

MANSFIELD TOWNSHIP COMMITTEE MEETING

August 24, 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, Ms. Nerbak, Mayor Tomaszewski

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Ms. Nerbak made a motion to approve the minutes from the regular meeting held on August 10, 2011, which was seconded by Mr. Watters.

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

Nays: None

Absent: Mr. Clancy

Abstain: Mr. Smith

PAYMENT OF BILLS:

Mr. Watters asked about the bill on page three for the Wash Bay maintenance.

Mr. Smith stated that a pump went bad and needed to be replaced.

Mr. Smith questioned the bill for the electric if the bill was broken out as per prior discussions.

Mrs. Harm and Mrs. Fascanelli stated that the bill was not split out and that it will be split into a different bill for the next meeting.

Mr. Watters made a motion to approve the bill list with the addendum, which was seconded by Mr. Smith.

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

Nays: None

Absent: Mr. Clancy

Abstain: Mr. Smith

CFO REPORT:

Ms. Harm stated that she has one item that needs to be discussed in Executive Session.

Ms. Harm also stated that the police car is on the bill list should be here in about three a half to four weeks.

Ms. Harm also stated that they are working on the best practices, which is due for September 1.

Ms. Harm read a statement into the minutes:

I would like to take a moment to clarify an important point. All the work that comes out of both of my offices is done to

the best of my ability and in accordance with New Jersey State Statutes and Mansfield Township's purchasing policy and employee handbook. I will not be influenced or threatened by any member of the committee to do anything that I feel is illegal or morally questionable. I feel that it is important that we all work together to fulfill our obligation to the residents of Mansfield Township. Thank you.

FREEHOLDER JASON SARNOSKI:

Freeholder Jason Sarnoski was present and introduced himself and went through the Warren County budget and what the county is working on right now.

Mr. Marvin Kocher asked Freeholder Sarnoski if there is anything that he can do about the radios from the Warren County Emergency Services.

Freeholder Sarnoski stated that he would call Mr. Wheatly to see what is going on and what can be done.

Mrs. Fascanelli asked if the recycling collection will be opened up in Warren County to collect the heavier plastics (feed bags, wood pellet bags).

Freeholder Sarnoski stated that he would get in touch with Victor Camporini and that he would let Mrs. Fascanelli know.

Ms. Nerbak asked about the Warren County Economic Development Advisory Council and the items that they handle.

Freeholder Sarnoski stated that the Advisory Council will handle policy recommendations and will be researching what will work for the County.

Mr. Watters asked when the bidding will start for the County Co Op for salt.

Freeholder Sarnoski stated that he would have to research that and he will get back to us.

Freeholder Sarnoski thanked everyone for having him and stated that if there is ever any questions, please contact him.

CLERKS REPORT:

Ms. Hrebenak stated that she is in receipt of the gas pump reading but the reading may not be correct because the pump broke on August 19 so the numbers are not accurate.

Mr. Watters asked about if it was the pump or the meter that was broken.

Ms. Hrebenak clarified that it was the meter that reads the gallons pumped was broken.

Mr. Watters stated that Mrs. Fascanelli told him that there were two meters on the tank one that was installed by the DPW and one that was installed by the tank company.

Mr. Smith stated that he was under the assumption that the small meter was not working.

Ms. Hrebenak stated that she would speak with Sergeant Reilly and figure out whether they are working or not.

Ms. Hrebenak also stated that there are about 8 more roads to be included in the list of roads with no stop signs.

Mayor Tomaszewski stated that he feels that it is not so much the stop signs that are a problem, more the speeding as Mr. Proefroch has pointed out in the past especially since they have never had them there.

Mr. Watters asked Mr. DiSessa what his thoughts were on this.

Mr. DiSessa stated that there may be some roads that need them more than others and we would need to look at them more closely.

Mayor Tomaszewski stated that he feels that we should have the Police look at the rate of accidents to see which roads are more prevalent.

ENGINEERS REPORT:

Mr. DiSessa stated that the appliance guy on Route 57 has a number of appliances out on the road for sale.

Mayor Tomaszewski stated that the Hackettstown Trading Post property is still a mess and needs to be cleaned up they have made an attempt but there is definitely still a lot of mess that needs to be cleaned up.

Mayor Tomaszewski stated that a second letter should be sent and then after five days a violation should be issued.

PUBLIC PORTION:

Mayor Tomaszewski opened the floor for public comment, being that there was none the public comment portion was closed.

RESOLUTION:

RESOLUTION # 2011 –81
REFUND OF RECREATION REGISTRATION
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Timothy Carey registered Nicole on 3/14/11 via credit card payment in the amount of \$ 65.00 for Cheerleading with the Township of Mansfield, County of Warren,

WHEREAS, Nicole will not be participating,

NOW THEREFORE BE IT RESOLVED, that the Acting Chief Financial Officer be authorized to refund the amount of \$ 65.00 to Timothy Carey.

M. Nerbak made a motion to approve the passage of Resolution 2011-81, which was seconded by Mr. Watters.

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

Nays: None

Absent: Mr. Clancy

Abstain: None

RESOLUTION # 2011 –82
REFUND OF RECREATION REGISTRATION
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Darrell & Lynn Haytaian issued a check dated 5/09/11 in the amount of \$ 65.00 for tennis lessons with the Township of Mansfield, County of Warren,

WHEREAS, Jordan Haytaian did not take tennis lessons,
NOW THEREFORE BE IT RESOLVED, that the Acting Chief Financial Officer be authorized to refund the amount of \$ 65.00 to Darrell & Lynn Haytaian.

Ms. Nerbak made a motion to approve the passage of Resolution 2011-82, which was seconded by Mr. Watters.

Ayes: Mr. Smith, Mr. Watters, Ms. Nerbak, Mayor Tomaszewski
Nays: None
Absent: Mr. Clancy
Abstain: None

RESOLUTION # 2011 –83
REFUND OF RECREATION REGISTRATION
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Paul & Kathleen Fluta issued payment against their credit card on 7/12/11 for 2 children to participate in soccer in the amount of \$ 130.00 with the Township of Mansfield, County of Warren,
WHEREAS, Matthew does not wish to participate in soccer,
NOW THEREFORE BE IT RESOLVED, that the Acting Chief Financial Officer be authorized to refund the amount of \$ 65.00 to Paul & Kathleen Fluta.

Ms. Nerbak made a motion to approve the passage of Resolution 2011-83, which was seconded by Mr. Watters.

Ayes: Mr. Smith, Mr. Watters, Ms. Nerbak, Mayor Tomaszewski
Nays: None
Absent: Mr. Clancy
Abstain: None

RESOLUTION # 2011 – 84
REFUND OF RECREATION REGISTRATION
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Jim & Taryn Hummel issued payment against their credit card on 7/24/11 for 2 children to participate in cheerleading in the amount of \$ 130.00 with the Township of Mansfield, County of Warren,
WHEREAS, Maegan does not wish to participate in cheerleading,
NOW THEREFORE BE IT RESOLVED, that the Acting Chief Financial Officer be authorized to refund the amount of \$ 65.00 to Jim & Taryn Hummel.

Ms. Nerbak made a motion to approve the passage of Resolution 2011-84, which was seconded by Mr. Watters.

