municipality of Mansfield Township, for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 or more units or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following:

- 1) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development and
- 2) Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the municipal recycling coordinator.
- 3) Provisions shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the municipal engineer.

B. Prior to the issuance of a Certificate of Occupancy by the municipality of Mansfield Township, the owner of any new multi-family housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.

### **Prohibition of the Collection of Waste Mixed with Recyclable Materials**

- A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.
- B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.
- C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those

authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

### **Enforcement**

The municipal Board of Health, the Recycling Coordinator, the zoning officer, the building inspector, the housing officer, or other code enforcement officer, the police department, and the Warren County Department of Health are hereby individually and severally empowered to enforce the provisions of this Ordinance. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

### **Violations and Penalties**

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this Ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$250, nor more than \$1,000. for each offense and/or shall be ordered to perform community service in the recycling program not to exceed ninety (90) days. Each day for which a violation of this Ordinance occurs shall be considered a separate offence.

Fines levied and collected pursuant to the provisions of this Ordinance shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the municipal recycling program including enforcement and education.

Prosecution of any conduct as a violation of this chapter shall not be deemed to preclude prosecution of the same conduct under any other applicable law.

### **Severability, Effective Date**

A. In the event that it is determined, by a Court of competent jurisdiction, that any provision or section of this Ordinance is unconstitutional, all other sections and provisions shall remain in effect. This Ordinance shall take effect immediately, unless otherwise provided by Resolution of the governing body.

Mr. Watters made a motion to approve the introduction of Ordinance 2008-10 and requested that the public hearing be advertised for June 25, 2008, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Jewell, Deputy Mayor Baldwin  
Nays: None  
Absent: Mayor Nerbak  
Abstain: None

### **SECOND READING**

Deputy Mayor opened the public comment for Ordinance 2008-09, seeing there were no comments from the public the public comment period was closed.

2008-09  
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 2004 to 2018.

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 five (5) 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 sixteen (16) 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 five (5) or more new market-rate dwelling units in the Township of Mansfield shall provide one unrestricted affordable housing unit on-site for every five 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 (16) 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. Compensatory Benefit**

Consistent with N.J.A.C. 5:94-6.4 developers who provide affordable units on site shall be entitled to one additional market rate unit for every affordable unit constructed on site.

#### **F. 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.

Mr. Jewell asked if this Ordinance was referred to the Land Use Board.

Ms. Hrebenak stated that this amended ordinance was not sent to the Land Use Board.

The Public Hearing of Ordinance 2008-09 was cancelled until the opinion of the Land use Board is received.

#### **COMMITTEE PERSON COMMENTS:**

Mrs. Oakley had no report, but wished to congratulate Ted Tomaszewski for his recent win in the election and wished him luck.

Mr. Watters stated that he will be attending the Mansfield Twp School Board meeting tomorrow night.

Mr. Jewell stated that he has the Environmental Commission meeting tomorrow night.

Mr. Jewell also stated that he has received a complaint from a Valley Road resident that a catch basin was installed and that the drainage is not working by his house and that he will let Mr. Baldwin know the information for Mr. Sliker to look into the problem.

Deputy Mayor Baldwin stated that we should look into the grants that are available through Warren County Conservancy Grant or the Open Space Grant.

Deputy Mayor Baldwin also stated that himself and Mr. Jewell have met with two people about the township's COAH obligations he went through the town with them looking at several parcels though out the town and that he will have more information on this soon.

**Ms. Hrebenak stated that a letter was sent to the Open Space Commission about the recreation trails and that the Public Hearing date was set for July 23, 2008.**

**EXECUTIVE SESSION: PERSONNEL**

**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:

- (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.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Mansfield, assembled in public session on June 11, 2008, that an Executive Session closed to the public shall be held on June 11, 2008 at 8:19PM 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.

Mrs. Oakley made a motion to go into executive session after a five minute break, which was seconded by Mr. Watters.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Jewell, Deputy Mayor Baldwin

Nays: None

Absent: Mayor Nerbak

Abstain: None

Return from Executive Session at 8:53.

Roll Call: Mrs. Oakley, Mr. Watters, Mr. Jewell, Mr. Baldwin

Absent: Mayor Nerbak

Mr. Watters made a motion to adjourn at 8:55 pm, which was seconded by Mrs. Oakley.