

MANSFIELD TOWNSHIP COMMITTEE MEETING

August 8, 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.

APPROVAL OF THE MINUTES:

Mrs. Oakley made a motion to approve the minutes from the regular meeting held on July 11, 2007, which was seconded by Mr. Watters.

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

Nays: None

PAYMENT OF BILLS:

Mr. Watters asked how much paper is in the package that was ordered and how much we go through. On the bill list there are charges for 67.98 what is this for.

Mr. Coppola answered that the charge for 67.98 is for two cases of paper that includes 10 reams of paper that are 500 sheets per ream. There were charges to a couple of different departments that were charged to, and that we had ordered 10 cases.

Mr. Watters also asked about the purchase order for sign language and how many hours that this was for.

Mr. Coppola responded that this charge was for court and the hours were from 12:30 to 3:30pm.

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

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

Nays: None

CONSENT AGENDA:

Raffle License-Butler Park Fire Company

Ms. Nerbak made a motion to approve the consent agenda, which was seconded by Mrs. Oakley.

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

Nays: None

ENGINEERS REPORT:

Mr. Mace stated that he had sent out the letter to the HMUA with a map for the future service area on Route 57.

Mr. Mace stated that the parking lot up on the recreation property is in and he is pleased with the work that was done thus far.

PUBLIC PORTION:

Paul Tarlowe, 40 Brookside Ave, the minutes for the June 13 meeting were incorrect and were missing one of the motions that were made. He wondered why that is and if it could be amended.

Ms. Hrebenak stated that she would go back and review the tape and the minutes.

Mr. Tarlowe had questions for Mr. Mace referring to the HMUA meeting and the Township Committee meeting from June.

Mr. Mace preferred to not answer the questions that Mr. Tarlowe had.

Mr. Tarlowe continued to question the issues not content with any of the answers that he is being given by Mr. Mace or any of the Township Committee members.

Mr. Tarlowe questioned if the tax payer needs to reimburse the Township if the DPW cleans up washouts that come off of property. He said that he saw the DPW cleaning up a washout that was on Snyder Road.

The Township Committee stated that they were unaware of the clean up and that the DPW does from time to time do the clean ups on roads for safety reasons.

Mr. Tarlowe also asked if anything had been done yet about the flooding issue that occurs by the Hazen Road bridge.

Mr. Mace stated that he had sent a letter to the county and is waiting for a response from them.

RESOLUTION:

RESOLUTION
TOWNSHIP OF MANSFIELD
NUMBER 2007-94

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item thereof was not determined at the time of the adoption of the budget, and;

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

WHEREAS, the Township of Mansfield will receive \$11,111.72 to administer a Clean Communities Grant from the Division of Traffic Safety and wishes to amend its 2007 Budget to include a portion of this amount as a revenue

NOW, THEREFORE, BE IT RESOLVED that the Township of Mansfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$11,111.72

that is now available as revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent

Of the Director of Local Government Services:

Public and Private Revenues Offset with Appropriations:

Clean Communities Grant

BE IT FURTHER RESOLVED that a like sum of \$11,111.72 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations – Excluded from 5% Caps Public and Private Programs Offset by Revenues:

Clean Communities Grant

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

Ms. Nerbak made a motion to approve Resolution 2007-94, which was seconded by Mr. Appleby.

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

Nays: None

Ms. Nerbak asked Mr. Coppola if the money that was received was the same as last year.

Mr. Coppola responded that the numbers went down because there is a new formula that is being used.

ORDINANCE:

Second Reading

Mayor Baldwin presented Ordinance 2007-11 for public comment:

Bob Jewell- Sunnyview Ave, asked if on page 4 of the Ordinance under appointment qualifications and he would like to see that a k. be added, to include minimum of 2 year college degree or same amount of time Military Service.

The Township Committee agreed to include this within the Ordinance.

Mr. Vex suggested that this should be discussed with Chief Ort.

Mayor Baldwin explained the possible change to the Ordinance and asked for any comments from the Chief.

Chief Ort stated the only problem that he sees with a stipulation like that is that the education part of the contract was removed and that there are officers now that don't have these qualifications, so newer people could jump over senior officers by these qualifications for new positions.

Paul Tarlowe, 40 Brookside Ave, questioned if there is any required degree needed for this if required for qualifications.

