

## MANSFIELD TOWNSHIP COMMITTEE MEETING

August 12, 2015

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. Misertino, Mr. Watters, Mrs. Korczukowski, Mayor Clancy

Salute to the flag was done by all.

### APPROVAL OF THE MINUTES:

Mrs. Korczukowski made a motion to approve the minutes from the regular meeting held on July 8, 2015, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Korczukowski, Mayor Clancy

Nays: None

Absent: Mrs. Kocher

Abstain: None

Mrs. Korczukowski made a motion to approve the minutes from the regular meeting held on July 22, 2015, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Korczukowski, Mayor Clancy

Nays: None

Absent: Mrs. Kocher

Abstain: None

### BILL LIST:

Mr. Watters made a motion to approve the bill list, which was seconded by Mrs. Korczukowski.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Korczukowski, Mayor Clancy

Nays: None

Absent: Mrs. Kocher

Abstain: None

### CLERKS REPORT:

Mr. Misertino made a motion to approve the well work and conditioning to be performed for the Municipal Building, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Korczukowski, Mayor Clancy

Nays: None

Absent: Mrs. Kocher

Abstain: None

Ms. Hrebenak stated that she has spoke with the contractors for the windows and has requested a quote

that will match with the other quotes that were received.

#### FINANCE REPORT:

Mr. Daniel stated that he had given the Committee a copy of a pie chart for the allocation for the tax dollars that are being paid.

Mr. Watters asked what these numbers mean to the average home owner.

Mr. Daniel stated that the average home went up \$200.

Mr. Watters stated that this was including the schools he would like to know what the cost is for the county.

#### EMPLOYEES REPORTS:

Mrs. Fascenelli asked if the Committee would like to go forward with the Lien allocation request.

Mr. Watters stated that he would have no problem with this as long as we follow the correct procedure.

Mr. Lavery stated that he would check to make sure what is required by the statute and then the committee could move forward.

Mr. Watters made a motion for the Tax Collector to move forward with the Lien Allocation as long as the statute allows this, which was seconded by Mrs. Korczukowski.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Korczukowski, Mayor Clancy

Nays: None

Absent: Mrs. Kocher

Abstain: None

Mrs. Fascenelli stated that the Mansfield Township Clean Communities will be sponsoring a presentation "Everything ends up in the Water" at the Pequest Outdoor Resource Center on August 15, 2015 at 11:00 am.

Mrs. Fascenelli stated that there was an interest expressed for a Township Cleanup and she would like to have the Committees approval to proceed.

Mayor Clancy stated that he would be in agreement to having a Township Clean Up.

#### ENGINEERS REPORT:

Mr. Finelli reported about Constellation Solar project.

Mr. Finelli reported that we are still waiting for approval from the State for the Watters Road project.

Mr. Finelli stated that the bid opening for the Salt Shed will be next Thursday and hopefully we can award at the next meeting.

Mr. Finelli stated that there are two drain related issues one on Valley Road at the Typinski property and one on Brookside at the Duarte property.

Mr. Finelli stated that he needed to get historical information for the Typinski property and he needs approval from the Township Committee to perform a survey so that he knows the existing conditions so that a plan can be prepared.

Mr. Misertino stated that this needs to be put to rest so he would agree to the plan being developed.

Mr. Watters made a motion to move forward with the plans for the Duarte drainage issue, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Korczukowski, Mayor Clancy

Nays: None

Absent: Mrs. Kocher

Abstain: None

Mr. Finelli stated that the letter has been sent out that the 2016 Municipal aid grant applications are now being accepted. Mr. Finelli stated that he would suggest that the Committee approve working on this to see what roads we should get applications in for.

PUBLIC PORTION:

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

RESOLUTION:

RESOLUTION # 2015 – 80  
REFUND OF RECREATION REGISTRATION  
TOWNSHIP OF MANSFIELD  
WARREN COUNTY, STATE OF NEW JERSEY

**WHEREAS**, Heather Dominguez paid \$ 280.00 via credit card on 7/30/15 for four (4) children to participate in soccer (2015 Fall) with the Township of Mansfield, County of Warren,  
**WHEREAS**, two children should be free since all four are participating in the soccer program,  
**NOW THEREFORE BE IT RESOLVED**, that the Chief Financial Officer be authorized to refund the amount of \$ 140.00 to Heather Dominguez.