Ayes: Mr. Smith, Mr. Watters, Ms. Nerbak, Mayor Tomaszewski
Nays: None
Absent: Mr. Clancy
Abstain: None

TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY

PLEDGE of Municipal Support for New Jersey's Wildlife Action Plan

This Plan is in support of New Jersey Department of Environmental Protection, Division of Fish and Wildlife, State-level Priority Conservation Goals and Strategies Recognizing that animals are an integral and valuable part of all communities and believing concern for the wellbeing of wild animals and wild spaces is a hallmark of a sustainable natural community the Township of Mansfield pledges its support for the New Jersey Wildlife Action Plan as outlined:

WHEREAS, New Jersey is home to a rich diversity of wildlife and ecologically significant natural communities,

WHEREAS, New Jersey's wildlife and wild places are under threat from development, fragmentation, invasive species and the impacts of people,

WHEREAS, the populations of mammals, birds, invertebrates, fish, reptiles and amphibians that live in, and migrate through New Jersey find themselves clinging to smaller and smaller pieces of wild clean lands and aquatic habitats,

WHEREAS, it is more cost effective to prevent species from becoming imperiled than it is to recover them once their populations have declined,

WHEREAS, a naturally functioning and healthy ecosystem represents a healthy environment for NJ wildlife and our citizens,

WHEREAS, the NJ Division of Fish and Wildlife, other state and federal agencies, and many partners in conservation have worked together to develop a state Wildlife Action Plan for the benefit of biologists, wildlife experts, municipal leaders, land stewards, non-profit organizations, educators, planners, researchers, outdoor recreation enthusiasts, landowners and all the people who know the wild places of New Jersey,

WHEREAS, the New Jersey Wildlife Action plan is a comprehensive action agenda for the conservation of native wildlife, the restoration of important lands and water, and public education targeting the needs of rare wildlife in New Jersey,

WHEREAS, the residents of, and visitors to, New Jersey also enjoy and benefit from New Jersey's wildlife and wild spaces.

NOW THEREFORE, we the Committee of the Township of Mansfield, resolve to take the following steps with regard to our municipal land-use decisions with the intent of making the Township of Mansfield an ecologically sustainable community. It is our intent to include these principles in our public lands management, our environmental resources inventory and to inform the next master plan revision and update our zoning accordingly.

- We will identify imperiled species, critical habitat and unique ecosystems in our Environmental Resource Inventory.
- Acknowledging that it is more cost effective to protect species than recover species, we will protect populations of rare and imperiled species that live and breed in, and migrate through, the municipality and the habitats they depend upon.
- Because habitat integrity is critical to healthy biodiversity we will manage publicly owned lands in accordance with wildlife management actions laid out in the New Jersey Wildlife Action Plan and will promote the management of all protected lands to promote biodiversity. We will protect wildlife habitats and

maintain connectivity of habitat when formulating an open space acquisition strategy, open space stewardship plans and through the municipal master plan including planning and zoning ordinances.

5. We will seek to minimize disturbance of critical wildlife populations and their habitats from human activities, subsidized predators and invasive species.

6. When possible and appropriate, we will work with neighboring municipalities to implement the aforementioned principles across municipal boundaries.

7. When possible and appropriate, we will strive to monitor and implement appropriate management of municipal easements to ensure native vegetation and wildlife takes precedence over invasive and/or exotic species.

Mr. Watters made a motion to approve the passage of Resolution 2011-85, which was seconded by Mr. Smith.

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

Nays: None

Absent: Mr. Clancy

Abstain: None

RESOLUTION #2011- 86

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY,
REGARDING LIABILITY INSURANCE COVERAGE;CHANGE OF
BROKER OF RECORD**

WHEREAS, the Township Committee of the Township of Mansfield, County of Warren and State of New Jersey desires to evaluate and address its current property and casualty insurance coverage to address potential deficiencies and levels of risk; and

WHEREAS, the Township seeks to obtain a risk plan that will correct any said deficiencies and lower the Township's risk and exposure; and

WHEREAS, the Township recommends Wayne Dietz of D&H Alternative Risk Solutions, Inc. be appointed as the Township's property and casualty insurance broker of record to counsel and make recommendations to the Township regarding its current risk and exposure and the potential limitation and reduction of same.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield that the appointment of Wayne Dietz of D&H Alternative Risk Solutions, Inc. as property and casualty insurance broker of record is hereby approved.

Mr. Watters made a motion to approve the passage of Resolution 2011-86, which was seconded by Mayor Tomaszewski.

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

Nays: None

Absent: Mr. Clancy

Abstain: Ms. Nerbak

**RESOLUTION NO. 2011-87
TO REVISE RESOLUTION #2011-68 OF THE TOWNSHIP OF MANSFIELD,
COUNTY OF WARREN, STATE OF NEW JERSEY**

WHEREAS, the Committee of the Township of Mansfield, County of Warren, State of New Jersey, had determined that it is in the best interest of the Township of Mansfield to eliminate certain positions, combine certain duties, and reduce hours of certain positions; and

WHEREAS, a Committee member had volunteered a reduction in pay;

WHEREAS, said reduction has been since rescinded;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, that the following change be revised:

Committee: reduction of 2011 salary by \$500 for the volunteering committee member has been rescinded.

Ms. Nerbak made a motion to approve the passage of Resolution 2011-87, which was seconded by Mr. Watters.

Ayes: Ms. Nerbak

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

Absent: Mr. Clancy

Abstain: None

RESOLUTION # 2011 – 88

A RESOLUTION AUTHORIZING THE CANCELLATION OF THE MUNICIPAL ALLIANCE ACCOUNT TRUST FUND BALANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY

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

WHEREAS, the Township of Mansfield established a Municipal Alliance Account for the disbursement of expenses for Mansfield Municipal Alliance and has balance of \$8,172.39; and

WHEREAS, the Acting Chief Financial Officer of the Township of Mansfield has advised it is no longer necessary to maintain this balance.

NOW, THEREFORE BE IT RESOLVED, the Acting Chief Financial Officer of the Township of Mansfield is by this Resolution authorized and directed to cancel the Municipal Alliance Account trust balance which is to be transferred to the Mansfield Township Current Fund.

Mr. Watters made a motion to approve the passage of Resolution 2011-88, which was seconded by Mr. Smith.

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

Nays: None

Absent: Mr. Clancy

Abstain: Ms. Nerbak

RESOLUTION 2011-89

“RENEWAL AGREEMENT FOR MEMBERSHIP IN THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL (MCCPC)”

A Resolution authorizing The Township of Mansfield to enter into a “Renewal” cooperative Pricing Agreement with the Morris County Cooperative Pricing Council, hereinafter referred to as the “Lead Agency” for the conduct of certain functions relating to the purchase of work materials and supplies for their respective jurisdictions.

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

This Resolution shall be know and may be cited as the "Renewal" Cooperative Pricing Council Resolution of the Township of Mansfield is hereby authorized to enter into a "Renewal" Cooperative Agreement with the Lead agency or any other contracting unit within the County of Morris or adjoining counties for the purpose of work, materials, and supplies.

The Lead Agency entering into contracts on behalf of the Township of Mansfield shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statues of the State of New Jersey.

All resolution or parts thereof inconsistent with this resolution shall be the same are hereby repealed.

This "Renewal" Cooperative Pricing Council Resolution shall be effective October 1, 2011 and such membership shall be for the duration of (five (5) years) of the "Renewal" Cooperative Pricing Agreement, expiring September 30, 2016, unless the "Lead agency" and the Division of Local Government Services, elects to withdraw.

This Resolution shall take effect immediately upon final passage and publication according to law.

Mayor Tomaszewski made a motion to approve the passage of Resolution 2011-89, which was seconded by Mr. Watters.

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

Nays: None

Absent: Mr. Clancy

Abstain: None

RESOLUTION NO. 2011-90

A RESOLUTION TO PROVIDE AN ATTENTDANCE POLICY FOR MEMBERS OF ANY COMMITTEE TO ATTEND MEETINGS BY LAW

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

Whenever a member of any committee, when required by law to attend meetings of the Governing Body, or a member of the Governing Body, fails to attend and participate in any meetings of the Governing Body for a period of eight (8) consecutive weeks:

a. unless excused from attendance by a majority of the members of the Governing Body, as the conclusion of such period;

b. however, that the Governing Body may refuse to excuse only with respect to those members whose failure to attend and participate which are not due to legitimate illness

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield that the above policy be in effect at the time of passage of this resolution.

