

## MANSFIELD TOWNSHIP COMMITTEE MEETING

September 9, 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. Kocher, Mrs. Korczukowski, Mayor Clancy

Salute to the flag was performed by all.

### APPROVAL OF THE MINUTES:

Mrs. Korczukowski made a motion to approve the passage of the minutes from the regular meeting held on August 26, 2015, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: Mr. Misertino

### BILL LIST:

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

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

Nays: None

Absent: None

Abstain: None

### CLERKS REPORT:

Ms. Hrebenak stated that all of the issues with the well have been repaired.

Mr. Watters asked if the lawn mowing company was contacted.

Ms. Hrebenak stated that he was not.

Mayor Clancy asked that Ms. Hrebenak contact the mowing company to speak to him on this.

### FINANCE REPORT:

Mr. Daniels had nothing to report.

### EMPLOYEES REPORTS:

Mrs. Fascenelli stated that she attended the SWAC meeting and that the County reported that the tire collection event has brought in about 463 and that they have already noticed a decrease in the mosquito population. There was also discussion with Rotunda of doing a leaf and yard waste collection.

Mrs. Fascenelli stated that the Police Department will be participating in the Take back Event for a drug collection event on October 22, 2015.

#### ENGINEERS REPORT:

Mr. Finelli stated that Constellation Solar is still working on the punch list for completion.

Mr. Finelli stated that we are still waiting for the approvals from the State for the Watters Road project.

Mr. Finelli stated that he went out to the Duarte property to complete the survey work for the drainage repair.

Mr. Finelli stated that he and Mr. Ward met with Mr. Typinski and they have come up with a plan to possibly rectify the issues with the drainage. Mr. Finelli stated that he believes that we could speak with Mr. Demuth and run a drainage into a location that already collects water on his property.

Mr. Finelli stated that he had a long meeting with Mr. Ward and discussed the 2016 Municipal Aid Grant projects.

Mr. Finelli spoke to the Township Committee in reference to the contract for the Salt shed.

Mrs. Korczukowski asked if we would be repairing the whole at the corner of the Highland and Hazen.

#### PUBLIC PORTION:

Mayor Clancy stated that it will be held properly and there will be no shouting from the audience.

Scott Minter, Mount Bethel Road, asked about the Ordinance that is on for first reading in regards to signage on Public property. Mr. Minter stated that he listened to the meeting audio and there was no motion made to have an ordinance drafted.

Mayor Clancy advised that if there are any comments to the Ordinance that Mr. Minter should wait for the public hearing.

Elizabeth Griggs, Mount Bethel Road, stated that she has been at the meetings except for one and there has been no mention of an ordinance being drafted.

Elizabeth Griggs asked what the objective is for the OPRA request ordinance.

Mr. Wenner explained the purpose of this ordinance.

Elizabeth Griggs asked about the Committee member's attendance at the Atlantic City League of Municipalities Convention.

Elizabeth Griggs stated that she has been trying to get the revaluation data from the reassessment from Mr. Murdoch and he spoke with Ms. Hrebenak and has not received it from her. Ms. Griggs stated that Mr. Murdoch also called the revaluation company to get the information and he has not been able to get the information from them either.

Mr. Misertino stated that Ms. Griggs began her comments saying that the Committee reacted to one persons comments, but he sees in the minutes that at the last meeting there was one person that stated that the Township should put a referendum on the ballot to increase the Open Space tax to .03 and the Committee made a motion to approve this.

Mrs. Cate Oakley asked why the Committee is considering an ordinance to limit placement of signs when the businesses along Route 57 put up all of the signs.

Mr. Misertino stated that there will be letters sent out to have the signs removed.

Mr. Finelli stated that there are clearly requirements for the signs placed on property. Mr. Finelli stated that a letter of warning needs to be sent out first to the business then a violation could be issued after the warning is sent and not adhered to.

