

MANSFIELD TOWNSHIP COMMITTEE MEETING

May 9, 2018

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 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. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. Misertino, Mayor Watters

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Mr. Hayes made a motion to approve the minutes from the regular meeting on April 25, 2018, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. Misertino, Mayor Watters

Nays: None

Absent: None

Abstain: None

BILL LIST:

Mr. Hayes made a motion to approve the bill list, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. Misertino, Mayor Watters

Nays: None

Absent: None

Abstain: Mr. Farino

CLERKS REPORT:

Mr. Hayes made a motion to approve the professional service proposal from Mr. Margulies for the next grant cycle for MCCTF, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. Misertino, Mayor Watters

Nays: None

Absent: None

Abstain: None

Mr. Hayes made a motion to approve the appointment of Harry Maxwell to the Warren Hertiage Scenic Byway Committee, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. Misertino, Mayor Watters

Nays: None

Absent: None

Abstain: None

FINANCE REPORT:

Mrs. Mollineaux stated that she would wait for the Budget Public Hearing.

EMPLOYEES REPORTS:

Mrs. Fascenelli stated that she had nothing to report.

ENGINEERS REPORT:

Mr. Kastrud went through his report with the Township Committee.

- Tax maps – confirming what deeds have come in since 2011
- NJ DEP Stormwater permit will be filed
- Watters Rd Grant preconstruction meeting was held, minutes will be provided to the Committee, still looking to coordinate work with Heiser starting construction after school is out
- Still waiting for 2019 NJ DOT grant application announced
- ADA compliance will be after the Stormwater Report is filed
- Valley Rd drainage may need a scope change
- Still working on Allen Road bridge and Airport Road subdivision

PUBLIC PORTION:

Carol Thompson, Route 57, asked for enforcement of the non compliance expansion of the Route 57 junk yard.

Dorothy and Thomas Maxwell, Hoffman Road, spoke to the Township Committee in reference to a dog bite and the Animal Control Officer's duties.

Paul Tarlowe, Brookside Ave, asked for the Township Committee and the Clerk to speak into the microphones.

EXECUTIVE SESSION:

Mr. Wenner, Esq. Resolution 2018-70 authorizing entering into Executive Session for the purpose of considering Contractual Matters, no action will be taken.

Mr. Hayes made a motion to enter into Executive Session at 7:50 PM to discuss Contractual Matters, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. Misertino, Mayor Watters

Nays: None

Absent: None

Abstain: None

Return from Regular Session at 8:12 PM.

Mr. Hayes made a motion to return to regular session at 8:12pm, which was seconded by Mrs. Mora Dillon.

Roll Call: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. Misertino, Mayor Watters

Mr. Wenner, Esq. stated that during Executive Session the Committee discussed a potential shared service agreement with Washington Boro for sharing Animal Control services and a personnel matter pertaining to the Municipal Court, no action was taken.

Mr. Hayes made a motion to move forward with the shared service agreement with Washington Boro in the amount of \$50 per call or \$600 per month, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. Misertino, Mayor Watters

Nays: None

Absent: None

Abstain: None

ORDINANCE:

2nd Reading:

2018-03

CALENDAR YEAR 2018

**MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A
CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Mansfield Township in the County of Warren finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 164,816.99 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Mansfield Township, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Township of Mansfield shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$164,816.99, and that the CY 2018 municipal budget for the Township of Mansfield be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included

thereon, be filed with said Director within 5 days after such adoption.

Mrs. Mora Dillon made a motion to approve the passage of Ordinance 2018-03 and requested that the results be advertised, which was seconded by Mr. Hayes.

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

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. Misertino, Mayor Watters
Nays: None
Absent: None
Abstain: None

2018 Municipal Budget 2018-56 2018 Budget Resolution

Mr. Ferry explained the introduced budget to the Township Committee.

Mayor Watters opened the floor for public comment.

Mr. Paul Tarlowe spoke in reference to the requirement for money with the ERI.

2018-68 2018 Budget Amendment

Mr. Hayes made a motion to introduce Resolution 2018-68, which was seconded by Mrs. Mora Dillon.

Mr. Misertino spoke in reference to the Budget Amendment.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mayor Watters
Nays: Mr. Misertino
Absent: None
Abstain: None

RESOLUTION:

**RESOLUTION 2018-67
TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY
TAX SEARCH OFFICER**

BE IT RESOLVED, that Laura Amada be the official Tax Search Officer for the Township of Mansfield commencing May 1, 2018.

