

MANSFIELD TOWNSHIP COMMITTEE MEETING

May 9, 2007

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: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin

Salute to Flag was done by all.

DISCUSSION WITH OEM Coordinator

Mr. Griffith, OEM Coordinator explained to the Township Committee that there will be annexes that will need Mayor Baldwin's signature on them for the Emergency Management Plan that is required by the state.

Mrs. Oakley made a motion to approve Mayor Baldwin signing the annexes for the Emergency Management Plan, which was seconded by Mrs. Nerbak.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin

Nays: None

APPROVAL OF THE MINUTES:

3/28/07 Regular Meeting

Mrs. Oakley made a motion to approve the minutes of the regular meeting of 3/28/2007, which was seconded by Mr. Watters.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin

Nays: None

PAYMENT OF BILLS:

Ms. Nerbak made a motion to approve the bill list as presented, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin

Nays: None

Mr. Coppola stated that Tri County would like to use the township's loader for their extrication drill at the fire house and would like to be covered by our insurance company for that use and this would require a letter from the Township Committee stating that the Township Committee has granted approval for that use for that day.

Mr. Watters asked who would be operating the equipment that day.

Mayor Baldwin stated that the only people that will be using the loader will be Dave Burdge and Glen McGuinness.

Ms. Nerbak made a motion that a letter be sent to the Township's Insurance company stating that the Township Committee approves the use of the loader by Tri County, which was seconded by Ms. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby

Nays: None

Abstain: Mayor Baldwin

CONSENT AGENDA:

Peddler's Permit Application-Adam T's Enterprises, LLC

Ms. Nerbak made a motion to approve the Consent Agenda as presented, which was seconded by Mr. Appleby.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin

Nays: None

ENGINEERS REPORT:

Mr. Mace stated that stormwater management annual submittal was submitted this week. The DEP was out about a month ago for an inspection and the only problem that they had was that the Salt shed did not have a door, which about a week later a directive came out that stated that the DEP will be delaying that requirement until 2009. This also may not be an issue in 2009. There were also some catch basin that were missing the emblem that is required.

Ms. Nerbak asked about an article that was in the Easton Express about a proposal that will change wastewater planning to have counties assume management.

Mr. Mace stated that he had not seen anything about that yet. Ms. Nerbak handed a copy of this article to Mr. Mace.

Mr. Mace stated that the Wastewater Management Plan is being held up from being approved is that the Highlands Commission has not responded with any comments they were given 30 days to respond and that time lapsed in about February. Mr. Mace stated that Zach Gallagher from Applied Water Management has been questioned why this has not been review as of yet and the DEP had given another 30 day extension to the Highlands Commission around the first week of April stating that if in that time period there is still no response then the DEP will consider that the Highlands Commission has no comments and approve the plan.

Mr. Mace told Ms. Nerbak that he would read the article and let her know what his thoughts are, he believes that we should be covered even if the County does take over the Wastewater Management Planning, since by that time our plan will have been approved.

Mr. Baldwin asked Mr. Mace when the Recreation Driveway will begin and Mr. Mace replied that the contracts were signed tonight, so a preconstruction meeting should take place soon.

Mr. Watters asked Mr. Mace if he had applied for the bike trail grant. Mr. Mace replied that he will do that.

Mr. Mace stated that he would like to submit the same road grant that we had submitted last year that we did not get approved for. The Township Committee agreed that was a good idea.

RESOLUTION:

RESOLUTION NO. 2007-64

WHEREAS, N.J.S.A. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budgets as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S.A. 40 A:4-85, the Township of Mansfield, County of Warren, hereby requests the Director of the Division of Local Government Services to make the following corrections to the budget of the year 2007

From:		To:	
Construction S&W	\$95,910.00	Construction S&W	\$47,106.00
Construction OE	\$17,000.00	Construction OE	\$65,804.00

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Township of Mansfield for the reasons hereinafter set forth: to change from salaried to contractual payment per interlocal agreement.