RESOLUTION:

**RESOLUTION # 2015-86  
TOWNSHIP OF MANSFIELD  
WARREN COUNTY, STATE OF NEW JERSEY  
OVERPAYMENT OF TAXES**

**WHEREAS**, the following property has an overpayment of \$ 2,804.80 for the 3rd quarter of 2015 property taxes;

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Mansfield this 9<sup>th</sup> day September 2015 that the Tax Collector and Township Finance Office are hereby authorized to refund the following overpayment:

American Title Agency, LLC  
Att: Post Closing Department  
460 Bergen Blvd 4<sup>th</sup> Floor  
Palisades Park, NJ 07650

Block 1105.03 Lot 1  
Refund: \$ 2,804.80

Mr. Watters made a motion to approve the passage of Resolution 2015-86, which was seconded by Mrs. Kocher.

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

**RESOLUTION # 2015 -87  
TRANSFER OF MANSFIELD TOWNSHIP TRUST FUNDS**

TOWNSHIP OF MANSFIELD  
WARREN COUNTY, STATE OF NEW JERSEY

**WHEREAS**, the Township Committee of the Township of Mansfield deemed it in the best interest of the Township to amend the Cash Management Plan to include as a authorized bank for deposit Unity Bank,

**NOW, THEREFORE BE IT RESOLVED**, that the Chief Financial Officer is authorized to transfer the following Mansfield Township trust account from Fulton Bank of New Jersey to Unity Bank.  
Recreation Trust Account

Mr. Misertino made a motion to approve the passage of Resolution 2015-87, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

**RESOLUTION # 2015-88**  
**LIEN REDEMPTION**

TOWNSHIP OF MANSFIELD  
WARREN COUNTY, STATE OF NEW JERSEY

**WHEREAS**, the Tax Collector of the Township of Mansfield has advised the Committee that the following property has been redeemed and the money due thereon paid to the Township of Mansfield Tax Collector;

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Mansfield this 9th day of September 2015, that payment is to be made to the certificate holder as noted:

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Lienholder</u>	<u>Cert#</u>	<u>TOTAL REFUNDED</u>
1806	07	118 Freeway Ave	US Bank as Custodian For PFS Financial 1, LLC 50 South 16 <sup>th</sup> St Suite 2050 Philadelphia, PA 19102-2513	2012-18	\$ 41,571.02 Lien \$ 7,700.00 Premium

Mrs. Kocher made a motion to approve the passage of Resolution 2015-88, which was seconded by Mrs. Korczukowski.

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

Resolution 2015-89

RESOLUTION AUTHORIZING THE TOWNSHIP OF MANSFIELD ATTORNEY AND OTHER TOWNSHIP PROFESSIONALS TO PREPARE AND FILE A DECLARATORY JUDGEMENT ACTION FOR THIRD ROUND MT. LAUREL COMPLIANCE AND IMMUNITY AND AUTHORIZING OTHER TOWNSHIP PROFESSIONALS AND OFFICIALS TO TAKE SUCH ACTIONS AS MAY BE APPROPRIATE TO IMPLEMENT AN UPDATE TO THE TOWNSHIP OF MANSFIELD HOUSING PLAN ELEMENT OF THE MASTER PLAN AND FAIR SHARE PLAN FOR THIRD ROUND MT. LAUREL COMPLIANCE, TO UNDERTAKE A SURVEY OF ALL VACANT AND UNDEVELOPED LAND IN THE TOWNSHIP OF MANSFIELD BY BLOCK AND LOT, UNDEVELOPED LAND IN THE TOWNSHIP OF MANSFIELD BY BLOCK AND LOT, TO CONDUCT AN ANALYSIS OF THE TOWNSHIP'S HOUSING STOCK, AND TO CONDUCT SUCH OTHER STUDIES AS MAY BE DETERMINED NECESSARY.