Mr. Watters made a motion to approve the passage of Resolution 2011-90, which was seconded by Mayor Tomaszewski.

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

Nays: None

Absent: Mr. Clancy

Abstain: None

ORDINANCE:

Second Reading

Mayor Tomaszewski opened the floor for public comment on Ordinance 2011-17; seeing as there were no comments the public comment portion was closed.

ORDINANCE 2011-17

**TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY**

AN ORDINANCE TO AMEND CHAPTER 22 OF THE CODE OF THE TOWNSHIP OF MANSFIELD TO PROVIDE REGULATIONS REGARDING RENEWABLE ENERGY FACILITIES (SOLAR AND WIND)

WHEREAS, the Township of Mansfield recognizes the growing trend of residential and commercial properties installing solar and wind structures to produce renewable energy, and

WHEREAS, use of renewable energy is one way for a property to reduce its impact on the environment and solar and wind energies are abundant, non polluting and renewable energy resources, and

WHEREAS, in recognition of the above statements the New Jersey Legislature has recently amended the Municipal Land Use Law (N.J.S.A. 40:55D) to permit renewable energy facilities in industrial zones on sites of 20 acres or larger and to recognize renewable energy facilities as inherently beneficial uses, and

WHEREAS, the Land Use Board has determined that there exists the need to regulate the use and placement of renewable energy facilities and structures in light of the current national and regional trend toward the development of renewable energy generating systems. And that existing zoning regulations do not address this emerging trend as it may impact the use of valuable natural resources, rural character and farmland in Mansfield Township; and

WHEREAS, the Land Use Board has considered recent legislation enacted in the State of New Jersey declaring certain renewable energy generating systems inherently beneficial uses to the citizens of this State and the Land Use Board believes there is a need to balance the development of these uses with State and local land use goals and objectives to protect the natural resources,

including farmland, and the rural character of Mansfield Township, while allowing for the development of renewable solar or photovoltaic and wind energy facilities and structures in an orderly way; and

WHEREAS, the Mansfield Township Committee acknowledges that existing ordinance standards do not adequately provide for the orderly use and development of lands in the Township of Mansfield for solar or photovoltaic and wind energy facilities and structure installations for individual homeowners and business establishments and for larger installations that are capable of generating electrical power for the general citizenry of the State, region, and community, and concurs with the recommendations of the Land Use Board.

NOW, THEREFORE, be it ordained by the Mayor and Township Committee of the Township of Mansfield that the Land Use Code of the Township of Mansfield shall be amended as follows:

SECTION I - SOLAR, DEFINITIONS

CHAPTER 22 – Zoning, of the Ordinances of Mansfield Township, Section 22-2, Definitions, is hereby amended and supplemented with the following new definitions:

MINOR SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE - "Minor solar or photovoltaic energy facility or structure " or "minor solar or photovoltaic energy system" means a solar or photovoltaic panel or system of panels for the production of energy that:

- Uses solar energy as its fuel; is located on the power beneficiary's premises; is designed and intended primarily to offset part or all of the beneficiary's requirements for energy consumption on site; and is secondary to the beneficiary's use of the premises for other lawful purpose(s); or,
- Is intended to mitigate electrical system improvement requirements; and
- Generates not more than 110% of the power consumed by the beneficiary's premises, which shall be documented through the submission of power company electricity usage bills for the twelve months prior to the date of application, or another form of documentation acceptable to the Mansfield Township Zoning Officer. This documentation shall be provided at the time of application.

MAJOR SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE - Major solar or photovoltaic energy facility or structure or major solar or photovoltaic energy system means a system of solar or photovoltaic panels and equipment for the production of energy that is not a minor solar or photovoltaic energy facility or structure.

PANEL - A solar panel is an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes, but is not limited to, flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy or array.

SECTION II – SOLAR, ZONING

Chapter 22 of the Ordinances of Mansfield Township, permitted Accessory uses and Conditional uses in Section 22-7, the **A**, **R-1**, and **R-2** Districts; Section 22-8, the **R-3** District; Section 22-9, the **B-1** District and Section 22-10, the **B-2** District is hereby amended and supplemented, by adding the following new subsections in the above Districts, as follows:

1. Permitted Accessory Uses – Minor solar or photovoltaic energy facilities or structures. Minor solar facilities shall be permitted to be ground mounted and mounted to principal and accessory structures and buildings, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12” beyond the edge of the roofline or 12” above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than 5 feet above the roof line. Minor solar facilities shall have a setback requirement consistent with building regulations. In the case of a surface level or ground mounted system, the system shall be situated more than 50 feet from the nearest property boundary line. Minor solar ground mounted facilities serving residential uses shall consist of no more than ten (10) panels. Minor solar ground mounted facilities located less than 50 feet from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit and shall have setback requirements consistent with building regulations. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment.

2. Conditional Uses - Major solar or photovoltaic energy facilities or structures.

Chapter 22 of the Ordinances of Mansfield Township, Permitted Uses, Accessory and Conditional uses in Section 22-11, the **PO** District; Section 22-12, the **I** District are hereby amended and supplemented, by adding the following new subsections in the above Districts, as follows:

- Permitted Uses - Major solar or photovoltaic energy facilities or structures on a parcel or parcels of land comprising 20 or more contiguous acres that are owned by the same person or entity, and in accordance with the regulations set forth in Section III below.
- Permitted Accessory Uses - Minor solar or photovoltaic energy facilities or structures. Minor solar facilities shall be permitted to be ground mounted and mounted to principal and accessory structures and buildings, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12” beyond the edge of the roofline or 12” above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than 5 feet above the roof line. Minor solar facilities shall have a setback requirement consistent with building regulations. In the case of a surface level or ground mounted system, the system shall be situated more than 50 feet from the nearest property boundary

line. Minor solar ground mounted facilities located less than 50 feet from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit and shall have setback requirements consistent with building regulations.

Notwithstanding, these systems shall not exceed the maximum building height in the zoning district. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment.

- Conditional Uses - Major solar or photovoltaic energy facilities or structures on a parcel of land comprising less than 20 acres.

SECTION III – SOLAR, CONDITIONAL USE STANDARDS

Chapter 22 of the Ordinances of Mansfield Township, Section 22-13, Conditional Uses, is hereby amended and supplemented, by adding the following new subsection as follows:

Major Solar or Photovoltaic Energy Facilities or Structures

All major solar or photovoltaic energy facilities or structure installations shall comply with all applicable state and federal laws and regulations and shall also comply with the following standards. Preliminary and final site plan approval shall be obtained prior to obtaining a zoning permit.

- Minimum lot size: 20-acres. In the **PO** and **I** Zones the 20 acre minimum lot size does not apply for conditional use standards. Solar installations on preserved and commercial farmland shall be subject to the State Agriculture Development Committee (SADC) regulations.
- No soil shall be removed from any site upon which major solar or photovoltaic energy facilities and structures or other necessary equipment required for the solar facility is constructed. Grading within Prime Farmland and Farmlands of Statewide Significance shall be limited to only that necessary to construct access roads and for construction of inverter and switching equipment pads.
- Except pursuant to a permit issued by the New Jersey Department of Environmental Protection (NJDEP), no portion of major solar or photovoltaic energy facilities and structures shall occupy areas of land designated and regulated by NJDEP as floodplains, flood hazard areas, wetlands, wetland transition areas or riparian corridors. An applicability determination from the NJDEP shall be provided to document the presence and/or absence of these regulated areas. Buffer maintenance shall be consistent with NJDEP regulations.
- Major solar or photovoltaic energy facilities and structures shall not occupy any area beyond the required principal building setbacks for the zone in which the facility is located, exclusive of poles for interconnection of the facility to the electrical grid. Setback requirements shall be equal to the principal building setback in the zone or the minimum vegetated visual and security buffer requirement, whichever is greater. A

minimum 100 foot wide vegetated visual screen shall separate solar or photovoltaic facilities from residential uses and properties in residential zone districts, a minimum 50 foot wide visual screen shall separate such facilities from public roads, and a 25 foot wide visual screen shall separate such facilities from properties in a nonresidential zone district.