Mr. Watters made a motion to approve Resolution 2015-80, which was seconded by Mrs. Korczukowski.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Korczukowski, Mayor Clancy

Nays: None

Absent: Mrs. Kocher

Abstain: None

**RESOLUTION NO. 2015 – 81**  
**A RESOLUTION AUTHORIZING THE CANCELLATION OF STALE CHECKS FROM FULTON BANK OF NEW JERSEY FOR THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN,**

**STATE OF NEW JERSEY**

**WHEREAS**, checks were issued by the Township of Mansfield for more than a year ago, more particularly set out below as the Check Date, Check Number, and Amount, have never been presented for payment; and

**WHEREAS**, these outstanding checks, cause additional work and expense in keeping the books of Mansfield Township;

**NOW, THEREFORE BE IT RESOLVED**, by the Township of Mansfield Committee that the Chief Financial Officer is authorized to cancel the following stale checks and to adjust the financial records to reflect the same.

<b>PAYROLL ACCOUNT</b>	<b>DATE</b>	<b>CHECK #</b>	<b>AMOUNT</b>
Lincoln Financial Group	11/2/2012	10740	1,925.00
Assurance Company, TWA	7/12/2013	135	265.95
Lincoln Financial Group	7/12/2013	137	2,561.47
Mansfield FOP	7/12/2013	138	503.35
NJ Family Support	7/12/2013	139	404.38
AFLAC	7/12/2013	140	100.65
Union, Teamsters	7/12/2013	141	385.46
Judith Casella	1/10/2014	386	32.38
Rosemarie Hoover	1/10/14	387	19.80
John Palmer	2/7/2014	430	185.42
Lincoln Financial	2/7/2014	412	1,450.00
Mansfield FOP	2/7/2014	413	275.00
NJ Family Support	2/7/2014	414	286.00
Union, Teamsters	2/7/2014	415	204.00
United Health Care	2/7/2014	416	215.05
James Morrow	2/7/2014	420	1,061.92
James Morrow	2/7/2014	421	81.71
Joseph Farino	2/7/2014	422	427.66
Glenn Hawkswell	2/7/2014	426	308.31
Mansfield FOP	2/21/2014	434	275.00
Michael Clancy	2/21/2014	437	348.28
JoAnn Fascenelli	2/21/2014	442	1,079.26
Glenn Hawkswell	2/21/2014	449	308.30
John Palmer	2/07/2014	429	1,998.22
		TOTAL	14,702.57

Mr. Watters made a motion to approve the passage of Resolution 2015-81, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Korczukowski, Mayor Clancy

Nays: None

Absent: Mrs. Kocher

Abstain: None

RESOLUTION # 2015 –82  
REFUND OF RECREATION REGISTRATION / INSURANCE FEE  
TOWNSHIP OF MANSFIELD  
WARREN COUNTY, STATE OF NEW JERSEY

**WHEREAS**, Mr. Carlos Lanza paid for tennis lessons on July 8, 2015 and accidentally paid the insurance fee twice with the Township of Mansfield, County of Warren,

**NOW THEREFORE BE IT RESOLVED**, that the Finance Office be authorized to refund the amount of \$ 10.00 to Mr. Carlos Lanza.

Mr. Misertino made a motion to approve the passage of Resolution 2015-82, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Korczukowski, Mayor Clancy

Nays: None

Absent: Mrs. Kocher

Abstain: None

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

RESOLUTION # 2015 –83

**TITLE: INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159**

**WHEREAS**, N.J.S.A. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for an equal amount; and

**WHEREAS**, the Township of Mansfield will receive \$ 4,000.00 for a Click It or Ticket Grant and wishes to amend its 2015 budget to include a portion of this amount as a revenue

**NOW, THERE, BE IT RESOLVED** that the Township of Mansfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$4,000.00 that is now available as revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent

Of the Director of Local Government Services:

Public and Private Revenues Offset with Appropriations:

Click It or Ticket Grant

**BE IT FURTHER RESOLVED**, that a like sum of \$4,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations

Operations – Excluded from caps Public and Private Programs

Offset by Revenues:

Click It or Ticket Grant

**BE IT FURTHER RESOLVED**, that the Municipal Clerk forward two copies of this resolution to the Director of Local Government Services.