Ms. Nerbak made a motion to approve Resolution 2007-64, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin

Nays: None

2007-65

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR REAL ESTATE APPRAISAL SERVICES FOR TAX APPEALS

WHEREAS, the Township of Mansfield has a need to acquire Appraisal Services for Tax Appeals as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A- 20.5; and,

WHEREAS, the Township Committee has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year(s); and

WHEREAS, Izenberg Appraisal Associates has submitted a proposal May 3, 2007 indicating they will provide the Real Estate Appraisal Services; and

WHEREAS, Izenberg Appraisal Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Izenberg Appraisal Associates has not made any reportable contributions to a political or candidate committee in the Township of Mansfield in the previous one year, and that the contract will prohibit the Izenberg Appraisal Associates from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mansfield authorizes the Mayor to enter into a contract with Izenberg Appraisal Associates as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that this award of contract will be advertised at least once in the Star Gazette.

Ms. Nerbak made a motion to approve Resolution 2007-65, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin

Nays: None

FLOOD MITIGATION PLAN: (Public Hearing) 8:00 pm- Robert Griffith OEM

Mayor Baldwin turned the meeting over to Robert Griffith, OEM Coordinator.

Mr. Griffith explained that this public hearing was for the Flood Mitigation Plan that he and Mr. Scott Hammel, Deputy OEM have been working on for the State of NJ, County OEM, Delaware River Basin Commission, and the NJDEP. Mr. Griffith indicated that had printed about various papers for the Township Committee, but the website www.drbc.com is the best place to research the plan. The municipalities participation is required by FEMA for a multi-jurisdictional plan to be created. Mr. Griffith went through the items that are required for this plan.

As part of this plan a flyer was sent to the flood prone areas of the municipality for comments. Mr. Hammel and the Boy Scout Troop 175 out of Rockport Church went around to the flood prone areas

and distributed the flyers to the residents for the residents to fill out and mail back to the municipality. There were about 9 or 10 flyers that were mailed back to the municipal building, one of the spots that we did received a response from was River Court and they stated that they had no problems with flooding except for the cul-de-sac. Diamond Hill residents responded that they have mild flooding in the rear yards along Meadow Road. Also a resident from across from Columbia Too has had issues with the flooding of the Musconetcong River. This resident has concerns with the bridge across the street under Hazen Road.

Mr. Griffith stated that they will be having a local committee meeting to go over the issues within the township. The noreaster that occurred a couple of weeks ago helped Mr. Griffith and Mr. Hammil to see where the problem areas are within the township. This program will help to implement a program for prevention of flooding.

Scott Cruets, Butler Park, stated that the Musconetcong River is damming up with huge trees and debris across from the Butler Park Firehouse. He was interested in this being taken care of.

Mr. Griffith stated that he would look into this.

Mr. Griffith stated that if anyone had anything else to add that they would be around to hear any other concerns.

The Township Committee thanked Mr. Griffith and Mr. Hammil for the great job that they have done thus far.

ORDINANCE:

Second Reading

Mayor Baldwin presented Ordinance 2007-03 for second reading and public hearing, seeing that there were no comments from the public the public portion was closed:

TOWNSHIP OF MANSFIELD ORDINANCE 2007-03

AN ORDINANCE TO AMEND CHAPTER III A OF THE CODE OF THE TOWNSHIP OF MANSFIELD BY ADDING A NEW SECTION 3 SPORTS ACTIVITY REGISTRATION FEES

BE IT ORDAINED by the Mayor and Township Committee of the Township of Mansfield,
County of Warren and State of New Jersey:

- 1. Chapter IIIA of the Code of the Township of Mansfield is hereby amended to include a new Section-Sport Activity Registration Fees.**
- 2. Chapter IIIA-12. Sports registration fees for participation of children in athletic programs of the Township of Mansfield shall be as follows:**

a. \$55.00 for one (1) child in each different sport.

b.\$75.00 for two (2) or more children per family in the same sport.

3. This ordinance shall take effect immediately after passage.
4. Any ordinance that is inconsistent with the foregoing shall be deemed repealed by this ordinance.