Mayor Baldwin asked if there were any other comments from the public, seeing there were none the public portion was closed.

ORDINANCE NO. 2007-11

TOWNSHIP OF MANSFIELD COUNTY OF WARREN STATE OF NEW JERSEY

AN ORDINANCE TO AMEND CHAPTER 2-8 OF THE CODE OF THE TOWNSHIP OF MANSFIELD ENTITLED "POLICE DEPARTMENT."

WHEREAS, the Township Council is of the opinion that Chapter 2-8 of the Code of the Township of Mansfield providing for the establishment and governance of a Township police department, ought be amended for the purpose of reorganizing and modernizing the department;

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

Section I.

Chapter 2-8 of the Code of the Township of Mansfield be and hereby is repealed in its entirety and replaced with a new Chapter 2-8 entitled "Police Department." The new Ordinance shall consist of the following provisions:

A. Establishment of Police Department.

1. There is hereby created in and for the Township of Mansfield, a Police Department within the County of Warren, State of New Jersey, pursuant to the provisions of N.J.S.A. 40A: 14-118, et seq. This Ordinance is intended to ratify the existence and operation of the Police Department, which has historically operated within and served the Township of Mansfield, and at the same time satisfy statutory requirements of current New Jersey law.

2. The members of the Mansfield Township Police Department, as presently constituted as of the date of adoption of this Ordinance, are hereby continued in their respective offices or positions; and the salaries established by the Salary Ordinance now in effect shall prevail, and nothing contained in this section shall be considered as affecting the status, rank, tenure or any rights heretofore acquired by any member of the existing Department.

B. Statement of Goals and Objectives.

The Police Department shall preserve the peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Township of Mansfield; direct and control traffic; provide attendance at and protection during emergencies; provide appearances in court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members and officers as well as perform all other duties and fulfill all other responsibilities normally associated with the operation of a police department.

C. Composition and Chain of Command.

Said Police Department shall consist of one (1) Chief of Police, and such Lieutenants, Sergeants, Police Officers, Special Law Enforcement Officers and civilian employees as deemed necessary and appropriate by the Township Committee, hereinafter designated as the "Appropriate Authority". The Township Committee may, from time to time, leave one or more of the above positions vacant, as it deems appropriate in the best interests of the Township. The express purpose for identifying these offices is to establish a statutory line of authority from all police employees to a higher elected authority. Whenever any such office is intentionally left vacant, it will be deemed not to exist and it will be passed in the chain of command. The Township Committee may therefore recreate or resurrect an office that has been so abolished by naming a person to fill said office. No personnel may be appointed to the Mansfield Police Department until they have satisfied all statutory requirements and have complied with the selection process and standards established by the Rules and Regulations adopted by the Township Committee to govern said Police Department. No police officers shall be appointed to the Mansfield Township Police Department until they have successfully completed physical, and psychological examinations. In the event that the abolishment of an office results in a decrease in the members of the Police Department or demotion in rank, any termination or demotion shall be in the inverse order of appointment pursuant to and for the reasons established by N.J.S.A. 40A:14-143. Any promotions shall take into account due consideration of the length and merit of service of existing members of the department as required by N.J.S.A. 40A:14-129.

D. Appropriate Authority.

The Appropriate Authority is hereby designated as the Mansfield Township Committee. The line of authority in the Police Department shall be as follows:

1. The Chief of Police shall be the head of the police force and shall prescribe the duties and assignments and chain of command with respect to all subordinates and other personnel. The Chief of Police shall be vested with all other authority provided for in N.J.S.A. 40A:14-118.
2. The Chief of Police shall report monthly to the Police Commissioner.

3. The Police Commissioner shall report monthly to the Township Committee, and the Chief of Police shall report from time to time as requested by the Township Committee. The Committee shall be the final authority on all matters relating to the operation of the Police Department.

E. Police Department Rules and Regulations.

1. The Chief of Police, in conjunction with the Police Commissioner, shall be responsible for the periodic review and update of the Rules and Regulations for police personnel, which shall be known as the Rules and Regulations for the Police Department of the Township of Mansfield. Said Rules and Regulations, shall be in manual form and shall govern the conduct of and be binding upon the entire membership, sworn officers and civilian employees of the Police Department. The Rules and Regulations shall be promulgated and adopted by the Appropriate Authority.