- Major solar or photovoltaic energy facilities and structures shall be visibly screened from the public traveled way (public roads, trails, scenic highways and by-ways), open space, preserved farmland, publicly owned properties and historic resources, including sites and buildings listed or eligible for listing on the State and National Registers of Historic Places.
 - To the extent achievable, solar or photovoltaic energy facilities and structures shall be sited using the natural topography to screen the energy project from public view and the view of any adjoining residences.
 - If the property is adjacent and contiguous to a permanently preserved farm, open space and/or public access easements it shall buffer the farm, open space and/or easements from view.
 - The following minimum screening requirements shall be met. However, notwithstanding the minimum requirements, the applicant shall demonstrate, to the satisfaction of the Land Use Board, that the proposed screening provides a visual screen of the facility from neighboring properties. Additional screening may be needed to meet this requirement as determined by the board.
 - Screening shall consist of a combination of native plantings, to the extent possible. Alternately, an earthen berm may be employed if existing vegetated screening and native plantings will not suffice to provide the necessary buffer and maintain the rural character of the Township. The need for and location of vegetative screens includes the identification of appropriate species and varieties of vegetation to ensure that there is adequate visual screening throughout the year.
 - The landscaping plantings shall be designed for enhancing the quality of the soil and the ability of the land to absorb rainwater.
 - Landscaping shall be limited to the extent possible of native species of deciduous and coniferous trees and shrubs that are indigenous to the area, as listed in the Natural Resource Inventory, and shall not include invasive species as listed in Natural Resource Inventory of Mansfield Township. Such plantings shall be depicted on a plan prepared by a licensed professional. The applicant shall rely upon existing vegetation, including existing hedgerows or windbreaks that provide screening, to the maximum extent practical. The appropriate height or caliper of the vegetation to be planted shall ensure that there is a 75 percent screening of the solar energy generation facilities within five years of completing the installation of the facilities. A photo simulated exhibit depicting screening at key locations at the projected five year period shall be required.

- A barrier shall be installed behind the required screen which shall:
 - Secure the facility at all times.
 - Restrict access to all electrical wiring that may be readily accessible.
 - All electrical control equipment shall be labeled and secured to prevent unauthorized access.
 - Conform to the Uniform Construction Code and other applicable standards.
 - One or more access gates to the facility shall be provided. The actual number and location of access gates may be determined by the board based on safety and security requirements of the site. Each access gate shall include a sign identifying the property owner as well as responsible parties for operation of the major solar and photovoltaic energy facilities and structures; for maintenance of the facility; and for maintenance of the visual screen, landscaping and security fence. Contact information for all of the above responsible parties shall be provided on each access gate sign.
 - No signs shall be posted on a solar facility or any associated building, structures, or fencing with the exception of access gate signs, appropriate warning signs, and manufacturer's or installer's identification.
 - All transformers, inverters, and high voltage equipment and equipment buildings shall be situated within a compound, which shall be enclosed within a security fence and access gate, which shall remain locked at all times. If appropriate, the entire facility shall be enclosed within a security fence and access gate.
 - The height of security fences and access gates shall be 8' plus an angled non-barbed wire extension, unless a lower fence height is approved by the board. In no case shall the fence height be less than 6' plus an angled non-barbed wire extension. Barbed wire fences are not permitted except in cases where it is demonstrated to the satisfaction of the board that barbed wire fencing is required for security purposes. In such cases the total height of the fence and access gates including barbed wire shall not exceed 8'. Approval of barbed wire fencing for solar facilities is at the discretion of the board.
- A Maintenance Plan shall be submitted by the applicant for the continuing maintenance of all required plantings, solar panels and appurtenances, including a schedule of specific maintenance activities to be conducted. A Maintenance Plan narrative shall also be included on the site plans in note form. Maintenance of the required landscaping, fencing, solar panels, equipment buildings, access roads, and security measures shall be a

continuing condition of any approval that may be granted, and shall be the shared responsibility of the property owner and applicant (if owner is not the applicant). A cost estimate for required plantings shall be presented as part of any application and a 5 year maintenance bond approved by the Township Engineer shall be a condition of approval. The property owner and applicant (if owner is not the applicant) shall act as co-principals of the maintenance bond. The Maintenance Plan shall be environmentally responsible.

- All ground areas occupied by a major solar or photovoltaic energy facility or structure installation that are not utilized for access to operate and maintain the installation shall be planted and maintained with shade tolerant grasses for the purpose of soil erosion control and soil stabilization:
 - A seed mixture of native, non-invasive shade tolerant grasses shall be utilized and specified in a landscaping plan that shall be provided.
 - If it can be demonstrated by the applicant that an alternative vegetative ground cover consisting of a seed mix of native, non-invasive plant species and non-native, non-invasive shade tolerant species shall be accepted for soil erosion control and soil stabilization, and the alternative can be better sustained over the life of the facility, the Board may approve such an alternative to the requirement for native, non-invasive shade-tolerant grasses or mix of grasses.
 - To the extent possible, access roads within the site shall not be constructed of impervious materials in order to minimize the amount of soil compaction. Perimeter and internal access roads shall be provided for security and emergency vehicle access. Minimum spacing between rows or blocks of panels shall be ten (10') feet.
 - The bed and banks of existing drainage ditches, brooks, streams and drainage swales shall be maintained in their natural condition, except that where soil erosion is evident in these features due to a lack of suitable stabilized vegetation. The Board may require such areas to be planted and stabilized in accordance with the recommendations found in Chapter 8, Restoration Design, of the publication entitled Stream Corridor Restoration, Principles, Processes and Practices, 10/98 Published Version. Revised 8/2001, prepared by the Natural Resource Conservation Service and available at www.nrcs.usda.gov/technical/stream_restoration/newtofc.htm.
 - The components of this plan may be combined with the requirements of the Grading and Drainage Plan. See Section III, 8, below.
- The required landscaping plan shall include the provision of adequate and appropriate drainage features, which shall be designed such that site grading and construction maximizes the natural drainage patterns of stormwater originating within the property boundaries and beyond property boundaries. If grading is proposed, then a grading and drainage plan shall be submitted, which shall demonstrate that the project is in compliance with the Township's stormwater ordinance and other applicable state standards.

- A grading and drainage plan, including a soil erosion, a soil stabilization and a soil grading plan shall be submitted under the seal of a licensed professional engineer prior to any permits being issued. The plan shall adequately demonstrate to the board engineer that no stormwater runoff or natural water shall be diverted as to overload existing drainage systems or create flooding. Such plan shall also address the need for additional drainage structures on other private properties or public lands.
- The grading and drainage plan shall show, among other things:
 - All existing and proposed natural and artificial drainage courses and other features for the control of drainage, erosion, and water generally;
 - The calculated volume of water run-off from the slope and from the lot in question, as proposed to be improved; the existence of all natural and artificial drainage courses and facilities within 500 feet of the lot, which are or will be used to carry or contain the run-off from the slope and the lot; and
 - The effect of any increased water runoff on all adjacent properties and any other property which will be materially affected by increased water run-off.
- Calculations shall be provided to adequately demonstrate that existing preconstruction stormwater runoff rates shall not be exceeded in the post development condition. Disturbed areas during construction shall be calculated to determine the need for stormwater management facilities on the site during construction.
- The use of stone shall not be permitted for soil erosion control and soil stabilization unless as part of an overall plan approved by the board.
- In addition to those items required for an application to be deemed complete, a site plan application shall provide the following:
 - Location, dimensions, and types of existing structures on the property.
 - Location of proposed and existing overhead and underground utility and transmission lines.
 - Location of any proposed or existing substations, inverters or transformers.
 - Details of solar panels and arrays. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment
 - Description of how the energy generated by the facility will be connected to the electrical distribution or transmission system or the electrical system of the intended energy user. This description shall also address the ability to disconnect the system in the event of an emergency or maintenance.