Mrs. Oakley made a motion to approve the passage of Ordinance 2007-03 and requested that the results be advertised, which was seconded by Ms. Nerbak.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin
Nays: None

Mayor Baldwin presented Ordinance 2007-04 for second reading and public hearing, seeing that there were no comments from the public the public portion was closed:

ORDINANCE 2007 -04

AN ORDINANCE TO AMEND SECTION 2-10 "SCHEDULE OF FEES" OF THE CODE OF THE TOWNSHIP OF MANSFIELD, W ARREN COUNTY, NEW JERSEY

BE IT ORDAINED BY THE MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD:

Section 1. The following sections of the Code of the Township of Mansfield are hereby amended to read as follows:

"2-10 Schedule of Fees

(New) Copy of DVD video -Police Discovery	50.00 per disc
(Requestor must supply blank Recordable DVD disc.)"	

Section 2. This Ordinance shall take effect immediately upon final publication as provided by law

Section 3. All remaining portions of Section 2-10 shall remain in full force and effect.

Mrs. Oakley made a motion to approve the passage of Ordinance 2007-04 and requested that the results be advertised, which was seconded by Mr. Appleby.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin
Nays: None

Mayor Baldwin presented Ordinance 2007-05 for second reading and public hearing, seeing that there were no comments from the public the public portion was closed:

ORDINANCE 2007-05

AN ORDINANCE TO REQUIRE WELL TESTING FOR LAND USE DESIGN STANDARDS

Chapter 20 Land Use Design and Performance Standards

20-1 Generally

Add a new section at 20-1.2a entitled Definitions

20-1.2a

Definitions

Available Drawdown The distance between static-water level and 10 feet above the pump intake level, as measured from the same datum (e.g., top of well casing).

Constant Head Test A pumping test of the well in question, conducted so that the water level (pumping level) remains constant over the test duration.

Constant Rate Test A pumping test of the well in question, conducted so that the discharge rate remains constant over the test duration.

Drawdown The distance between the static water level and the declining water level in a well, due to the pumping of the subject well or a nearby well.

Interference The amount of drawdown on an observation well resulting from the commencement of pumpage from a nearby well.

Interference Test A pumping test conducted to determine the interference effects on one or more selected observation wells, resulting from pumping a subject well.

Observation Well means a well utilized to obtain water level measurements such as an existing residential or commercial supply well.

Monitor Well A well installed specifically for the purpose of ground-water resource and quality assessments (i.e., non-supply well).

Peak-demand Rate The average pumping rate of water from a well, measured in gallons per minute (gpm), during peak demand periods.

Peak-demand Test A pumping test conducted to determine if the subject well can supply the water needed by the realty improvement during times of peak-water demand.

Peak-demand Time The duration of time, in minutes, during which the peak-demand rate is exerted on a well and is the peak-demand load (measured in gallons) divided by the peak-demand rate (measured in gpm).

Peak Demand Load The total volume of water, in gallons, required during each period of peak demand.

Potable Water Any water used or intended to be used for drinking or culinary purposes.

Qualified Hydrogeological Professional Any person who has received a baccalaureate or post-graduate degree in hydrogeology, geohydrology, geology, engineering or soil science and has at least five years of appropriate professional experience in ground-water hydrology. Applicants submitting a well test plan and/or hydrogeologic report shall be required to submit evidence of the credentials of the associated qualified hydrogeological professional.

Realty Improvement means any existing or proposed building or modification thereof, the useful occupancy of which requires a water-supply system. Each dwelling unit in a multiple dwelling shall be construed to be a separate realty improvement.

Residual Available Drawdown The distance between the pumping water level in a well and 10 feet above the pump intake level for that well, as measured from the same datum (*e.g.*, top of well casing) and measured at a specific time.

Static Water Level The water level in the well either before or after pumping when all local pumping effects on the aquifer have dissipated and the water surface in the well is in equilibrium with atmospheric pressure.

Well A man-made excavation that derives water from the fractures or interstices of the rocks or soils which it taps.

Well Recovery The flow of ground water into a well from the aquifer following the cessation of pumping and the corresponding rise of the water level in the well.

Well Test Plan The plan of well testing proposed by an applicant submitted for approval by the Board prior to the testing prescribed by this Chapter.

Well Yield The maximum rate at which water can be pumped for a long-term duration from a well under normal hydrological conditions.

20-9.3 *Water Supply.*

- a. Where water is accessible from a servicing utility, the developer shall arrange for the construction of water mains in such a manner as to make adequate water service available to each lot, dwelling unit or use. The

system shall be designed with adequate capacity and sustained pressure for present and probable future development.