Mr. Hayes made a motion to approve the passage of Resolution 2018-67, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. Misertino, Mayor Watters
Nays: None
Absent: None
Abstain: None

RESOLUTION OF THE TOWNSHIP OF MANSFIELD MAYOR AND COMMITTEE IN SUPPORT OF A-1092,
CONCERNING BASIS OF CALCULATION FOR LOW AND MODERATE INCOME HOUSING UNITS

WHEREAS, Assemblyman Peterson has introduced Bill No. A-1092, which if adopted would revise the calculation of need for low and moderate income housing units; and

WHEREAS, Bill No. A-1092 will establish a understandable requirement and formula to be used to calculate the municipalities need for low and moderate income housing and will establish clear and concise percentages for satisfaction of the municipalities fair share housing obligation; and

WHEREAS, the Township Committee agrees that the current calculation and formula are unreasonable and unattainable as presently written;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Township Committee of the Township of Mansfield, Warren County, New Jersey, that the Mayor and Committee hereby urge the New Jersey Legislature to approve A-1092; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to State Senator Michael Doherty, State Assemblymen John DiMaio and Erik Peterson, the New Jersey League of Municipalities and the Office of the Governor.

Mr. Hayes made a motion to approve the passage of Resolution 2018-69, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. Misertino, Mayor Watters

Nays: None

Absent: None

Abstain: None

ORDINANCE:

2nd Reading:

ORDINANCE 2018-02

**ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN,
STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING PART II
ENTITLED "GENERAL LEGISLATION" TO ADD CHAPTER 151 ENTITLED
"CELL PHONE, AUDIOTAPE RECORDER AND CAMERA USE DURING OPEN
PUBLIC MEETINGS".**

WHEREAS, the Township of Mansfield recognizes the right of members of the public to record, videotape, and take pictures of open public meetings; and

WHEREAS, local governments are permitted to implement reasonable guidelines relating to the recording and picture taking at open public meetings to ensure that it does not interfere with the business of the governing body or other citizens' rights of access to the public proceedings; and

WHEREAS, it is the desire of the Township Committee to create an Ordinance to implement such guidelines in the best interests of the Township and its citizens.

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

SECTION 1. Part II: General Legislation of the Code of the Township is hereby amended to add Chapter 151 entitled "Cell Phone, Audiotape Recorder and Camera Use During Open Public Meetings" which reads as follows:

Chapter 151. Cell Phone, Audiotape Recorder and Camera Use During Open Public Meetings.

§ 151-1. Purpose.

Members of the general public ("citizens") have the right to record, videotape, and take pictures of open public meetings of the governing body, boards, committees and commission. This right does not extend to portions of the meeting closed to the public or executive session discussions. Meetings or portions of meetings which are permitted by law to be closed to the public shall not be videotaped, photographed or audiotaped. These guidelines are intended to ensure the right of the public to record, videotape or take pictures of open public meetings does not interfere with the business being conducted at those meetings or other citizens' rights of access to those proceedings.

§ 151-2. Guidelines.

- A. Use of phones, radios and other two-way communication devices are prohibited at open public meetings. Members of the governing body, boards, committees, commissions, and general public are prohibited from using cell phones or any other type of two-way communication devices during any meeting. All communication devices must be placed on vibrate or silent mode so that they will not make noise during the public meeting. No citizen is permitted to have any equipment that makes beeping sounds or other noises. Anyone wishing to use such a device must step out of the public meeting room to do so. Members of the governing body, boards, committees, and commissions are prohibited from text messaging, e-mailing or communicating with any person during any meeting regarding any agenda item or other matter dealing with the Township of Mansfield.
- B. To minimize the possibility of disruption of a public meeting, any citizen who wishes to videotape, photograph, or record portions or all of the public meeting must do so in accordance to the following guidelines:
 - 1) The citizen must provide the Municipal Clerk with no less than 60 minutes verbal notice prior to the public meeting of his or her intention to exercise the right to videotape, audio record, or photograph the public meeting. Failure to provide advance notice of the intent to utilize the equipment prior to each public meeting shall preclude its use at that meeting.