- Description of shielding of any electric equipment to prevent interference of radio or television reception at the property line.
- Description of any necessary upgrades or modifications to existing substations or the necessity for a new substation.
- For projects over 2MW, the location and elevations of all transmission lines, support structures and attachments to a substation(s).
- Location and condition of existing hedgerows and vegetated windbreaks.
- A description of any lighting and its impact on neighboring residences and properties.
- A construction plan to include, but not limited to mounting techniques and a description of on site construction.
- A glare study prepared by a qualified individual or firm experienced in such studies.
- A description of security measures and systems to be implemented on the site.

10. An as-built plan shall be provided prior to activation.

11. Permitted height – the maximum permitted vertical height above ground for solar and photovoltaic energy panels shall be 15’.

12. The use of lead-acid batteries shall not be permitted in major solar energy systems and facilities except as standby power supplies for control systems. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment.

13. Solar energy generation facilities shall be designed to comply with either of the following standards for sound emission:

- The sound level shall not exceed 40 dBA when measured at any point on the property line of the solar facility; or
- The sound level shall not exceed the ambient sound levels measured at locations at the property line of the solar facility that reasonably represent current or potential off-site sensitive receptors in accordance with the following requirements:
 - Ambient sound level measurements shall be made with an octave band sound level meter during daylight hours for periods of at least one half hour and on three separate occasions, a minimum of four hours apart, representing morning, mid-day and evening, at least one of which shall be during a non-rush hour. The meter shall be set for slow response with a one second sampling interval; and
 - The data reported for each occasion shall be the octave band values (31.5 Hz to

8,000 Hz) from the one second sample that represents the L90 or Lmin broadband value (“unweighted” or “flat” response, e.g., dBZ).

14. Disturbance of existing wooded or forested areas shall be minimized, and shall not exceed five percent (5%) of the total area of existing wooded or forested areas on the site.
15. All applications for a major solar facility shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of solar energy systems. The decommissioning plan shall be submitted in accordance with the requirements of this section. The decommissioning plan shall also be documented on the site plans in note form. Prior to removal of solar energy systems a demolition permit for removal activities shall be obtained from the Mansfield Township construction official. Disconnection of solar energy systems shall be supervised by an electrician licensed in the State of New Jersey. The Zoning Official shall be responsible for compliance with the decommissioning plan.
 - Solar and photovoltaic energy facilities and structures which have not been in active and continuous service for a period of 18 months shall be removed from the property to a place of safe and legal disposal in accordance with a Decommissioning Plan.
 - If the applicant ceases operation of the energy project for 18 months; or begins, but does not complete, construction of the project within 18 months of receipt of final site plan approval, the applicant shall restore the site according to a decommissioning plan prepared by the applicant and approved by the Board. The applicant shall submit a decommissioning plan that ensures that the site will be restored to a useful, non-hazardous condition without significant delay, including but not limited to the following:
 - Removal of aboveground and underground equipment, structures and foundations. The plan shall describe the means by which all equipment and components of the system(s) shall be disposed of in an environmentally responsible manner and in accordance with prevailing Federal, State and local regulations.
 - Restoration of the surface grade and soil after removal of aboveground structures and equipment.
 - Revegetation of restored soil areas with native seed mixes, plant species suitable to the area, which shall not include any invasive species. In farmland areas, the revegetation component of the decommissioning plan may include provisions to resume agricultural use of the site.
 - The plan must provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration. The decommissioning of all solar energy generation facilities shall be done in accordance with a conservation plan designed to address the impacts of the decommissioning process.

- The plan must include a timeline for completion of site restoration work.
- Upon cessation of activity for a cumulative period of 18 months of construction or installation activities of an approved major solar or photovoltaic energy system, the Township may notify the owner and/or the operator of the facility to complete construction and installation of the facility. If the owner and/or operator fail to complete construction and installation activities within 180 additional days, the Township may order the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or operator shall substantially complete all activities in the decommissioning plan.
- Upon cessation of activity of a fully constructed major solar or photovoltaic energy system for a cumulative period of one year, the Township may notify the owner and/or the operator of the facility to implement the decommissioning plan. The Township Zoning Official shall be responsible for enforcement.
- If the operator fails to fully implement the decommissioning plan subject to the procedures and timelines set forth in subsections (e) and (f) above, or is otherwise unable to restore the site as required within 180 days of the Township's service of notice in accordance with this section, the Township may, at its own expense, provide for the restoration of the site in accordance with the decommissioning plan and may in accordance with the law recover all expenses incurred for such activities from the defaulted operator and/or the property owner. The costs incurred by the municipality shall be assessed against the property, shall become a lien and tax upon the said property, shall be added to and be a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes.

SECTION IV – WIND, DEFINITIONS

CHAPTER 22 – Zoning, of the Ordinances of Mansfield Township, Section 22-2, Definitions is hereby amended and supplemented with the following new definitions:

WIND TOWER - means the monopole, freestanding, or guyed structure that supports a wind generator.

WIND GENERATOR - means blades and associated mechanical and electrical conversion components mounted on top of the tower.

MET TOWER – means a meteorological tower to measure wind speeds and determine whether a site qualifies for a wind turbine.

SMALL WIND ENERGY SYSTEM- means an energy conversion system, consisting of a wind turbine, a tower, and associated control or conversion electronics, that is used to generate electricity and has a nameplate capacity of 100 kilowatts or less which converts wind energy by means of a rotor into electrical power for the primary purpose of meeting all or a part of a dwelling's energy requirements and has a rated capacity consistent with

applicable provisions of the State Uniform Construction Code promulgated pursuant to the “State Uniform Construction Code Act,” P.L.1975, c.217 (C.52:27D-119).

As used in these regulations, the primary application of a wind energy system is the conversion of wind by a machine with turbine apparatus (includes base, rotor blades, nacelle, tower, inverter, batteries or other component used in the system) capable of producing electricity by converting the kinetic energy of wind into electrical energy. The term does not include electrical distribution or transmission lines, or electrical substations.

SYSTEM HEIGHT - means the height above grade of the tower plus the wind generator.

SECTION V – WIND, ZONING

Chapter 22 of the Ordinances of Mansfield Township, Conditional uses in Section 22-7, the **A**, **R-1**, and **R-2** Districts; Section 22-8, the **R-3** District; Section 22-9, the **B-1** District and Section 22-10, the **B-2** District is hereby amended and supplemented, by adding the following new subsections in the above Districts, as follows:

- Conditional Uses - Small wind energy system.

Chapter 22 of the Ordinances of Mansfield Township, Permitted Uses, and Conditional uses in Section 22-11, the **PO** District; Section 22-12, the **I** District are hereby amended and supplemented, by adding the following new subsections in the above Districts, as follows:

- Permitted Uses – Small wind energy systems on a parcel or parcels of land comprising 20 or more contiguous acres that are owned by the same person or entity.
- Conditional Uses – A small wind energy system on a parcel or parcels of land comprising less than 20 acres.

SECTION VI – WIND, CONDITIONAL USE STANDARDS

Chapter 22 of the Ordinances of Mansfield Township, Section 22-13, Conditional Uses, is hereby amended and supplemented, by adding the following new subsection as follows:

Small Wind Energy Systems

All small wind energy systems, facilities or structure installations shall comply with all applicable state and federal laws and regulations and shall also comply with the following standards:

- A small wind energy system shall be set back from the nearest property boundary a distance at least equal to 150 percent of the system height. The minimum lot size for free standing wind energy systems shall be 10 acres; there is no minimum lot size for roof mounted systems.