- b. Where public water is not available, potable water supply shall be provided to each lot or dwelling unit by wells from ground water supply. Such wells shall be designed in accordance with the requirements and standards of the Township and/or State agencies having jurisdiction, including but not limited to the requirements of N.J.A.C. 7:10-12.1 *et seq.* and Chapter BH:VIII of the Code of the Township of Mansfield. (Ord. 05-99) Where the developer seeks to not provide at the time of plan approval the well testing required by Chapter BH:VII and seeks to defer such testing until the time of issuance of building permits a hydrogeologic report shall be submitted which shall be in accordance with the following:
1. The hydrogeological report specified herein below shall be prepared by a qualified hydrogeological professional, and shall include the results of pumping tests as outlined in Sections 3, 4 and 5 hereinbelow. A well test plan shall be approved by the Board before such tests are conducted. In connection with the well tests, the applicant shall install as necessary, a monitor well or wells, in accordance with the approved well test plan.
 2. The hydrogeologic report shall contain:
 - (a) A discussion of the hydrogeology of the site and the environs affecting or being affected by the site including location of any potential fractures or faults;
 - (b) the location and construction specifications for the proposed wells and subsurface disposal systems;
 - (c) the location of all active or abandoned septic disposal areas and the location of all soil/tests for proposed subsurface disposal areas within the subdivision boundaries;
 - (d) results of the tests described in Sections 3, 4 and 5 hereinbelow.
 - (e) results for each test well of the existing concentration of nitrate;
 - (f) a summary projection of the hydrogeological impact including nitrate as described above, that may be caused by the proposed subdivision and an outline of all measures that will be employed to minimized adverse impacts on the underlying aquifer(s).
 - (g) As a basis for the required study, a number of test wells equal to one well for every 10 lots, but not less than two (2), exclusive of observation wells, shall be provided. The proposed number, location and depth of these wells must

be indicated on a well test plan approved by the Board prior to their installation.

3. Well-test Requirements

- (a)** The capability of a well to meet the peak demand and the total daily requirements of the realty improvements served shall be evaluated through a three-part pumping test. The well must pass the peak-demand/constant-rate portion of the test as required for the size and use of the realty improvements to be supported by the well. The results of the subsequently-conducted, constant-head portion of the pumping test shall be used to determine whether the aquifer can support the long-term needs of the realty improvement. The well recovery portion of the test provides additional data about the suitability of the well for extended use relative to the local yield of the aquifer. Observation-well measurements during these tests provide interference information.
- (b)** All well tests shall be conducted under the direction of a qualified hydrogeologic professional, by a well driller or a pump installer, duly licensed under the laws of the State of new Jersey, who shall certify the results to the Board. All test results shall be recorded on well testing report forms issued by the Board.
- (c)** The Board reserves the right to witness all well tests. A minimum of three (3) working days of advance notice shall be provided to the Township Engineer .

4. General Technical Requirements

- (a)** The three-part well test shall be performed in one continuous operation as specified in this article. The well must be at its static water level at the beginning of the test (i.e., the water level in the well has to have been undisturbed for at least twelve hours before testing). If pumping or the test sequence is interrupted, the test must be started over, following a minimum recovery of 90% of the pre-test static-water level.
- (b)** Pumping rates shall be measured with either an in-line water meter, or by timing the collection of a standard volume from the discharge, or by use of a circular-orifice pipe. Flow rates must be adjusted by throttling an in-line valve.
- (c)** The pumped water must be channeled away from the well

head and discharged a minimum distance of 100 feet away to minimize direct recharge of the well during the test. Water pumped during the test may be discharged to waste at a shorter distance if it is immediately routed to a moving surface-water body (e.g., a stream) or stormwater system.