WHEREAS, on March 10, 2015 the New Jersey Supreme Court issued an order eliminating the administrative process afforded municipalities by the Fair Housing Act N.J.S.A. 52:27D-301 et. seq., effective June 8, 2015; and

WHEREAS, the New Jersey Supreme Court provided for a thirty day window after June 8, 2015, during which time many municipalities will be able to file declaratory judgment actions in Superior Court to obtain, in practical effect, a judicial version of the substantive certification they had either received or applied for under N.J.S.A. 52:27D-313; and

WHEREAS, throughout and notwithstanding the period of uncertainty over new Third Round Rules, the Township of Mansfield has continued efforts to provide for low and moderate income housing opportunities in the Township.

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

1. Township Attorney Michael B. Lavery, along with members of his firm, is authorized to prepare and file a Declaratory Judgment action in the Superior Court on behalf of the Township seeking a judgment of compliance with the Township's Third Round affordable housing obligation and also seeking an order of immunity from Mt. Laurel builder remedy lawsuits during the process of adopting and filing the Housing Plan Element and Fair Share Plan with the Court as well as during the period of Court Review of the Township's plan and all implementing ordinances.
2. Township Attorney Michael B. Lavery, Township Planner Shirley Bishop and Township Engineer Michael Finelli, along with members of their respective firms are authorized to take such actions as may be appropriate to further both the preparation and implementation of the updated Housing Plan Element of the Township of Mansfield Master Plan and Fair Share Plan for Third Round Mt. Laurel Compliance, to undertake a survey of all vacant and undeveloped land in the Township of Mansfield by block and lot, to conduct an analysis of Township's housing stock, and to conduct such other studies as may be determined necessary.
3. Proposals for these plans and studies shall be submitted in advance for review and approval by the Township Committee and/or the Land Use Board.
4. This Resolution shall take effect immediately.

Mrs. Kocher made a motion to approve the passage of Resolution 2015-89, which was seconded by Mrs. Korczukowski.

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

Resolution 2015-90

A RESOLUTION OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY,  
AUTHORIZING THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT

WHEREAS, the Township of Mansfield, Warren County has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey, Warren County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Township of Mansfield desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with Mount Laurel Doctrine as set forth in In Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Court of New Jersey, and Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis and to prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter "MSSDA"), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter " the Rutgers Agreement") and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

NOW, THEREFORE, BE IT RESOLVED, by the Committee of the Township of Mansfield, as follows:

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Township of Mansfield for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Township of Mansfield and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Township of Mansfield in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Township of Mansfield hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the behalf of the Township of Mansfield the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Township of Mansfield will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2,000 it paid.
7. This Resolution shall take effect immediately.

Mrs. Korczukowski made a motion to approve the passage of Resolution 2015-90, which was seconded by Mrs. Kocher.

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

Nays: None

Absent: None

Abstain: None

**RESOLUTION NO. 2015-91**  
**Township of Mansfield**  
**STATE OF NEW JERSEY**

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct pilot programs, and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complex tax process, and

WHEREAS, the Township of Mansfield wishes to participate in the pilot program for an electronic tax sale.

BE IT RESOLVED by the Township Committee of the Township of Mansfield that the Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

Mr. Watters made a motion to approve the passage of Resolution 2015-91, which was seconded by Mr. Misertino.

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

Nays: None

Absent: None

Abstain: None

ORDINANCE:

First Reading:

ORDINANCE NUMBER – CA-15-04

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY, APPROPRIATING \$175,000 FOR DPW DUMP TRUCK

WHEREAS, there is a need for a DPW dump truck to ensure continuous maintenance of public property throughout the Township of Mansfield; and

WHEREAS, the current state of DPW vehicles is insufficient to continue the level of maintenance required for public property throughout the Township of Mansfield;

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

1. The amount of \$175,000 is hereby appropriated from a reserve for purchase of Road Department Equipment in the general capital fund.
2. There is no debt incurred by this Ordinance.
3. This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

Mr. Watters made a motion to introduce Capital Ordinance 15-04 and requested that the public hearing to be held on October 14, 2015 at 8:00 pm, which was seconded by Mayor Clancy.