- The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.
- A small wind energy system including tower shall comply with all applicable construction and electrical codes, and the National Electrical Code.
- Small wind energy systems that connect to the electric utility shall comply with New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems.
- MET towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a wind energy system.
- The noise level of any small wind energy system shall not exceed 55 decibels as measured at the closest property line. These levels may be exceeded during short term events such severe windstorms.
- The wind generator and the tower shall remain painted in the color that was originally applied by the manufacturer, unless a different color is approved by the board.
- Maximum Height:
 - Roof top wind turbines shall not exceed a height of 10 feet from the peak of the roof.
 - System height of free standing wind turbines shall be as high as necessary to capture the wind energy resource, but shall not exceed 140 feet.
- Any disturbance of wooded or forested areas shall be minimized and shall not exceed one-quarter acre.
- Permit requirements for a small wind energy system:
 - Site Plan approval from the Land Use Board shall be required for the installation of a wind energy system.
 - Documents: The site plan application shall be accompanied by a plot plan which includes the following:
 - Property lines and physical dimensions of the property based on a property survey prepared by a licensed land surveyor.
 - Location, dimensions, and types of existing structures on the property.
 - Location of the proposed wind energy system tower.
 - The right-of-way of any public road that is contiguous with the property.

- Any overhead utility lines.
- Wind energy system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
- Stamped, engineered tower and tower foundation drawings signed and sealed by an engineer licensed in the State of New Jersey.
- Noise levels of the proposed wind energy system at all property lines.
- Proposed screening of the wind energy system from adjoining properties.
- A description of any lighting and its impact on neighboring residences and properties.
- A Wildlife Habitat Assessment Report shall be prepared, either as part of an Environmental Impact Statement or as a separate report that specifically addresses the wildlife habitat affected by the installation of a wind energy system. This report shall address the impacts to existing bird and bat populations by the wind energy system. Additionally, the report shall address the environmental resources of the New Jersey Department of Environmental Protection's Landscape Project and impacts to habitats ranked 3, 4, or 5 that indicate the presence of threatened or endangered species, including consideration for reducing or mitigating the effect of the wind energy system on the wildlife resources of the Township. This report shall document that the wind energy system will not endanger/kill the varied Threatened and Endangered species, bats and migratory birds of the Township.
- A small wind energy system that is out-of-service for a continuous 12 month period shall be deemed to have been presumptively abandoned. The Zoning Officer may issue a Notice of Abandonment to the owner of a wind energy system that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Zoning Officer shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned. In the event that the Zoning Officer, after investigation, determines that a wind energy system has been abandoned, the Zoning Officer may issue a Notice of Abandonment during the presumptive 12 month period and the owner shall have the right to respond to the Notice of Abandonment.

If the wind energy system is determined to be abandoned, the owner of a wind energy system shall remove the tower and wind generator at the owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the tower and wind generator, the Zoning Officer may, at the option of the Township Committee, have the tower and wind generator removed at the owner's expense. The costs incurred by the municipality shall be assessed against the property, shall become

a lien and tax upon the said property, shall be added to and be a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes.

SECTION VII – VIOLATIONS

It is unlawful for any person to construct, install, or operate a wind energy system or solar energy system that is not in compliance with this Ordinance or with any condition contained in a building permit issued pursuant to this Ordinance. Solar energy systems and wind energy systems approved and/or installed prior to the adoption of this Ordinance are exempt.

SECTION VIII – SEVERABILITY

The provisions of this Ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

SECTION IX

All other provisions of Chapter 22 – Zoning, of the Ordinances of Mansfield Township not modified herein shall remain unchanged and in full force and effect.

SECTION X

This ordinance may be renumbered for codification purposes.

SECTION XI

This Ordinance shall take effect immediately upon final passage, publication according to law, and filing with the Warren County Planning Board.

Mr. Watters made a motion to approve the passage of Ordinance 2011-17 and requested that the results be advertised, which was seconded by Mr. Smith.

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

Nays: None

Absent: Mr. Clancy

Abstain: None

COMMITTEE PERSON COMMENTS:

Mayor Tomaszewski read into the minutes a letter from a family on Parke Road:

“I am writing to inform you of the wonderful job that the DPW road crew, comprised of John Tate and Harry Appleby

Jr., did on Parke Road. I believe that they started the job on 6/27/11, during a hot summer week. I did call Brent Sliker to give accolades to him and his crew for a job well done. Last I spoke to Brent, the job was not entirely complete but I wanted to write to you in advance to express my appreciation. John and Harry did an impressive amount of work for just two men and complete the job in a short amount of time. They are both very pleasant men who represent Mansfield DPW very well. They installed a cross drain and a new catch basin in a part of the road that was breaking down. I hope that you can recognize their efforts in some capacity.

I am also writing to see if something can be done on Parke Road to divide the road into two lanes. If you are unfamiliar with our road, it is a windy narrow road. During the winter snow build up narrows the road further and also reduces visibility around the windy turns. Despite a change in the speed limit, drivers still drive very fast and often in the middle of the road. This is very dangerous for oncoming drivers. I have experienced near crashes as a result of this. I have observed numerous drivers accelerate fast up our road and drive off into the narrow stream that runs alongside of Parke Road. On one such event, the Oxford Fire department even towed a young female driver out of the stream on Parke Road. Subsequently, I am asking if: 1) the road can be made wider, if possible; and 2) a line be painted down Parke Road to clearly identify to drivers that Parke is a two lane road. The curves are the most dangerous part of the road and could benefit from the painted line and making the road wider. It appears that Snyder Road had similar improvements made to it without the addition of a line. I hope that Parke Road can also be improved prior to the winter months, as snow makes our road more dangerous.

If you would like to contact me in regard to the efforts of your DPW crew or about my request to improve the safety of driving on Parke Road, please call me.

Christine Bove and Fred Balitsky”

Ms. Nerbak stated that the Warren County Chamber of Commerce is looking for nominations for the 33rd Annual Business Awards for the categories Business person of the year, Entrepreneurial Success Award, Reinvestment Initiative Award, Tourism Award, and the Agricultural Award if anyone has any business in mind.

Mr. Watters asked if we are going to fill the old fuel tank at the old garage for the winter.

Mr. Smith and Mayor Tomaszewski asked Mr. Tate about the old pumps for the tanks.

Mr. Smith stated that if the administrative staff is leaving for vacations it is important for communication with all offices.

Mayor Tomaszewski made a motion to start the process for hiring of a police officer, which was seconded by Mr. Watters.

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

Nays: None

Absent: Mr. Clancy

Abstain: None

Mayor Tomaszewski made a motion to rescind Resolution 2011-74 the auction resolution stating that there is more that we need to do to this prior to approving the auction, which was seconded by Mr. Watters.

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

Nays: None

Absent: Mr. Clancy

Abstain: None

Mayor Tomaszewski made a motion to remove Michael Clancy from the Fire Liaison and put Mr. Watters in as first

chair and Mayor Tomaszewski would be second chair, which was seconded by Mr. Watters.

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

Nays: None

Absent: Mr. Clancy

Abstain: None

EXECUTIVE SESSION (Personnel):

Mr. Vex explained what a RICE notice is and that there were three notices issued and that the three people have the choice to have the matter handled in either open session with the public present or closed session with the public not present. Mr. Vex stated that two of the people let him know yesterday that they would like to have theirs in open session and the third let him know today that they also wished to have theirs in open session in reference to performance issues. Mr. Vex stated that the matter will be held as they requested and asked if any of the three people reconsidered having their matter held in open session and the only reason that he is asking is that most people would rather have this type of discussion held in closed session. Mr. Vex asked if any of the three were interested; seeing as there were no requests for a change from open to closed Mr. Vex stated that the Township Committee will be going into Executive Session for a personnel issue, an addendum to one of the bargaining agreements and also Mr. Vex stated that he would be giving the Committee legal advice as to regarding the disciplinary discussion and stated that there will be no discussion of the substance, just the procedure and after that we will go back into regular session for two resolutions and a possible vote on the addendum to the collective bargaining agreement.