- (d) The water level in the well must be measured reliably during the test to the nearest tenth (0.1) of a foot from a fixed point (typically from the top of the well casing). Air lines may not be used for water-level measurement purposes, unless previously approved by the Township.
- (e) **Peak-Demand Test**
 - (1) The peak demand test shall be a constant-rate pumping test used to determine whether the well can supply the water needed by the realty improvements during times of peak-water demand. The peak-demand test shall demonstrate that well storage plus aquifer recharge during the peak-demand time at least equals the peak load required for the realty improvements to be serviced by the well. If the results of the peak-demand test are unsatisfactory either modifications to the well characteristics or the usage characteristics of the realty improvement shall be made, or the well shall be abandoned and sealed in accordance with the requirements of N.J.A.C. 7:20-3.1.
 - (2) The well shall be pumped constantly at least at the peak-demand rate for at least the peak-demand time. The peak-demand rate for residential use equals three (3) gpm for each full bathroom, plus one and one-half (1.5) gpm for each half-bath. The peak load equals one hundred (100) gallons for each bedroom (which equals one-half of the daily demand volume) and the peak-demand time equals the time required to deliver the peak load at the peak-demand rate:

$$\text{Peak Demand Time (minutes)} = \frac{\text{Peak Load (gallons)}}{\text{Peak-Demand Rate (gpm)}}$$

The peak load for each test well shall be calculated by multiplying the individual rate by the number of units in the subdivision and dividing by the

- number of test wells.
- (3) The water levels shall be measured and recorded, at a minimum, once every five minutes during the test. During the test the water (pumping) level in the well must not be drawn down, at anytime during the test, to a depth of less than twenty feet above the pump intake. A measurement of the water level in the well shall be made immediately before initiating the subsequent constant-head portion of the pumping test.
- (f) **Constant-Head Pumping Test**
- (1) The constant-head pumping test shall be used to determine whether the recharge from the aquifer is sufficient to meet the long-term use of the well.
- (2) The constant-head portion of the pumping test shall immediately follow the peak demand portion of the test without interruption. The discharge rate shall be throttled so that the water level measured in the subject well immediately prior to termination of the peak-demand test is maintained for a minimum of four hours and a maximum of twelve hours. This level is not to vary by more than 0.5 feet. The pumping rate shall be determined at 10-minute intervals during this time. If the rate has not varied significantly by more than one-tenth (0.1) gallon per minute for at least the last hour the aquifer recharge rate shall be determined to be equal to the measured pumping rate. If the pumping rate coincident with the stabilized water level is less than twice the flow needed to meet the daily-demand volume, then the well fails this portion of the test.
- (g) **Well Recovery Test**
- (1) Immediately following the constant-head portion of the three-part pumping test, the water level in the subject well shall be measured and recorded until it has recovered to within at least 90% of the pre-test static-water level, or for four hours, whichever occurs last. Water levels shall be measured once every five minutes for the first hour of recovery, and once every 30 minutes for the remaining duration.

- (2) Failure of a well to recover to within 90% of the pre-test static-water level within a 24-hour period raises doubts about the reliability of a long-term water supply developed from the well which shall be addressed in the hydrogeologic report.

4. Well Interference

- (a) New Wells in Proximity to Existing Supply Wells-Well interference shall be determined for any well existing within 1,000 feet of the new well may be used as an observation well to determine well interference. At least one observation well shall be associated with each test well, should no adjoiner allow use of their well the developer may drill additional on-site wells to be used as observation wells. Such wells shall be located so as to allow a determination of the effect on the existing adjoining wells.
- (b) The applicant for well certification shall notify all owners of real property whose wells are located within 1,000 feet of the proposed new well of the impending well tests. This notification shall be by certified mail in a form acceptable to the Board, and at least two weeks prior to the actual tests. The owners of the closest wells (one per directional quadrant), so notified, may be requested to allow monitoring of their well at the applicant's expense.
- (c) To qualify as an observation well, pumping of the well must either be ceased for at least three hours before the beginning of, and throughout, the test sequence, or an automatic, continuous water-level monitoring and recording device must be installed and remain in the well immediately prior to, and throughout, the test period.
- (d) The water levels of utilized observation wells shall be measured and recorded at intervals of not more than every ½ hour, beginning one hour before the peak-demand test and continuing until completion of the recovery portion of the pumping test of the new well.
- (e) If the drawdown in any observation well during the pumping test of the new well causes any of the following:
 - (1) an increase in the maximum drawdown measured during the peak-demand test of the observation well by twenty feet or more; or

(2) a lowering of the pumping level in the observation well, under peak-demand operation, to within twenty feet of the existing pump-intake setting or the bottom of the existing water-level access tube; the well interference shall be considered significant. As such, the proposed supply well shall not be certified unless the applicant demonstrates to the satisfaction of the Board that the interference can be remedied or made otherwise not significant.