2. Each sworn officer and each civilian employee shall be given a copy of same and is duty bound to be thoroughly familiar with the provisions of the Rules and Regulations and the Policies and Procedures of the Police Department.

3. The Chief of Police shall have the authority to issue written directives, policies and procedures with respect to the day to day operational conduct of the Police Department as well as the delegation of such of his authority as he may deem necessary to delegate from time to time for the efficient operation of the Police Department.

F. Hearing Authority.

1. The Chief of Police shall have the authority to discipline all sworn officers of the Police Department, including the authority to fine, reduce in rank, or suspend an officer for just cause and upon written complaint and a hearing, unless waived in accordance with applicable law.

2. With respect to reduction in rank or suspension, an officer of the Police Department may appeal the decision of the Chief of Police to the Police Commissioner. The Police Commissioner may hear the appeal or refer the matter for determination by the Township Committee. Notwithstanding the foregoing, the Township Committee may, in its discretion, elect to designate a hearing officer other than the Township Committee for the purpose of conducting the disciplinary hearing, receiving evidence, preparing a record, and submitting findings and a proposed recommendation of penalty, if any, to the Township Committee.

3. In addition to adjudicating appeals, the Police Commissioner and the Township Committee shall have the independent authority to initiate discipline of all officers in the Police Department, including the Chief of Police.

G. Charging Authority.

Only the Police Commissioner, the Township Committee or the Chief of Police may initiate major disciplinary charges against any member of the Police Department.

H. Emergency Directives.

Nothing contained herein shall infringe upon or limit the duty and authority of the Township Committee, or its designee, including, but not limited to, the Chief of Police to act to provide for the health, safety and welfare of the municipality in an emergency through special emergency directives pursuant to the provisions of N.J.S.A. 40A:14-118 and 40A:14-146.9.

I. Civilian Employees.

The Township Committee shall, in its discretion and in consultation with the Chief of Police, appoint civilian members to the Police Department. Said civilian employees will provide dispatch services, clerical duties and logistical services in support of the Police Department and shall perform other duties as directed by the Chief of Police. Civilian members of the department shall be governed by the policies and rules and regulations of the Department.

J. Appointment and qualifications.

1. All appointments to the Police Department shall be made by the Township Committee through appropriate Resolution.
2. No person shall be appointed as a sworn officer of the Police Department unless he or she:
 - a. is a citizen of the United States;
 - b. is not less than 21 nor more than 35 years of age in the case of a new hire or 45 years of age in the case of a lateral hire;
 - c. is sound of body and of good health sufficient to satisfy the Board of Trustees of the Police Retirement System of New Jersey that such applicant or appointee is eligible to membership in the retirement system;
 - d. passes such medical and psychiatric examinations as are directed and requested by the Mayor and Committee or the Chief of Police, under their direction;
 - e. is able to read, write and speak the English language well and intelligently;
 - f. is of good moral character and has not been convicted of any crime involving moral turpitude;
 - g. has served a probationary period, not to exceed one year in accordance with N.J.S.A. 52:17B-68, pending his or her successful completion of a course at a qualified school recognized and approved by the New Jersey State Police Training Commission;
 - h. has a valid New Jersey driver's license;
 - i. has a High school diploma;
 - j. has not been convicted of any crime based upon a criminal background investigation.
3. The appointment of a sworn officer to the Police Department shall be made by the Township Committee.

K. Police Services.

Police services shall be available 24 hours per day, seven days per week.

L. Duties of Chief of Police.

The Chief of Police shall be the executive head of the Police Department and shall be directly responsible to the Police Commissioner and Township Committee for its efficiency and day-to-day operations. Pursuant to rules and regulations established by the Appropriate Authority, the Chief of Police shall be responsible for the day-to-day operation of the Department, including but not limited to:

- a. Administer and enforce the rules and regulations of the Police Department and any special emergency directive for the disposition and discipline of the Department and its members and officers;
- b. Have, exercise and discharge the functions, powers and duties of the Police Department;
- c. Administer and enforce the rules and regulations adopted by the Appropriate Authority;
- d. Prescribe the duties and assignments of all members and officers;
- e. Delegate such authority as may be deemed necessary for the efficient operation of the Police Department to be exercised under the Chief's direction and control;
- f. Report at least monthly to the Police Commissioner and make such other reports to the Police Commissioner and/or Township Committee as may be requested; and
- g. Maintain a graphic Table of Organization to show the divisional structure of the Police Department. The function and duties of each position in the Table of Organization shall be defined by policies established by the Chief of Police.