Mayor Tomaszewski made a motion to 8:30pm, which was seconded by Mr. Watters.

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

Nays: None

Absent: Mr. Clancy

Abstain: None

Return from Executive Session at 9:00pm.

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

Mayor Tomaszewski stated that there is a RICE Notice for Dena Hrebenak. Mayor Tomaszewski explained to Ms. Hrebenak that with respect to her times coming in for the most part your office is constantly beyond the eight o'clock start from anywhere between 24 minutes and three minutes past the hour of eight o'clock. Mayor Tomaszewski stated that people come here to do business with the building opening at eight am by the Court or the Tax/Finance Office. Mayor Tomaszewski stated that the township had time clocks put in and it has been discussed with Mr. Smith and himself at an employee meeting and it is just continuing since the clocks went in you are coming in about 85% of the time late.

Mr. Smith asked if Ms. Hrebenak could get in by eight o'clock so that the clerk's office would be open on time.

Ms. Hrebenak asked that she be able to speak to the Township Committee.

Mr. Smith asked that she proceed.

Ms. Hrebenak explained that the personnel policy states that in cases of employee misconduct, the Township believes in Corrective Action for the purpose of correcting undesirable behavior and preventing a recurrence of that

behavior. The Corrective Action taken will be related to the gravity of the situation, the number and kind of previous infractions and other circumstances. In every case, employees will be given an opportunity to state the situation from their point of view. In order to correct undesirable behavior, supervisors and managers may utilize the following corrective tools: verbal reprimand; Township Committee review; written reprimand; suspension; fines; and, dismissal. At the discretion of the Township, action may begin at any step, and/or certain steps may be repeated or by-passed, depending on the severity and nature of the infraction, the employee's work/disciplinary record, and other objective considerations. I am curious why I was not given the opportunity to have a verbal or written warning and was brought in with a RICE notice.

Mr. Smith stated that Ms. Hrebenak is getting the warning right now.

Mayor Tomaszewski stated that the warning was given before at the employee meeting with himself and Mr. Smith.

Ms. Hrebenak stated that was a meeting with all of the employees and that there was no one on one discussion at all and that she is unsure why others have been given the opportunity to have written and verbal reprimands and warnings and she was not afforded this opportunity.

Mayor Tomaszewski stated that we are not discussing other people this discussion is about Ms. Hrebenak and the fact that the clock is showing that there are days that you have been late. Mayor Tomaszewski asked if this is something that the Committee would need to do on a daily basis.

Ms. Hrebenak continued, I do apologize for the times that I have come in late, but if anyone looked over the times clocked in and out it is apparent that I have not ever taken advantage of the township as far as time goes. As far as I can see there are only three days that are listed that the time was not made up that day, but when looking further it is apparent that in the end of each week I have worked over the mandatory 36 hours that are required. Which does not include the phone calls that I receive at home on my days off and in the evenings when I am at home on my personal phone that I have never ignored and have provided the same service that I would if I was in the building of which I have never asked for any special benefit for this.

Mr. Smith stated that he understands all of this and understands what Ms. Hrebenak is getting at, but the building needs to be open at eight am on time and this is not happening. Mr. Smith stated that the taxpayers come here to talk to her and that in private industry when there is a start time the people need to be there and the people expect the same from us. Mr. Smith stated that when taxpayers come in and Ms. Hrebenak is not there they go over to see Jerilynn in Court or Becky in Tax/Finance and complain that this is an inconvenience. Mr. Smith stated that there is a need to be on time and that it is understandable if there is traffic and your late because of it at times, but that every day is grossly negligent and that Ms. Hrebenak knows this.

Mayor Tomaszewski stated that what the Township needs is that the building is open and available for the times that are posted on the glass doors in the front and the building is open at eight am. Mayor Tomaszewski also stated that it does not matter how much time that is spent working the important part is being on time.

Ms. Hrebenak said ok.

Mr. Smith stated that when he got on the Township Committee he did it with the best interest of the tax payer and that he feels if asked that the taxpayers would agree that being on time would be extremely important to them and also that when the employee meeting was held he asked if anyone had a problem with the time clock devices and would have a problem punching in on time and that no one had a problem with them. Mr. Smith stated that he took that as everyone understood that as part of the performance evaluation procedures they would need to be on time and that is all that this is.

Ms. Hrebenak said ok.

Mayor Tomaszewski stated that he feels that Ms. Hrebenak's working through lunch is not beneficial to the town either.

Ms. Hrebenak state as far as the ability to work through my lunch in order to leave early to pick up my daughter, this is something that the Township Committee authorized 3 ½ years ago and if this was a problem it is something that I feel could have been mentioned to me by the Personnel Liaison and we could have worked something out.

Mayor Tomaszewski stated that this is a new committee and that he feels that this is not working out. Mayor Tomaszewski also stated that he has come to the building at one o'clock and the doors have been locked.

Ms. Hrebenak stated that the Committee allowed her to lock the door even though she was working through lunch, because there are a number of things that she does that she could get done a lot easier without people coming in like minutes.

Ms. Hrebenak stated that the building has not been locked since Mr. Smith told the employees that the building is no longer allowed to be closed for lunch so the door is unlocked and open from 8am to 6pm.

Mayor Tomaszewski stated that he sees no benefit for the taxpayer in this.

Mr. Smith asked what the benefit was in working through lunch and stated that maybe if the Committee understood the benefit then it could be discussed.

Ms. Hrebenak stated that this was a time that she could concentrate on the items that she needs to get done that don't involve people and that as much as she will not call Mr. Smith when she is helping people that are at the building for other offices that are not available I do get that done.

Mr. Smith asked if Mrs. McGarity is not in the office at that time to help the people.

Ms. Hrebenak stated that when the doors were locked that was lunch time so no she was not there working.

Mr. Smith asked if now she was there and if she was able to help the people instead.

Ms. Hrebenak stated that she is, but that was a time that there were little to no interruptions which for some items it is a lot easier to get them done.

Ms. Hrebenak stated that she would need two weeks to rearrange care for her daughter.

Mr. Smith asked why this was allowed in the first place.

Ms. Hrebenak explained that Ms. Nerbak and Mr. Watters were on the Township Committee at the time.

Ms. Nerbak explained that the employees came to the Committee and asked that the hours be switched from five 7 hours days to four 9 hour days with alternating days off which each employee was working 35 instead of 36 hours to better serve the taxpayer and the Committee agreed. Ms. Nerbak also explained that after Ms. Hrebenak had her daughter she came to the Committee and asked that she be allowed to work through her lunch and leave at 5pm which was still her working the required 9 hours due to a day care issue and the Committee agreed because the hour change made a hardship for her.

Mr. Smith stated that he still does not understand doing something like this coming from the private sector which is similar to most of the taxpayers in the township where something like this would not be allowed.

Ms. Hrebenak offered at this point to go back to a five days a week for seven hours a day.

Mr. Smith stated that we are working on one thing at a time.

Mr. Watters stated that there is always room for change.

Mr. Smith stated that there is a demand in the environment and that is why this is being addressed.

Ms. Nerbak stated that with the hour change it was allowing an extra hour in the morning and in the evening which the idea was that this gave the taxpayer more time to have access to the offices in the building. This was done for the convenience of the taxpayer.

Mayor Tomaszewski stated that if a five day work week works for Ms. Hrebenak that the committee could have you start at 8 and April start at nine or vice versa.

Ms. Hrebenak stated that if that switch is being made it should be the whole building being that the court is already doing this working 8 to 4.