- c. Where water distribution systems are installed outside streets, easements or rights-of-way shall be required in accordance with the section entitled "Public Use and Service Areas".
- d. Where no municipal consent for a public utility franchise for water has been granted, upon completion of the water plant and distribution system, these public facilities shall, at the option of the township, be transferred to the township.
- e. Water mains shall meet the requirements of the water operating utility, except as provided below:
 - 1. Subdivisions not served by public water shall provide installation of sleeves and whatever else is necessary to prevent opening of the street at such time as waterlines are installed.
 - 2. Subdivisions served by semipublic or private water companies shall have a minimum main size of eight inches in diameter, except dead-end lines, which may be six inches in diameter.

Chapter XXII Land Subdivision and Site Plan Review

21-3.9 Adequacy of Potable Water Supply. (Ord. 05-99)

If the developer has not supplied the water testing certifications required by §BB:8-4 of The Revised General Ordinances of the Township of Mansfield, 1974 for each lot proposed as part of the preliminary subdivision application, the approving authority shall condition any preliminary subdivision approval which is granted on the subsequent compliance by the developer or the developer's successors and assigns with the requirements of that section provided that the developer has provided the Board with the groundwater studies required by §20-9.3b . The approved preliminary subdivision plat and the resolution memorializing the approval shall contain the following language:

"Potable water supply for this subdivision may be provided by individual on-lot wells. Approval of this subdivision is not based on any determination of the adequacy of the yield, recovery. rate, or water quality

of any well to be placed on any lot. No construction permit shall be issued for the construction of a new residential structure on this property unless the Mansfield Township Board of Health, acting through its agent the Warren County Health Department, has certified that either (a) the structure will be connected to an approved public water system, or (b) a well or wells are located and operating on the lot which have been tested and provide sufficient yield and recovery rates to satisfy the requirements of §§BH:8-5 and BH:8-6 of The Revised General Ordinances of the Township of Mansfield, 1974.

No certificate of occupancy shall be issued for any new residence on this property unless the Mansfield Township Board of Health, acting through its agent the Warren County Health Department, has certified that the water supplied by the water system serving the residence has been tested and meets the water quality requirements of §BH:8-7 of The Revised General Ordinances of the Township of Mansfield, 1974.

In the event yield or recovery rates do not meet established standards, multiple wells may be required on a single lot, or the developer may be required to reconfigure the lots as shown on the preliminary plat so that each lot shall have a water system that meets established standards.

In the event the water system to be installed on any lot does not provide water which meets established quality standards, the developer or owner may be required to install and maintain water treatment devices in order to assure continued compliance with water quality standards. “

21-4 Final Plat.

21-4.2 *Submission of Improvement and Utility Plans.*

Prior to the start of any construction of such improvements, the subdivider shall submit to the administrative officer for approval by the township engineer and the approving authority, the following:

- a. Ten copies of the improvement and utility plans in accordance with subsections 21-5.2 and 21-5.5.
- b. Inspection fees in accordance with subsection 19-7.10.
- c. Ten copies of all permits and approvals required for construction of improvements.
- d. Key location map on 8-1/2 inch by 11 inch paper clearly showing the location of the subject property within the township. (Ord10-90)
- e. Water quantity and quality test certifications as required by §BH:8-4 of The Revised General Ordinances of the Township of Mansfield, 1974. (Ord. 05-99)

If the developer has not supplied the water testing certifications required by §BH:8-4 of The Revised General Ordinances of the Township of Mansfield, 1974 for each proposed lot as part of the improvement and utility plan approval application, the approving authority shall condition any approval which is granted on the subsequent compliance by the developer or the developer's successors and assigns with the requirements of that section provided that the developer has provided the Board with the groundwater studies required by §20-9.3b . The approved improvement and utility plans and the resolution memorializing the approval shall contain the following language set forth in §21-3.9.:

~~“Potable water supply for this subdivision may be provided by individual on-lot wells. Approval of this subdivision is not based on any determination of the adequacy of the yield, recovery rate, or water quality of any well to be placed on any lot.~~

~~No construction permit shall be issued for the construction of a new residential structure on this property unless the Mansfield Township Board of Health, acting through its agent the Warren County Health Department, has certified that either (a) the structure will be connected to an approved public water system, or (b) a well or wells are located~~

Ms. Nerbak made a motion to approve the passage of Ordinance 2007-05 and requested that the results be advertised, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin

Nays: None

PUBLIC PORTION:

Scott Cruets, Assistant Chief Butler Park Fire Company, asked the Township Committee to consider helping the fire company to equip the 1994 Freightliner truck that they had been given by Mansfield Twp Fire Company.