Mr. Watters made a motion to approve the passage of Resolution 2015-83, which was seconded by Mrs. Korczukowski.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Korczukowski, Mayor Clancy

Nays: None

Absent: Mrs. Kocher

Abstain: None

ORDINANCE:

First Readings:

**ORDINANCE NO. 2015-09**

**AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY PROVIDING THAT A PERSON WHO IS ARRESTED FOR DRIVING WHILE INTOXICATED SHALL BE HELD IN PROTECTIVE CUSTODY**

**WHEREAS**, whenever a person is summoned by or on behalf of the person who has been arrested for a violation of N.J.S.A. 39:4-50, in order to transport or accompany the arrestee from the premises of a law enforcement agency, the law enforcement agency shall provide that person with a written statement advising him/her of their potential criminal and civil liability for permitting or facilitating the arrestee's operation of a motor vehicle while the arrestee remains intoxicated; and

**WHEREAS**, N.J.S.A. 40:48-1, authorizes a municipality to enact an ordinance providing that a person who has been arrested for driving under the influence pursuant to N.J.S.A. 39:4-50, shall be held in protective custody in an appropriate police or other facility;

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

**FIRST:** Any person who is arrested for a violation of the provisions of N.J.S.A. 39:4-50, shall be held in protective custody at an appropriate police or other facility where the person's condition may be monitored until the person is no longer a danger to himself/herself or others. The person shall be released from protective custody when that person is no longer a danger to himself/herself or others. A person is no longer a danger to himself/herself or others when the person's blood alcohol concentration is less than 0.05% and the person is no longer under the influence of any intoxicating liquor or narcotic or hallucinogenic or habit forming drug to the extent that the person's faculties are impaired. In no event shall the person be held in protective custody for a period of longer than eight hours without providing an appropriate hearing.

**SECOND:** Notwithstanding the provisions of this ordinance, provided that it is not a detriment to the public safety, the arresting law enforcement agency may, because of age, health or safety of the arrested person, release the person pursuant to the provisions of N.J.S.A. 39:4-50.22, et seq. or provide an appropriate alternative to protective custody. Mansfield and its law enforcement agency shall not be subject to liability if a person is released from custody pursuant to this provision.

**THIRD:** Nothing in this ordinance shall be construed as requiring the use of State Police facilities by Mansfield for the purposes of this ordinance.

**FOURTH:** All provisions of N.J.S.A. 39:4-50.22 are hereby incorporated into and are deemed to be a part of this ordinance.

**FIFTH: Severability**

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SIXTH: Repeal of Prior Ordinances**

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

**SEVENTH: Effective Date**

This Ordinance shall take effect after final passage and publication according to law.

Mr. Watters made a motion to introduce Ordinance 2015-09 and requested that the public hearing be scheduled to be held on September 9, 2015 at 8:00pm, which was seconded by Mrs. Korczukowski.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Korczukowski, Mayor Clancy

Nays: None

Absent: Mrs. Kocher

Abstain: None

**ORDINANCE NO. 2015-10**

**ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 182 "FEES," OF THE CODE OF THE TOWNSHIP OF MANSFIELD TO UPDATE FEES.**

**WHEREAS**, the New Jersey Appellate Division in Dean Smith v. Hudson County Register, et al., 411 N.J. Super. 538 (App. Div. 2010) held that, effective July 1, 2010, all government agencies must charge actual costs for copies requested pursuant to the Open Public Records Act (OPRA).

**WHEREAS**, on June 28, 2010 the Legislature passed a bill (Assembly Bill 559, Senate Bill 1212) that sets the standard copying fees for paper copies made pursuant to an OPRA request.

**WHEREAS**, the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, has determined that Chapter 182 "Fees," of the Code of the Township of Mansfield shall be

amended, revised and supplemented to update the fees pursuant to recent case law.

