

MANSFIELD TOWNSHIP COMMITTEE MEETING

May 11, 2011

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Star-Gazette and the Express Times of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Mayor Tomaszewski made a motion to approve the minutes from the regular meeting held on April 28, 2011, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

PAYMENT OF BILLS:

Ms. Nerbak stated that the only question she had was answered already.

Mayor Tomaszewski made a motion to approve the bill list as presented, which was seconded by Mr. Watters.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

CFO REPORT:

Ms. Harm stated that she has been working on the budget and the COPS grant.

CLERKS REPORT:

Ms. Hrebenak stated that she received notification today that Mr. Hannema will be putting down a herbicide on May 13th and 14th over by Comcast and that recreation and DPW will be notified.

Mr. Smith, Mr. Sliker, and Ms. Hrebenak explained that the duct cleaning needs to be done in the municipal building as soon as possible because it is effecting the work that was just done on the system. They went through the quotes that were received and asked that the Committee make a motion to approve this work being done.

Mr. Watters made a motion to perform duct cleaning for a fee of \$6500, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Ms. Hrebenak explained that there was a difference in the ordinance for construction fees and that Mr. Proefrock was overcharged \$75.00 for his permit and asked whether the Township Committee would like to authorize a refund for him.

Ms. Nerbak made a motion to refund Mr. Proefrock \$75.00 that was overpaid for his roof permit, which was seconded by Mr. Watters.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Ms. Hrebenak stated that the fee schedule ordinance would be on the next agenda and will be directly modeled off of Washington Township, Morris County's fees.

Ms. Hrebenak stated that we received a bill from the State today for the salt that we used over the winter and it was for 80 tons.

Mayor Tomaszewski asked how much we paid per ton.

Mr. Smith stated that it was about \$60.00 per ton.

ENGINEERS REPORT:

Mr. DiSessa stated that he received a letter back from Warren County in reference to the Highland Ave Culvert and they will not be taken over due to the fact that this is not up to the County standards, they suggested that apply for a municipal aide grant to repair this.

Mr. DiSessa stated that this program is on hold right now so we will have to wait for the program to become available to apply for this.

Mr. DiSessa stated that the Committee members were also given a monthly zoning report.

PUBLIC PORTION:

Mr. Proefrock, Diamond Hill, wanted to see that all bases are covered with the construction office and would like to give back the money that would be refunded toward the maintenance of the website because this is something that helps him out when he is not available to come to the meetings and he believes that this is something that is worth putting money towards.

Mrs. Shirley Kocher, Butler Park and Township Committee Candidate, had an issue with someone interrupting a meeting with the senior meeting and she felt that the Township Committee should do something.

Mr. Kobert stated that the Township Committee could not do anything about this, but that if Mrs. Kocher wished she should contact the Warren County Prosecutor's Office or the State of New Jersey DCA with her issues.

RESOLUTION 2011-50

On motion by Mr. Clancy, seconded by Mr. Smith, the following resolution was adopted by the Committee of the Township of Mansfield at a meeting held on May 11, 2011.

RESOLUTION TO ADOPT THE MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, the Township of Mansfield has experienced various natural hazard events and has been found to be vulnerable to damages resulting from these events, such as property loss, economic hardship, and threats to public health and safety; and

WHEREAS, the Township of Mansfield had previously entered into an agreement with the County of Warren to participate in the development of a Regional All-Hazards Pre-Disaster Mitigation Plan, now known as the Multi-Jurisdictional Hazard Mitigation Plan (the Plan); and

WHEREAS, the Plan recommends hazard mitigation actions that will protect people and property affected by natural hazards, will reduce future public, private, community and personal costs of disaster response and recovery, and will reinforce Township of Mansfield's leadership in emergency preparedness efforts; and

WHEREAS, the Plan, having been open to public review and comment on date of May 19, 2010 and on meeting July 22, 2010 and meeting all other requirements as ordered by the New Jersey State Police, Emergency Management Section, Hazards Mitigation Unit, and the Federal Emergency Management Agency, Region 2, New York City, has been approved by both the State and Federal entities; and

WHEREAS, the Disaster Mitigation Act of 2000 (P.L. 106-390) and associated Federal regulations published under 44 CFR Part 201 require the Township of Mansfield to formally adopt a Hazard Mitigation Plan to be eligible for federal funds for hazard mitigation projects and activities;

NOW, THEREFORE BE IT RESOLVED by the Committee of the Township of Mansfield, that the Multi-Jurisdictional Hazard Mitigation Plan is hereby adopted as an official plan and that appropriate steps be taken to execute recommended actions, including periodic updates, and to fulfill reporting requirements as specified in the Plan.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None
Abstain: None