Mr. Baldwin stated that he wished that this had been brought up when Mr. Coppola was still present so that this could have been addressed.

Ms. Nerbak stated that she had spoken with Mr. Coppola because Tri County has requested that their money be increased because the lease payment was actually about \$2000 more than expected. Ms. Nerbak stated that Mr. Coppola said that we could do a Capital Appropriation Ordinance for the money to come out of the Capitol Budget, so maybe we could do the same for Butler Park if these items could be considered a Capitol Expense.

Michele Largman, 2 Oxford Lane, asked the Township Committee to consider a grass cutting ordinance for the township. Mrs. Largman explained to the committee that there have been a number of problems in her development with people not maintaining their grass.

Mr. Appleby asked Mr. Kobert if he has had experience with this type of ordinance.

Mr. Kobert stated that these ordinances are sometimes hard to enforce because most of them are a height restriction and with a height restriction there can be enforcement issues and with the Right to Farm rules this could be very hard to enforce.

COMMITTEE PERSON COMMENTS:

Ms. Nerbak stated that Brent would be placing ads in the paper for Summer Help and the Custodian for the Municipal Building.

Mr. Baldwin also stated that when the packet is ready for the backhoe bid it will be forward to Mr. Mace for his review.

EXECUTIVE SESSION: Matters Relating to the Employment Relationship

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12.

WHEREAS, the Township Committee of the Township of Mansfield is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Township Committee of the Township of Mansfield to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.**
- (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.**
- (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.**
- (4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.**
- (5) Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.**
- (6) Matters Relating to Public Safety and Property: any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.**
- (7) Matters Relating to Litigation, Negotiations, and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.**

(8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

(9) Matters relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Mansfield, assembled in public session on May 9, 2007, that an Executive Session closed to the public shall be held on May 9, 2007 at 8:52 PM in the Mansfield Township Municipal Building, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in the closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Mr. Watters made a motion approve the executive session resolution, which was seconded by Ms. Nerbak.

**Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin
Nays: None**

The Township Committee reconvened at 9:09pm.

Roll Call: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin all present.

Ms. Nerbak made a motion to approve the appointment of Joel Kobert, of Courter, Kobert, & Cohen for the remainder of the year of 2007 at a rate of \$400 per meeting, \$135 per hour for other legal work, \$85 per hour for paralegal work, which was seconded by Ms. Oakley.

**Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin
Nays: None**

Mr. Kobert stated that he had spoken to Dena about the current codification and he thinks that we should consider recodification of all ordinances.

Ms. Nerbak asked that a letter be sent to all of the other applicants for Township Attorney and for the Appraisers thanking them for their interest in the position.

Ms. Nerbak will be meeting with the Auditor for an exit interview on Friday to see were we are at the end of the audit.

Ms. Nerbak stated that Mike Shadiack has reviewed the Personnel Policy and has made suggestions of changes to strengthen the policy which she will be reviewing, so that it may be presented to the Township Committee for approval.

Ms. Nerbak and Mrs. Oakley met with Chief Ort about the amendments to the Police Policies and Procedures, so they will also be working on that.

Ms. Nerbak stated that the Highlands Task Force Meeting is scheduled for tomorrow night, also the Recreation Commission will be meeting with Harold Pellow Assoc. tomorrow morning.

Ms. Nerbak stated that the Warren County League of Municipalities Meeting will be May 31, 2007 and there will be a speaker there from DRBC.

Mayor Baldwin explained that Brent had placed in the packets a copy of a grant that was filed with the Forest Fire Service for road side mowing.

Mrs. Oakley made a motion to adjourn at 9:35pm, which was carried by all.