**NOW, THEREFORE, BE IT ORDAINED** by the Committee of the Township of Mansfield, County of Warren, State of New Jersey that Chapter 182 "Fees," of the Code of the Township of Mansfield shall be amended, revised and supplemented as follows:

**SECTION 1:**

**Chapter 182 – Fees**

**Article X – Fees for Reproduction of Records (OPRA)**

**§182-18. Charges for copies of public records**

**§182-19. Charges for certified copies of vital records**

**§182-20. Release and redaction of public record**

**SECTION 2:**

**§182-18 Charges for copies of public records.**

- A. A copy or copies of a government record may be purchased by any person upon payment of the fee prescribed by law or regulation. Except as otherwise provided by law or regulation, the fee assessed for the duplication of a government record embodied in the form of printed matter shall be \$0.05 per letter size page or smaller and \$0.07 per legal size page.
- B. A special service charge shall be imposed, in addition to the actual cost of duplicating the record, where the nature, format, manner of collation or volume of printed matter is such that it cannot be reproduced by ordinary document-copying equipment in ordinary business size or where such record involves an extraordinary expenditure of time and effort to accommodate the request. The requestor shall have the opportunity to review and object to the special service charge prior to it being incurred.

**§182-19 Charges for certified copies of vital records.**

All individuals, entities or others who request a certified copy of a vital record from the Township Clerk shall be charged as follows:

\$4 per page for the first copy; and \$2 per page for each additional copy. Payment shall be made to the Township Clerk at the time the copies are obtained.

**§182-20 Release and redaction of public records.**

Any public record for which a request for a certified copy is made shall be subject to release and/or redaction by the Township in accordance with the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

**SECTION 3:**

**Severability.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**SECTION 4:**

**Repealer.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

**SECTION 5:**

**Effective Date.** This Ordinance shall take effect upon final passage and publication as provided by law.

Mrs. Korczukowski made a motion to approve the passage of Ordinance 2015-10 and requested that the results be advertised to be held on September 9, 2015 at 8:00pm, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Korczukowski, Mayor Clancy

Nays: None

Absent: Mrs. Kocher

Abstain: None

**ORDINANCE NO. 2015-11**

**ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN,  
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER OF THE  
CODE OF THE TOWNSHIP OF MANSFIELD ENTITLED “ALCOHOLIC BEVERAG-  
ES,” SPECIFICALLY TO CREATE A NEW SECTION ENTITLED “PROHIBITIONS  
PERTAINING TO MINORS”**

**WHEREAS**, the governing body of the Township of Mansfield desires a means to deter underage drinking within Mansfield Township; and

**WHEREAS**, the new State Legislature passed P.L. 2000c.33 enabling municipalities to prohibit juveniles from processing or consuming alcohol on private property.

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

**SECTION 1.** Section \_\_\_\_, Prohibitions Pertaining to Minors, is hereby amended, revised and supplemented as follows:

§\_\_\_\_. Prohibitions pertaining to minors.

- A. No person under the legal age shall order, be served with or have in his or her possession or consume any alcoholic beverages on any public street or in any public place in the Township of Mansfield, in the County of Warren, No person shall invite or induce any person under the legal age to be served with or have in his or her possession any alcoholic beverages on any public street or in any public place in the Township of Mansfield, in the County of Warren.
- B. It shall be unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property.
- C. Nothing contained in this article is intended, nor shall it be construed, as prohibiting an under aged person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages. A relative is defined to be the under aged person's grandparent, aunt, uncle, sibling or any other person related by blood or affinity. A guardian is defined to be a person who has qualified as a guardian of the under aged person pursuant to testamentary or court appointment.
- D. Nothing contained in this article is intended nor shall it be construed as prohibiting possession of alcoholic beverages by any such person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the Re-

vised Statutes or while actively engaged in the preparation of food while enrolled in a culinary arts or a hotel management program at a county vocational school or post-secondary educational institution; provided, however, that this article shall not be construed to preclude the imposition of a penalty under this article, N.J.S.A. 33:1-81 or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

**SECTION 2.** Section 6-10 Violations and penalties, is hereby amended, revised and supplemented as follows:

§ 6-10 Violations and penalties.