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

Nays: None

Absent: None

Abstain: None

#### **ORDINANCE 2015 -14**

**ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 363 ARTICLE V TITLED "SIGNS" TO CREATE A NEW SECTION 363-24.1 TITLED "SIGNS PROHIBITED ON PUBLIC PROPERTY".**

**WHEREAS**, the Township Committee of the Township of Mansfield believes the proliferation of temporary signs on public property is detrimental to the rural character and aesthetic quality of Mansfield Township, and;

**WHEREAS**, The Township Committee of the Township of Mansfield wishes to prohibit all signs from being placed on municipal property

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, that Chapter 363 of the Code of the Township is hereby amended to create a new section 24.1, as follows:

**SECTION 1.** Article V, Section 363-24.1 Signs Prohibited on Public Property. The placement of any sign on municipal property shall be prohibited. The only exception shall be those signs placed by the municipality for identification or regulatory purposes.

**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.

Mr. Misertino made a motion to introduce Ordinance 2015-14 and requested that the public hearing be scheduled to be held on October 14, 2015, which was seconded by Mr. Watters.

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

Second Reading:

Mayor Clancy opened the floor for public comment; seeing no one had any comment the public comment portion was closed.

#### **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. Lavery explained the reasoning behind this ordinance.

Mrs. Kocher made a motion to approve the passage of Ordinance 2015-09 and requested that the results be advertised, which was seconded by Mrs. Korczukowski.

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

Nays: None

Absent: None

Abstain: None

Mayor Clancy opened the floor for public comment;

Elizabeth Griggs asked about the fee ordinance and the reasoning.

Scott Minter asked about the redaction process and if there is a system for the items that are redacted by the time for the items to be redacted expires.

**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.

Mr. Watters made a motion to approve the passage of Ordinance 2015-10 and requested that the results be advertised, which was seconded by Mayor Clancy.

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

Mayor Clancy opened the floor for public comment; seeing no one had any comment the public comment portion was closed.

### **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 BEVERAGES,” 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 underaged 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 underaged 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 underaged 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 Revised 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.

Mrs. Korczukowski made a motion to approve the passage of Ordinance 2015-11 and requested that the results be advertised, which was seconded by Mrs. Kocher.

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

Mayor Clancy opened the floor for public comment; seeing no one had any comment the public comment portion was

closed.

**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 passage of Ordinance 2015-12 and requested that the results be advertised, which was seconded by Mrs. Korczukowski.

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

Executive Session: Personnel dealing with Health Insurance and Contractual dealing with Shared Services at 8:59pm

Mr. Watters made a motion to enter into Executive Session at 8:59 pm, which was seconded by Mr. Misertino.

Return from Executive Session at 9:27 pm.

Roll Call: Mr. Misertino, Mr. Watters, Mrs. Kocher, Mrs. Korczukowski, Mayor Clancy

Mr. Lavery, Esq. stated that during Executive Session the Committee discussed a personnel matter dealing with Health Insurance and a contractual matter dealing with Shares Services copies of these minutes will be available as soon as the Committee feels they are no longer a harm to the public interest.

Mrs. Korczukowski made a motion to authorize the Assistant CFO to take the action that was discussed in Executive Session, which was seconded by Mr. Misertino.

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

Mrs. Korczukowski made a motion to have the Township Attorney to draw up a contract for the Smoke Detector Inspections, which was seconded by Mr. Watters.

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

#### COMMITTEE PERSON COMMENTS:

Mrs. Korczukowski made a motion to approve the quote from NJ Window and Siding for the window replacement, which was seconded by Mr. Watters.

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

Mr. Misertino made a motion to approve the new signage from Letter source for the Police Department, which was seconded by Mrs. Kocher.

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

Abstain: None

Mrs. Kocher stated that she attended the opening of Marshalls with Mayor Clancy.

Mr. Misertino made a motion to adjourn the meeting at 9:48 pm, which was carried by all.