M. Discipline.

The Police Commissioner, The Township Committee or the Chief of Police shall determine the appropriate level of discipline in their sole discretion, based upon facts and circumstances surrounding the infraction and, if deemed applicable, any past disciplinary record.

N. Disciplinary Hearings.

Any required notice of charges, disciplinary hearing, as well as imposition of disciplinary action shall be in accordance with applicable law and departmental policies, rules and regulations.

O. Powers and Duties of Police Officers.

1. The rights, privileges, powers and duties of the sworn officers of the Police Department, including temporary officers and special policemen, shall be those prescribed by the laws of the State of New Jersey governing municipal police departments, by departmental policies and procedures, the ordinances and resolutions of the Township and such other rules and regulations as may from time-to-time be adopted by resolution of the Township Committee.
2. It is the obligation and duty of each sworn officer of the Police Department, regular, special or superior officers, to enforce all ordinances of the Township and to report and correct, if possible, all violations of these ordinances.
3. The Police Department, through its Chief, shall:
 - a. Preserve the public peace, protect life and property, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Township, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages and preserve order at all elections and public meeting and assemblages;
 - b. Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic and the use of the streets by vehicles and persons and protect the safety and facilitate the convenience of motorists and pedestrians;
 - c. Remove or cause to be removed all nuisances in the public streets, parks and other public places of the Township;
 - d. Provide proper police attendance and protection at fires; and
 - e. Provide for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses, and cooperate fully with the law enforcement and prosecuting authorities of federal, state and county governments.

P. Hours of Employment.

Each officer of the Police Department shall devote 80 hours every two weeks as a minimum to the business, duties and work of the Department, and each officer shall be prepared to return for duty immediately on notice that his services are required in the event of an emergency. This shall not apply to special policemen who are given limited duties to perform. The Chief of Police shall have the authority to establish all shifts and schedules subject to any applicable provisions set forth in a collective bargaining agreement.

Q. Special Police.

1. No person shall be appointed as a special policeman unless he is a citizen of the United States, is able to read, write and speak the English language, is physically qualified and of good moral character and has not been convicted of any crime. Each special policeman shall be fingerprinted and his fingerprints shall be filed with the Division of the State Police and Federal Bureau of Investigation. The Chief of Police shall make reports to the Mayor and Committee concerning the eligibility and qualifications of any person proposed to be appointed a special policeman.

2. With the specific approval of the Chief of Police, any person, firm or corporation may engage the services of a special policeman for the purpose of directing traffic, guarding private property or otherwise maintaining peace and good order on the basis of paying to the Township such sum as provided in the Salary Ordinance.

R. Oath of Office.

Every person appointed to the Police Department shall, as a prerequisite to becoming a member thereof and before entering upon his or her duties as such, take and subscribe to an oath or affirmation as may be required and prescribed by the laws of the State of New Jersey.

S. Retirement.

All active officers of the Police Department, on attaining the age of 65 years, shall retire from service.

T. Probationary Service.

1. All new sworn officers appointed to the Police Department shall serve a probationary period of one year from date of graduation or hire, whichever is later, and no person holding such a probationary appointment as a police officer shall be given or accept a permanent appointment unless such person has successfully completed a police training course at an approved school. All appointments for existing members of the department to a new position shall be for a probationary period of ninety (90) days- from the appointment.

2. Continuation in the service is dependent upon the conduct of the appointee and his or her fitness to perform his or her duties. At the termination of the probationary period, if the conduct or performance of the probationer has not been satisfactory, that person shall be notified, in writing, that his or her probationary period with the Mansfield Township Police Department is to be extended for an additional period of six months or that the person will not receive absolute appointment, and the decision of the Chief of Police shall be final in this regard. In the event that the Chief of Police determines that there should not be an extension of the probationary employment for a period of six months, the Chief of Police shall so notify the person and shall make his recommendation to the governing body to the effect that his or her services shall be terminated. Should the Chief of Police agree to extend the probationary employment of the employee for a period of six months, the probationary employment will then continue for that six-month extension period, and, during the period of extended probationary employment, the job performance of the employee will continue to be observed and evaluated. At the completion of the extended six-month probationary term, the overall job performance of the employee will be reviewed and a determination will be made by the Chief of Police concerning whether the person shall be recommended for a permanent appointment. If, at the end of the six-month extension of the probationary employment, the conduct or performance of the probationer has not been satisfactory, that person shall be notified, in writing, that the person will not receive absolute appointment.

