

MANSFIELD TOWNSHIP COMMITTEE MEETING

April 28, 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:

Mr. Watters made a motion to approve the minutes from the regular meeting held on April 13, 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:

Mr. Watters asked about the bill on page 6 which was purchase order number 110363 for Dan Ballentine Well Drilling.

Ms. Hrebenak explained that this is a well on the abandoned property that the Township acquired during the foreclosures and that the Board of Health required that this work be completed.

Mr. Watters stated that was all of the questions that he had.

Mr. Clancy made a motion to approve the bill list, 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 nothing to report.

CLERKS REPORT:

Ms. Hrebenak stated that we received a notice from Warren County Health Department in reference to the wells in Butler Park and the request to have the wells tested being that there is a high risk of e coli contamination in the areas that tend to flood.

Ms. Hrebenak also stated that there are two different resolutions for the Quasi Public work and that we just need to decide which fee we would like to charge. The increase in the resolution is due to the agreement in the Police Contract for a higher hourly rate for the officers.

CHIEFS REPORT:

Chief Ort asked about the CODY system whether we would be going with it or not.

Mr. Smith asked what the maintenance would be for every year.

Chief Ort stated that it would be about \$9000 per year and it is about \$40,000 to \$50,000 worth of software and this would be of great assistance to all of the officers.

Mr. Watters asked if this is being received through the County.

Chief Ort stated that this is from a federal grant that Warren County received.

Chief Ort stated that this would give information for any department that is associated with this system.

Chief Ort asked about the DPW Ford Explorer that was supposed to set up for patrol but was cancelled last week, what is going to be done at this point.

Chief Ort also stated that if this is cancelled there will be a \$3500 bill that we will be charged by the vendor because the equipment that was ordered cannot be used in any other vehicle.

Mayor Tomaszewski stated that there is a purchasing procedure manual and it was not followed for this purchase.

Chief Ort stated that there will be \$3500 charge for all of the materials ordered. The gentleman stated that he would do the work and wait for payment if it was a budgetary issue.

Chief Ort stated that 28-17 is costing us thousands to keep on the road and has 120,000 miles on it. At this point it needs struts and the warning lights keep coming on.

Chief Ort stated that Ford declares that this vehicle's life expectancy is 120,000 miles.

Mr. Clancy stated that just on this bill list it was \$1,100 dollars to be fixed.

Chief Ort stated that this price was with no labor.

Mr. Smith asked if the DPW explorer is added on to the police fleet will this help.

Chief Ort stated that this will help.

Chief Ort stated that 25 years ago we were at the same amount of officers and all of the crime is up and we will set the record again for domestic violence.

Chief Ort stated that he sent out an email for the new COPS grant and we qualify for one officer. He has not filled out the paperwork because the Mayor asked that he held off.

Chief Ort stated that this is a three full year grant and the fourth year would have to pay for officer and keep that officer for that year.

Chief Ort stated that they cover 100% payroll and benefits for that officer for 3 years.

Ms. Nerbak and Mr. Clancy agreed that we should send in the grant.

Mr. Smith agreed that the grant should be sent in.

Mr. Vex stated that the only item that we should really check for is that this is not for attrition.

Ms Nerbak made a motion to apply the COPS grant, which was seconded by Mr. Clancy.

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

Nays: None

Absent: None

Abstain: None

Mr. Vex asked that we really review this before we submit it.

ENGINEERS REPORT:

Mr. DiSessa stated that there are a couple of items that need to be done for Stormwater management and there are a couple of ordinances on for this evening.

Mr. DiSessa stated that he asked them for a contract for the HVAC control system.

Mr. DiSessa stated that the final inspection was done with Honeywell and there were a couple of punch list items that needed to be repaired.

Mr. Smith stated that there have been prices received for the duct cleaning which the price was about \$6000.

PUBLIC PORTION:

Mayor Tomaszewski opened the floor for public comment; seeing as there were no comments from the public the public portion was closed.

RESOLUTION NO. 2011-49

A RESOLUTION ESTABLISHING THE RATE FOR OUTSIDE EMPLOYMENT OF OFF-DUTY POLICE

WHEREAS, the Code of the Township of Mansfield provides for a rate of payment of police coverage in quasi-public matters under Article 2 Section 2-20.9 b; and

WHEREAS, the rate established therein may be changed from time to time by resolution of the Township Committee, and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey that the charge for quasi-public services shall be paid as follows:

Uniformed Police Officer	\$62.73 per hour
Administrative Costs	\$25.27 per hour

The applicant for such services shall deposit sufficient funds to cover costs in advance which will be kept in escrow with the Chief Financial Officer and any balance refunded upon written request on prescribed form

Mr. Watters made a motion to approve the passage of Resolution 2011-49, 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

ORDINANCE NO. 2011-08					
AN ORDINANCE TO AMEND THE TOWNSHIP ORDINANCE TO PROVIDE FOR AND DETERMINE THE SALARIES AND COMPENSATION FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MANSFIELD AND THE METHOD OF PAYMENT OF SUCH SALARIES AND COMPENSATION.					
BE IT ORDAINED, by the Township Committee of the Township of Mansfield, County of Warren State of New Jersey as follows:					
<u>SECTION 1.</u> The ranges of salaries per annum of rates of compensation of the following officers and employees of the Township of Mansfield are determined to be as follows:					
Police Chief			\$80,000	-	\$87,000
BE IT FURTHER ORDAINED, that the Chief of Police shall continue to be required to work 40 hours per week. Due to the roll in of 13 extra days of holiday pay into his base salary, he is required to work the 13 holidays designated in the Personnel Manual, as are all other Police Employees who also have their holiday pay rolled into their base salary.					