TOWNSHIP OF MANSFIELD
COUNTY OF WARREN
RESOLUTION NO. 2011-51

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY IN REGARD TO CERTIFICATION OF THE LOCAL TAX LEVY FOR THE WARREN HILLS REGIONAL SCHOOL DISTRICT

WHEREAS, the Board of Education of the Warren Hills Regional School District presented to the voters, at the annual School Election held on April 27, 2011, a question concerning the tax levy requirements for the said Board of Education for current expenses and capital outlay, designated as the General Fund, in the amount of \$18,908,452; and

WHEREAS, the voters of Mansfield Township passed the current expense and capital outlay budget designated as the General Fund, by a vote of 259 Yes votes and 254 No votes; and

WHEREAS, the total votes cast of the four municipalities comprising the Warren Hills Regional School District rejected the current expense and capital outlay budget, designated as the General Fund by a total vote of 792 Yes votes and 895 No votes; and

WHEREAS, the same Warren Hills Regional School Board of Education transmitted an official copy of the rejected current expense and capital outlay budget designated as the General Fund and documentation to the Township Committee of the Township by April 29, 2011; and

WHEREAS, the Mayor and Township Committee of the Township of Mansfield have reviewed information on the current expense and capital outlay budget, designated as the General Fund as submitted by the said Board of Education; and

WHEREAS, a joint meeting of the mayors (or designated representatives) of the four municipalities was held on May 9, 2011, to discuss the current expense and capital outlay budget, designated in the General Fund; and

WHEREAS, careful consideration has been given to the information received from the Board of Education, with a view toward providing a thorough and efficient system of education in the school system of the Warren Hills Regional School District.

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

1. The tax levy amount of \$18,908,452 on the ballot was rejected by the voters for the General Fund (base budget);

The Mayor and Township Committee has determined that the rejected General Fund is above the

maximum T & E budget and that a reduction of \$250,000 will not adversely affect the Board of Education's ability to meet the thoroughness and efficiency standard as set forth in N.J.A.C. 6:19-5.5(a)(3). Therefore, the Mayor and Township Committee hereby reduce the General Fund tax levy by \$250,000. It is recommended that such reductions come from the following line-item accounts:

Account No.	Account	Reduction
11-000-222-177	Technology Coordinator Salary	\$100,000
11-140-100-101	High School Teacher Salaries	40,000
11-190-100-640	High School Textbooks	24,000
11-130-100-101	Middle School Teacher Salaries	26,000
11-000-266-100	Resource/Security Salaries	14,800
11-000-218-104	Guidance Salaries	30,000
11-000-219-105	Part-time Secretary	<u>15,200</u>
		<u>\$250,000</u>

In consideration of these reductions, the tax levy will be adjusted as follows:

\$18,908,452	presented to the voters
\$ 250,000	above reductions
\$18,658,452	certified tax levy amount

2. The Mayor and Township Committee hereby certifies that the amount of the tax levy herein above certified by this Municipal Government for the General fund (base budget) is sufficient to provide a thorough and efficient system of education for the Warren Hills Regional School District.
3. The aforementioned tax levy herein certified by the Township of Mansfield for the base budget exceeds the local share required by the Comprehensive Educational Improvement and Financing Act of 1996.
4. The Township Clerk of the Township of Mansfield is directed to certify no later than Thursday, May 19, 2011, to the Warren County Board of Taxation, the Warren County Superintendent of Schools, the Warren Hills Regional School District Board of Education, the Mansfield Township Tax Assessor, the Division of Local Finance of the Department of the Treasury of the State of New Jersey, and to any other parties required by law to receive such certification, that the amount of \$18,658,452 is necessary to be raised by taxation for General Fund revenues (District tax levy); a proportionate amount of which shall be included in the taxes to be raised, levied and collected in this Township for current expense and capital outlay, designated as General Fund set forth herein, for the Warren Hills Regional School District; and copies of this Resolution, to be executed by the Mayor and Township Clerk, shall be forwarded by the Township Clerk of the persons and/or departments named herein, for certification purposes.

Mr. Watters stated that himself and Mr. Smith attended the meeting at the Warren Hills board office reviewed the Warren Hills budget with the Township Committee.