- A. Unless another penalty is expressly provided by New Jersey statute or by rules and regulations duly promulgated by the State Director or Alcoholic Beverage Control, any person convicted of a violation of a provision of this chapter or any amendment hereto, with the exception of Section \_\_\_\_\_, hereto shall be subject to a fine of not more than \$500.00 (five hundred dollars).
- B. Any person convicted of a violation of Section \_\_\_\_\_ or any amendment hereto shall be subject to:
  1. In accordance with the provisions of N.J.S.A. 40:48-1.2, be punished by a fine of \$250.00 for a first offense and \$350.00 for any subsequent offense.
  2. In addition to the fine authorized for this offense, the court may suspend or postpone for six months the driving privileges of the defendant. Upon the conviction of any person and the suspension or postponement of that person's driver's license, the court shall forward a report to the Division of Motor Vehicles stating the first and last day of the suspension or postponement period imposed by the court pursuant to N.J.S.A. 40:48-1.2. If a person at the time of the imposition of a sentence is less than 17 years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized

bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of 17 years.

3. If a person at the time of the imposition of a sentence has a valid driver's license issued by the state, the court shall immediately collect the license and forward it to the Division of Motor Vehicles along with the report. If, for any reason, the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color and the sex of the person, as well as the first and last date of the license suspension period imposed by the court.
4. The court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. A person shall be required to acknowledge receipt of written notice in writing. Failure to receive a written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.
5. If a person convicted under this article is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the nonresidential driving privilege of the person based on the age of the person and submit it to the Division of Motor Vehicles on the required report. The court shall not collect the license of a non-resident convicted under this article. Upon receipt of a report from the court, the Division of Motor Vehicles shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

**SECTION 3.** All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

**SECTION 4.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 5.** This Ordinance shall take effect after final passage and publication in accordance with law.

Mr. Misertino made a motion to approve the introduction of Ordinance 2015-11 and requested that the public hearing be advertised to be held on September 9, 2015 at 8:00pm, which was seconded by Mrs. Korczukowski.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Korczukowski, Mayor Clancy  
Nays: None  
Absent: Mrs. Kocher  
Abstain: Mr. Watters

**ORDINANCE NO. 2015-12**

**AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN,  
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE TOWNSHIP  
CODE TO TRUCKS OVER TEN (10) TONS REGISTERED GROSS WEIGHT FROM  
HAZEN ROAD AND CLINTON AVENUE**

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

**SECTION 1.** Section \_\_\_\_\_ of the “Code of the Township of Mansfield is hereby amended by adding thereto in alphabetical order the following NEW additional designations and shall read as follows:

A. Trucks over ten (10) tons registered weight are hereby excluded from the following described part of street, except for the pick-up and delivery of materials on such part of street:

1. Clinton Avenue – Entire Street
2. Hazen Road – Entire Street

The effectiveness of this ordinance contingent upon signs being erected as required by N.J.S.A 39:4-198.

**SECTION 2.** All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect after final passage and publication in accordance with law.

Mr. Watters made a motion to approve the introduction of Ordinance 2015-12 and request that the public hearing be advertised to be held on September 9, 2015, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Korczukowski, Mayor Clancy

Nays: None

Absent: Mrs. Kocher

Abstain: None

2015-13

AN ORDINANCE ADDING A CHAPTER ENTITLED "RESIDENTIAL MAINTENANCE CODE" TO THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MANSFIELD INCLUDING A NEW SECTION TO ESTABLISH STANDARDS FOR THE REGISTRATION AND MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES IN FORECLOSURE BY CREDITORS

WHEREAS, mortgage foreclosures often result in the abandonment and neglect of residential properties; and

WHEREAS, P.L. 2014, c. 35, authorizes municipalities to adopt ordinances for the purpose of regulating the care, maintenance, security, and upkeep of the exterior of vacant and abandoned properties for which a creditor has filed an action to foreclose; and

WHEREAS, it is in the public interest for the Township of Mansfield to establish a mechanism to identify and track vacant and abandoned residential properties in the Township which are in foreclosure, to establish standards for the maintenance of those properties and to enforce those standards of maintenance;

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

The Revised General Ordinances of the Township of Mansfield are amended by the addition of a new Section to Chapter Residential Maintenance Code, to read as follows:

Registration and Maintenance of Vacant and Abandoned Residential Properties in Foreclosure  
a. Definitions

1. "Creditor" means a State chartered bank, savings, bank, savings and loan association or credit

union, any person or entity required to be licensed under the provisions of the “New Jersey Residential Mortgage Act,” P.L. 2009, c. 53 (C.17:11C-51 et seq.), any foreclosing entity subject to the provisions of C. 46:10B-51 (P.L. 2008, c. 127, Sec. 17, as amended from time of time) and any entity acting on behalf of the creditor named in the debt obligation including, but limited to, services.