Mr. Smith stated that there are a whole lot of personnel issues that the taxpayers probably do not understand.

Ms. Hrebenak stated that as far as the taxpayers go she has never had or heard of any complaining about the service that is provided to them through the Clerk's office. Ms. Hrebenak stated that as she has said before her thoughts and performance is always for the best interest of the taxpayer.

Mr. Smith stated that the Committee is trying to streamline all of this to better efficiently serve the taxpayer.

Mr. Vex stated that the five day versus the four day week is a whole different issue that needs to be addressed at another time.

Mr. Smith thanked Ms. Hrebenak for being here to discuss this.

Ms. Hrebenak asked if it was going to be required that she take a lunch.

Mayor Tomaszewski stated that it is and asked that she rearrange her schedule.

Mr. Smith asked if two weeks was enough and stated that if not to please let the Committee know because they all have kids and understand how difficult it is when you have made a lifestyle around things that are approved and then it is changed, but this is what needs to be done to have the office operate more efficiently.

Ms. Hrebenak stated that this should be fine.

Mayor Tomaszewski asked Mrs. McGarity to come forward and explained that it is the same problem as with Ms. Hrebenak constant tardiness except that Mrs. McGarity does not work through lunch.

Mr. Smith asked Mrs. McGarity if she understands what is going on here and stated that the lateness is so often that the Committee felt that it needed to be brought to her attention.

Mrs. McGarity asked the Township Committee why she was not treated equally as Ms. Hrebenak had being that there were some employees that were advised verbally and in writing instead of being RICE noticed.

Mr. Smith stated there were other notices issued to Ms. Hrebenak and Mr. Castles and that this is the way that personnel issues were required to be dealt with legally.

Mrs. McGarity and Ms. Hrebenak both stated that if that is the case why were there other people that were disciplined by either verbal or written warning.

Mr. Smith stated that to his knowledge there have been no other disciplinary issues.

Mayor Tomaszewski stated that we are not discussing other people.

Mr. Vex stated that in all of the time sheets that he was given as far as tardiness it is Mrs. McGarity and Ms. Hrebenak that have the most.

Mrs. McGarity stated that that is fine apologized for being tardy and explained that it is not done intentionally.

Mr. Vex stated that to his knowledge there have been no other disciplinary actions unless they have been done by supervisor that there is no evidence that this has been done and that this is not a formal discipline just asking for her to be on time.

Mayor Tomaszewski stated that there is no reason for the Committee to even have to RICE notice and that Mrs. McGarity should know that she is late when she has to swipe her finger every morning.

Mrs. McGarity stated that she knew this and that she was only asking to be treated as others have been.

Mrs. McGarity went through her timecards that were printed out stating that she has used time off that is not indicated on the time card and that since receiving the RICE notice she has made an effort to be in the building on time, which shows that if it was just discussed with her the changes could have been made.

Mrs. McGarity stated that with a five year old son it is not always easy to get out of the house on time and that some days work and some don't.

Mr. Smith stated that being late a couple of times a month if there is traffic due to road work or something is understandable, but when it is constant there is a question of why it is happening and that is why a RICE notice and discussion is needed to change the way that it is going. Mr. Smith stated that there is no threat to anyone from this.

Mr. Vex explained the RICE notice and why they are required when there is not a business administrator. Mrs. McGarity stated that she just thought that the personnel liaison could have come to her with a verbal or written warning and explained that if it continues then it would be brought to the full committee for disciplinary action to be taken. Mrs. McGarity also stated that another thing that is not taken into consideration is that now that the building is not closed for lunch that if she does not leave the building there are many times that she has to help the taxpayers while she is on lunch and she does not go out and clock back in to help them.

Mr. Vex stated that all the Committee is doing is telling Mrs. McGarity that the tardiness cannot continue.

Mayor Tomaszewski called Mike Castles up and explained that he hears a lot of things from the Tax/Finance Office, the Court, and the DPW that things aren't being tended to. Mayor Tomaszewski stated that he came in one day for a meeting and observed Mr. Castles in the Police Department watching tv. Mayor Tomaszewski stated that with a 3 day 12 hour position this does not add up and that there should be no breaks with four days a week. Mayor Tomaszewski stated that he hears complaints from the Court and Tax/Finance office that he is not vacuuming and that the offices are not being cleaned. Mayor Tomaszewski stated that he has been to the DPW building on Route 57 and the men's room is atrocious.

Mr. Smith stated that he hears the same things as the mayor and that this needs to be taken care of. Mr. Smith asked if anyone in the office mentioned any of this to Mr. Castles.

Mr. Castles stated that no one has complained to him about his cleaning. Mr. Castles also stated that he asked Mr. Sliker if anyone had complained to him about his cleaning and if there was a problem and Mr. Sliker stated that was not a problem. Mr. Castles also stated that he cannot go to the garage anymore because he is using his own vehicle and not getting compensated for this and also because with his hours being shortened he does not have enough time to complete everything that he needs to. Mr. Castles stated that the day that the Mayor saw him he had stopped and was leaning on the table watching the news and know this is what it is believed that he does. Mr. Castles also stated that two weeks after he returned from heart surgery he was informed that he had to change all of the filters in the building which is a job that used to be two men from the DPW and know he has to do it by himself which is not safe.

Mayor Tomaszewski stated that he was unaware that Mr. Castles had heart surgery.

Mr. Castles stated that the cleaning does take time and that the floor downstairs needs to be mopped every day that he is here and that now that he is not here five days a week there is a lot more of a mess on the days that he is here. Mr. Castles also stated that the reason that the floors were not vacuumed was because the vacuum was broken and the parts were backordered, but that he had used a small handheld vacuum that he found to try to do the offices while waiting for the parts and that all of the people here knew that the vacuum was broken.

Mayor Tomaszewski stated that he was told by Jerilynn in court that the court was not being cleaned and that the Tax/Finance office was actually marking on the calendar when the vacuuming was done and there was a period that it was more than a month.

Mr. Castles stated that if the vacuuming is done when that person is out of the office how would they know to put it on the calendar.

Mr. Castles stated that it seems that the Committee is trying to get him out and that there is a lot of work that needs to be done in a short amount of time. Mr. Castles stated that the Mayor has walked by him a number of times and does not even respond to him when he says hi so this does feel like this is personal.

Mayor Tomaszewski stated that he has a hard time hearing so it is not that he is ignoring him.

Mr. Castles stated that he does the best that he could and giving the township a good days work.

Mayor Tomaszewski stated that if the DPW garage is part of his job then he cannot just decide to not do the work.

Mr. Castles stated that he explained to Mr. Sliker that he would not be able to go down to the garage anymore.

Mayor Tomaszewski stated that Mr. Sliker never told him so he was unaware.

Mr. Castles stated that he does the best that he can with the time that he has and if the township wants miracles they should get someone else, because he cannot do it.

Mr. Vex asked that the Township Committee decide what it is that they would like to do.

Mr. Smith stated that Mr. Castles should go through and detail what it is that he does and what it is that he cannot complete and give it to Mr. Sliker and Mr. Sliker can present it to the Committee.

Mr. Castles stated that he would do this and as far as the garage goes he will not use his own car unless he is being compensated.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield that Lydia Schmidt is hereby authorized to provide assistance and service to the Township Tax Assessor's Office, as a fully authorized agent of the Township, until such time as the Township's Tax Assessor has returned to work.

Mr. Watters made a motion to approve the passage of Resolution 2011-92, which was seconded by Mayor Tomaszewski.

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

Nays: None

Absent: Mr. Clancy

Abstain: None

2011-93 Addendum to DPW contract

Mayor Tomaszewski made a motion to approve the passage of Resolution 2011-93, which was seconded by Mr. Watters.

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

Nays: None

Absent: Mr. Clancy

Abstain: None

Mr. Watters made a motion to adjourn at 9:38, which was carried by all.