Mr. Watters made a motion to approve the passage of Resolution 2011-51, which was seconded by Mayor

Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

ORDINANCE:

First Reading

2011-11

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2010-09
FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF MANSFIELD, NEW JERSEY ON APRIL 28, 2010

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

The Bond Ordinance of the Township Committee of the Township of Mansfield, in the County of Warren, New Jersey (the "Township") entitled "Bond Ordinance Providing An Appropriation Of \$299,326 For Various Improvements In And By The Township Of Mansfield In The County Of Warren, New Jersey And Authorizing The Issuance Of \$285,072.35 Bonds Or Notes Of The Township For Financing Part Of The Appropriation," finally adopted on April 28, 2010 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 3(a)(2) and (4) of the Ordinance is hereby amended in its entirety as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Average Period of Usefulness
(2) Acquisition of mower.	\$106,240.00	\$101,180.95	5 years
(4) Acquisition of decal for vehicle.	260.00	247.61	5 years

The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolutions in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

This Section 4 constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that the Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$285,072.35.

All other provisions of the Ordinance shall remain unchanged.

This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

Mr. Watters made a motion to introduce Ordinance 2011-11 and requested that the public hearing be held on May 25 at 8pm and be advertised, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mayor Tomaszewski

Nays: Mr. Clancy, Ms. Nerbak

Absent: None

Abstain: None

Second Reading

Mayor Tomaszewski opened the floor for public comment on Ordinance 2011-09; seeing that there were no comments the public comment portion was closed.

ORDINANCE 2011-09

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY,

REFUSE CONTAINERS / DUMPSTERS

SECTION I. Purpose:

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Mansfield and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Township of Mansfield or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political

subdivision of this State subject to municipal jurisdiction.

- c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION III. Prohibited Conduct:

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Mansfield.

SECTION IV. Exceptions to Prohibition:

- Permitted temporary demolition containers
- Litter receptacles (other than dumpsters or other bulk containers)
- Individual homeowner trash and recycling containers
- Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

SECTION V. Enforcement:

This ordinance shall be enforced by the police department and/or the municipal engineer of the Township of Mansfield.

SECTION VI. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$1,000.00.

SECTION VII. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Mr. Watters made a motion to approve the passage of Ordinance 2011-09 and requested that the results be advertised, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Mayor Tomaszewski opened the floor for public comment on Ordinance 2011-10; seeing that there were no comments the public comment portion was closed.

ORDINANCE 2011-10

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD,
COUNTY OF WARREN, STATE OF NEW JERSEY,

PRIVATE STORM DRAIN RETROFITTING

SECTION I. Purpose:

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Mansfield so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances

(including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Mansfield or other public body, and is designed and used for collecting and conveying stormwater.

- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- d. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION III. Prohibited Conduct:

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- *Already meets the design standard below to control passage of solid and floatable materials; or*
- *Is retrofitted or replaced to meet the standard in Section V below prior to the completion of the project.*

SECTION V. Design Standard:

Storm drain inlets identified in Section IV above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section V.3 below.

- Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
- A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- This standard does not apply:
 - Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - A bar screen having a bar spacing of 0.5 inches.
 - Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
 - Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

SECTION V. Enforcement:

This ordinance shall be enforced by the police department and/or the municipal engineer of the Township of Mansfield.

SECTION VI. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$1,000.00 for each storm drain inlet that is not retrofitted to meet the design standard.

SECTION VII. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Mr. Clancy made a motion to approve the passage of Ordinance 2011-10 and requested that the results be advertised, which was seconded by Mr. Watters.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None
Absent: None
Abstain: None

CHIEF'S REPORT:

Chief Ort asked what is going to be done with the Explorer.

Mayor Tomaszewski stated that WCBS will be doing the retrofit of the Explorer for the police department because they are offering more equipment at a better price.

Chief Ort stated that he received a Memorandum of Agreement from a Police Reports USA for accident reports and that he sent it over to Mr. Vex for his review.

Chief Ort explained that this company would allow the Police Department to submit their reports online and they make them available to insurance companies and other people they would charge a fee on top of the fee that we charge and would disburse the money to look at us.

Chief Ort also stated that he is still waiting for a response from CODY in reference to our questions.

Chief Ort stated that he and Mrs. Harm are working on the COPS grant and that there were two different parts that they needed to sign up for, but there is only about \$200,000,000 available and there will be a lot of competition.

COMMITTEE PERSON COMMENTS:

Mr. Watters asked where we were with the plans for the auctions.

Ms. Hrebenak stated that she is working on them and that they should be on the either the next meeting or the following meeting's agenda.

Mr. Smith had nothing to report.

Ms. Nerbak stated that she received notice that the Scenic Byway has been put on hold at this point because the Federal Government has rejected the two applications for the grants.

Ms. Nerbak stated that there is also another issue in reference to the Police Study, but that should be discussed in Executive Session.

Mr. Clancy had nothing to report.

Mr. Clancy but asked Mrs. Harm about the renewal of benefits for health insurance, is this staying with the same package.

Mrs. Harm stated that it was.

Mr. Watters made a motion to adjourn 8:37, which was carried by all.