- 2) The citizen must have completed setup of his audio recording, video recording or photography equipment no less than 10 minutes prior to the official start time of the meeting. Audio, video and photography equipment may only be set up in the last two rows of the public meeting room and along the back wall. All recording and photograph equipment locations are subject to police and fire official approval for safety reasons related to egress in the event of an emergency. The space for recording and photography equipment is on a first-come-first-served basis.
- 3) The audio recording, video recording, and photography equipment utilized by the citizen must be battery operated, compact, quiet, and generally unobtrusive. No citizen shall operate more than one recording device or still camera at any meeting and no added lighting may be used. The equipment may not take up more than the space designated by the Municipal Clerk. No citizen is permitted to use any equipment that makes any beeping sounds or other noises. Should beeping sounds or any other noise emanate from the equipment at any time during the meeting, the citizen shall be required to turn off the equipment, cease recording, and shall be subject to the violations and penalties contained herein.
- 4) The citizen may not disrupt the meeting with the recording equipment. The citizen may not set up or use the videotape recorder or equipment in such a way as to block or obstruct the view of other members of the public. The recording or photography by the citizen may only be done in a manner that does not violate the Township's disorderly conduct or any other ordinances and must be generally orderly and unobtrusive. Citizens recording the proceedings shall assume fixed positions within the designated areas, and once the citizens are positioned they shall not be permitted to move about in any way that attracts attention. This includes still photographers who shall not be permitted to move about in order to photograph the meeting. The citizen must remain with the recording or photography equipment at all times, except for any portion of the meeting in which the citizen participates in public comment. The citizen may not narrate the proceeding or speak into any videotape recorder or microphone. The citizen may not engage in any verbal conversation or discourse unless the citizen is making a formal comment during the public comment portion of the meeting.
- 5) If the citizen chooses to cease video recording, audio recording, or taking photographs at any time during the public meeting, he or she may do so provided that the citizen not begin to remove or disassemble equipment, except for handheld recording devices or cameras, until there is a break of at least five minutes or the meeting has adjourned.
- 6) Specifically, in addition to the requirements set forth above, audiotape recording devices shall be unobtrusive and limited to handheld size, such as mini-cassettes or other similar recording devices. The device shall be placed in an appropriate position that will not interfere with the conduct of the meeting, block the view of any other meeting attendees, or move in any way that attracts attention. The recording device shall not produce a distracting sound, either from the equipment or the operation of the equipment. The tape shall not be rewound or played back while the meeting is in session. The citizen may not narrate the proceeding or speak into the recorder or microphone while the meeting is in session. The citizen may not engage in any verbal conversation or comment whatsoever, unless the citizen is making a formal comment during the public comment portion of the meeting.

- 7) In order to protect attorney-client privilege, there shall be no audio pickup of conferences which occur at a meeting or in a public facility between the Township Attorney or special counsel and any member of the governing body, the Municipal Clerk, or any officer or employee of the Township.
- 8) The Mayor may direct that videotaping, photography, or audio recording cease or be brought into compliance with these regulations at any time he determines that the equipment or its operator is disturbing the public meeting or in violation of the regulations set forth herein. Any action taken by the Mayor or anyone else to redirect any person in violation of this chapter shall not affect the applicability of the violations and penalties contained in this chapter.
- 9) The video and audio recordings taken by a citizen may not be represented as an official transcript in any manner or for any purpose.
- 10) The Mayor may relax the above guidelines during ceremonial proceedings such as the annual reorganization, administration of the oath of office, or other such circumstances.
- 11) Except as regulated herein with regard to public meetings, no photographs or video / audio recordings may be made within a public facility of any person, place or event relating to the administration or conduct of official municipal business.
- 12) No limitations are placed on audio / video recordings or the taking of photographs on the grounds of the municipal facility of places, people or events that are in no way connected to the administration or conduct of official municipal business.
- 13) Notwithstanding the limitations of this chapter, a citizen may hold and utilize a cell phone, audio recorder or camera to record the meeting while seated in any of the available seating within the meeting room. However, the device shall not be held higher than eye level and the citizen shall not move around, block the view of other meeting attendees, or move in a way that may attract attention. The recording device shall not produce a distracting sound. The citizen shall not be allowed to stand or hold the recording device in the air in an effort to record.

§ 151-3. Enforcement.

The Township of Mansfield Police Department is the enforcement agent of this chapter.

§ 151-4. Violations and Penalties.

Any person violating any of the provisions of this chapter shall be subject to the violation provisions of Chapter [1](#), Article [III](#), § [1-17](#).

SECTION 2. All ordinances or parts of ordinances which are consistent 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 the law.

Mrs. Mora Dillon made a motion to approve Ordinance 2018-02, which was seconded by Mr. Farino.

Mayor Watters opened the floor for public comment.

Alec Kocher asked who it is that requested this ordinance.

Alec Kocher asked why this ordinance was being written.

Mayor Watters explained that this ordinance allows for videoing and just regulates where and with advanced notice.

Paul Tarlowe asked about providing notice to the clerk verbally, will advanced written notification be acceptable.

Mr. Wenner and Mayor Watters concurred that would be acceptable.

Mayor Watters closed the public portion.

Mr. Misertino made a motion for to remove section b1 notifying the clerk, to amend b2 so that they can also be along far wall, remove b3, b5 through b13 and remove any violations or penalties and enforcement by the police. Mr. Misertino also asked how this will be enforced at all of the other public meetings.

No second was made. Roll call on first motion was taken.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon , Mayor Watters

Nays: Mr. Misertino

Absent: None

Abstain: None

COMMITTEE PERSON COMMENTS:

Mr. Hayes stated that he and Mr. Wood attended a County OEM meeting with JCP&L and OEM Director.

Mr. Farino stated that he attended a similar meeting in Flemington that it seemed that most people were annoyed with the way that JCP&L corporate handled the power outages and correspondence with residents.

Mr. Farino added that there were a number of people that were unhappy with the infrastructure.

Mrs. Mora Dillon made a motion to go out to bid for electric supplier, which was seconded by Mr. Hayes.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. Misertino, Mayor Watters

Nays: None

Absent: None

Abstain: None

Mrs. Mora Dillon made a motion to adjourn at 9:02 PM, which was seconded by Mr. Hayes.