2. “Vacant and Abandoned” residential property means, consistent with section 1 of P.L. 2010, c. 70 (C.2A:50-73), residential real estate, where a notice of violation has been issued pursuant to Paragraph e. 1 of this Section and subsection b. of section 1 of P.L. 2014, c. 35 (C.40:48-2.12s). Residential property shall further be deemed Vacant and Abandoned where a mortgaged property is not occupied by a mortgagor or tenant and at least two of the following conditions exist:

- (a) overgrown or neglected vegetation;
- (b) the accumulation of newspapers, circulars, flyers or mail on the property;
- (c) disconnected gas, electric, or water utility services to the property;
- (d) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (e) the accumulation of junk, litter, trash or debris on the property
- (f) the absence of window treatments such as blinds, curtains or shutters;
- (g) the absence of furnishings and personal items;
- (h) statements of neighbors, association management, delivery persons, or government employees indicating that the residence is vacant and abandoned;
- (i) windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and repaired;
- (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (k) a risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (l) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (m) the mortgagee or other authorized party has secured or winterized the property due to the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (n) a written statement issues by any mortgagor expressing the clear intent of all mortgagors to abandon property;
- (o) any other reasonable indicia of abandonment.

b. Registration of Vacant and Abandoned Properties.

1. A Creditor filing a summons and complaint in an action to foreclose on a Vacant and Abandoned property, or a Creditor who has previously filed a summons and complaint to foreclose on a residential property which subsequently becomes Vacant and Abandoned, shall within thirty (30) calendar days after the building becomes Vacant and Abandoned or within thirty (30) calendar days after assuming ownership of the Vacant and Abandoned property, whichever is later; or within ten (10) calendar days of receipt of notice from the Township, and annually thereafter, file a registration statement for such Vacant and Abandoned property with the municipal clerk on forms provided by the Township for such purposes. Any failure to receive notice by the Township shall not constitute grounds for failing to register the Vacant and Abandoned property.
2. Each Vacant and Abandoned property having a separate block and lot number as designated in the official tax maps of the Township shall be registered separately.

3. The registration statement shall include name, street address, telephone number, and email address (if applicable) of a person twenty-one (21) years or older, designated by the Creditor as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such Creditor in connection with the enforcement of any applicable code.
4. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the Vacant and Abandoned property. The individual or representative of the firm responsible for maintaining the Vacant and Abandoned property shall be available by telephone or in person on a twenty-four-hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
5. The registration shall remain valid for one year from the date of registration except for the initial registration except for the initial registration which shall be valid through December 31<sup>st</sup> of the year in which it was filed. The Creditor shall be required to renew registration annually as long as the building remains Vacant and Abandoned and shall pay a registration or renewal fee in the amount prescribed in Paragraph c. of this Section for each Vacant and Abandoned property registered.
6. The annual renewal shall be completed by January 1<sup>st</sup> each year. The initial registration fee shall be prorated for registration statements received less than ten (10) months prior to that date.
7. The Creditor shall notify the municipal clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration an amended registration statement on a form provided by the municipal clerk for such purpose.
8. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the Creditor.

c. Fee Schedule

The initial registration fee for each Vacant and Abandoned property under the provisions of this Section shall five hundred (\$500.00) dollars. The fee for the first annual renewal shall be one thousand five hundred (\$1,500) dollars and the fee for the second annual renewal shall be three thousand (\$3,000) dollars. The fee for any subsequent annual renewal beyond the second renewal shall be five thousand (\$5,000) dollars.