Mr. Clancy made a motion to introduce Ordinance 2011-08 and requested that the public hearing be advertised for May 11, 2011 at 8pm, which was seconded by Ms. Nerbak.

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

Nays: None

Absent: None

Abstain: None

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 [insert name of municipality] 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 [insert name of municipality].

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 introduction of Ordinance 2011-09 and requested that the public hearing be held on May 11, 2011 at 8pm, which was seconded by Mayor Tomaszewski.

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

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. Watters made a motion to approve the introduction of Ordinance 2011-09 and requested that the public hearing be held on May 11, 2011 at 8pm, which was seconded by Mr. Clancy.

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

Second Reading

Mayor Tomaszewski opened the floor for comment on Ordinance 2011-07; seeing as there were no comments from the public the public comment period was closed.

ORDINANCE 2011-07

AN ORDINANCE TO AMEND CHAPTER III A OF THE CODE OF THE TOWNSHIP OF MANSFIELD BY ADDING NEW SECTIONS 3 CLINIC SPORTS REGISTRATION FEES AND SCHOLARSHIPS

WHEREAS, the Township Committee of the Township of Mansfield has determined that there should be, within the Township of Mansfield; recreation registration fees.

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

Section 1

Chapter IIIA of the Code of the Township of Mansfield is hereby amended to include a new section establishing Clinic Sports Registration Fees:

Chapter IIIA-13. Clinic sports registration fees for participation of children in sports clinics of the Township of Mansfield shall be as follows:

- (b) Summer Junior Tennis Program
 - i. Pee Wee (ages 5-7) \$15 per week, per child
 - ii. Beginner (ages 8-10) \$30 per week, per child
 - iii. \$10 Insurance fee (paid one time, per child, per summer)

Section 2

This ordinance shall take effect immediately after passage.

Section 3

Any ordinance that is inconsistent with the foregoing shall be deemed repealed by this ordinance

Ms. Nerbak made a motion to approve the passage of Ordinance 2011-07 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

COMMITTEE PERSON COMMENTS:

Mr. Smith stated that himself and Mrs. Fascenelli have worked on the suggestion box and that he feels that the suggestion sheets should be made available to the public also for their input.

Mr. Smith proposed that the Time clocks be installed in the DPW building and the police department.

Ms. Hrebenak asked that if this would include all personnel.

Ms. Harm asked to attend the Tax Collectors conference in Atlantic City.

Mr. Smith made a motion to approve Ms. Harm's attendance at the TCTA of NJ Spring Conference which will be held in Atlantic City from 5/17-5/19, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

Mr. Watters mentioned that we will be attending a meeting for the Warren Hills Regional

Ms. Nerbak stated that there is a class at the Warren County Public safety for the IC402 for Executives, which is the class that we have been told by the Emergency Management Coordinator that this class is needs to be taken by the Township Committee.

Mr. Watters asked if Ms. Nerbak would be attending the Shared Service meeting tomorrow night.

Ms. Nerbak stated that she just asked Mr. Clancy if he would be able to attend the meeting because she has other obligations.

Ms. Nerbak stated that she will be willing to give up \$500 of her salary.

Ms. Nerbak stated that she came across the open space preservation plan that was put together by the adhoc committee and the only thing that was done that was in the plan was the committee was formed.

Mr. Clancy stated that himself and Ms. Nerbak attended the opening of the park and that the girl scouts did a great job.

Ms. Nerbak stated that the girl scouts did a wonderful job with the grand opening and would like to give certificates of appreciation to all of the girls involved.

Mr. Vex stated that there is a state statute that requires that the Chief's salary be higher than the top paid officers. Mr. Vex explained the holiday pay roll in for the police officers and the requirement to pay the Chief more to fulfill the

requirements.

Chief Ort stated that with the Detective Stipend the township has violated the law. Chief Ort stated that as the Chief of police he is in charge of the Detectives bureau.

Mayor Tomaszewski stated that himself, Mr. Smith, and Mr. Vex will sit down with the Chief and try to discuss this.

Chief Ort requested that the ordinance be held until after the discussions are completed.

Ms. Nerbak stated that there was a letter from DARC commending Sergeant Kirchner and Patrolman Browns.

Mayor Tomaszewski made a motion to go into executive session at 8:56pm, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

Mayor Tomaszewski made a motion to promote Patrolman Jim Hikade to Provisional Sergeant until December 1, 2011 when Detective Sergeant Emery is officially retired and then he would be promoted to Sergeant , which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

Mr. Watters made a motion which was seconded by Mr. Clancy.

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

Nays: None

Absent: None

Abstain: None

Mr. Watters made a motion to adjourn at 9:22pm, which was carried by all.