Vacant Property Fee Schedule

Initial registration	\$ 500.00
First renewal	\$1,500.00
Second renewal	\$3,000.00
Any subsequent renewal	\$5,000.00

d. Creditor Responsibility for Vacant and Abandoned Properties.

1. A Creditor filing a summons and complaint in an action to foreclose on a residential property within the Township shall be immediately responsible for the care, maintenance, security and upkeep of the exterior of the property, after the property becomes Vacant and Abandoned as defined in this Section.
2. Where a Creditor is located out-of-state, the Creditor shall b responsible for appointing an in-State representative or agent to act on the Creditor's behalf for the purpose of satisfying the requirements of Paragraph d. 1 of this Section. Notice of said representative or agent shall be provided to the municipal clerk pursuant to Paragraph b. 3 and 4 of this Section and pursuant to paragraph (1) of subsection a. of section 17 of P.L.2008, c. 127 (C.46:10B-51).
3. Post a sign affixed to the building indicating the name, address and telephone number of the

owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to section 4c of this Chapter", and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 18" x 24".

e. Property Inspection and Notice

1. After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Town to conduct an exterior and interior inspection of the building to determine compliance with the municipal code following reasonable notice, during the period covered by the initial registration or any subsequent renewal.
2. The enforcement officers designated in this Section shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Township, if the enforcement officer determines that the Creditor has violated this Section by failing to provide for the care, maintenance, security, and upkeep of the exterior of a Vacant and Abandoned property.  
Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to Paragraph d. 2 of this Section and paragraph (1) of subsection a. of section 17 of P.L.2008, c. 127 (C.46:10B-51).
3. The notice referenced in Paragraph e. 2 of this Section shall require the Creditor to correct the violation(s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.
4. The issuance of a notice pursuant to Paragraph e. 2 of this Section shall constitute proof that a residential property is Vacant and Abandoned for the purposes of this Section.

f. Enforcement Officers.

The duty of administering and enforcing the provisions of this Section is conferred upon the municipal clerk, construction official, zoning officer, housing officer, health officer, township police, and any other duly appointed representatives.

g. Violations and Penalties.

1. A Creditor subject to this Section that is found by the municipal court of the Township, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Section shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following the receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.
2. An out-of-state Creditor subject to this Section that is found by the municipal court of the Township, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to this Section shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17u of P.L.2008, c. 127 (C.46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
3. A Creditor subject to this Section that is found by the municipal court of the Township, or by any other court of competent jurisdiction, to be in violation of the requirement to register a Vacant and Abandoned property pursuant to Paragraph b. of this section shall be subject to a fine not exceeding two thousand (\$2,000.00) dollars. Any fines imposed on a Creditor under this

Paragraph shall commence 11 days following receipt of notice from the Township pursuant to this Section shall be utilized by the Township for municipal code enforcement purposes.

II

REPEAL

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

III

SEVERABILITY

If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Mr. Misertino made a motion to table 2015-13 until the next meeting, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Korczukowski, Mayor Clancy

Nays: None

Absent: Mrs. Kocher

Abstain: None

Mr. Watters made a motion to enter into Executive Session at 8:22pm to discuss Personnel, Attorney Client privileged, and a recreation issue, which was seconded by Mrs. Korczukowski.

Mrs. Korczukowski made a motion to return to regular session at 9:31 pm, which was seconded by Mr. Watters.

Mr. Lavery stated that during Executive Session the Committee discussed a personnel matter with DPW, attorney client privileged matter dealing with Warren Haven, an Attorney client privileged matter dealing with recreation, and a contractual matter dealing with the Municipal Court. Mr. Lavery stated that copies of these minutes will be released as soon as the Township Committee deems them no longer a harm to the public interest.

Mr. Watters made a motion to approve the tree removal at the Mount Bethel Church, which was seconded by Mrs. Korczukowski.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Korczukowski, Mayor Clancy

Nays: None

Absent: Mrs. Kocher

Abstain: None

COMMITTEE PERSON COMMENTS:

Mr. Misertino stated that he would not be at the following meeting.

Chief Reilly suggested that a gate be installed at Penwell to deter people.

The Township Committee agreed to have a gate installed at Penwell.

Mrs. Korczukowski made a motion to adjourn at 9:38pm which was carried by all.