3. At or before the end of the probationary period, the Township Committee may discontinue, at the recommendation of the Chief of Police, the service of any such appointee, if the working test

indicates that the appointee is unable or unwilling to perform the duties of his or her position satisfactorily or is of such reputation, habits and dependability as not to merit continuance in the public service. Failure to qualify in the use of a police weapon or complete other assigned training or inability to understand the functioning, application and use of any police equipment shall be sufficient reason for the discontinuance of any such appointee, though discontinuance may be made for causes other than those enumerated herein. In each such case, the Township Committee shall give written notice to the appointee whose service is discontinued.

U. Classes of patrolmen; advancements.

1. There will be five classes of patrolmen, which shall be known as "Patrolman Probationary" "Patrolman Step 1" "Patrolman Step 2" "Patrolman Step 3", "Patrolman Step 4" and "Patrolman Step 5".

2. Upon date of hire or graduation from a N. J. State approved PTC academy, whichever is later, the patrolmen shall advance from Patrolman Probationary to Patrolman Step 1 upon recommendation of the Chief of Police. The patrolmen will become eligible for additional advances in grade at the expiration of each additional year, upon the recommendation of the Chief, until they have reached Patrolman Step 5, and they shall be paid salaries designated in the Salary Ordinance under the established categories.

3. If the Chief of Police does not recommend an advance in grade from one step to the next, the advance in grade shall not occur, said advancement not being automatic but being dependent upon the recommendation of the Chief of Police.

V. Classes of Sergeants; advancements.

1. There will be two classes of sergeant, which shall be known as "Sergeant Step 1" and "Sergeant Step 2".

2. The sergeant will become eligible for advance in grade at the expiration of each additional year, upon the recommendation of the Chief, until they have reached Sergeant Step 2, and they shall be paid salaries designated in the Salary Ordinance under the established categories.

3. If the Chief of Police does not recommend an advance in grade from one step to the next, the advance in grade shall not occur, said advancement not being automatic but being dependent upon the recommendation of the Chief of Police.

4. The promotion and continuation of the position of Chief of Police shall be the sole prerogative of the Township Committee.

Section II

All other ordinance provisions, which are inconsistent with the terms of this Ordinance, are hereby declared null and void and repealed.

Mrs. Oakley made a motion to approve the passage of Ordinance 2007-11 with the discussed changes of high school diploma, and 60 college credits or 2 years Military Service 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

COMMITTEE PERSON COMMENTS:

Ms. Nerbak made a motion to approve Mr. Robert Griffith to attend the League of Municipalities Convention, and also Jerilyn Harris and Vera Hart to attend the League of Municipalities Conference in November, which was seconded by Mrs. Oakley.

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

Nays: None

Ms. Nerbak made a motion to hire Joan Cichy as the Recreation Assistant at a hourly rate of \$15.00 per hour for a maximum of 5 hours per week, which was seconded by Mrs. Oakley.

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

Nays: None

Ms. Nerbak stated that she attended the Warren County Planning Board meeting on the Wastewater Management Plan, and that they stated that our plan once approved would be considered part of the plan.

Mr. Watters made a motion to approve the Environmental Commission working with Rick Miller to create a sign for Mansfield Twp, which was seconded by Ms. Nerbak.

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

Nays: None

Ms. Nerbak stated that the Environmental Commission would like the Township Committee to pass an ordinance allowing property owners to use alternate energy sources.

Mr. Mace stated that the township has nothing prohibiting this except for the use of windmills which he would suggest that they continue to not be allowed within the township. If other alternative energy sources are permitted already there is no need to pass an ordinance to allow them.

Ms. Nerbak asked that the clerk send a letter to the environmental commission explaining that these types of things are allowed already.

Mayor Baldwin stated that prior to the executive session there will be a five minute break.

EXECUTIVE SESSION:

Mr. Howard Vex, Esq. read the executive session resolution matters relating to litigation. 8:20 pm.

Ms. Nerbak made a motion to approve the executive session resolution which was seconded by Mrs. Oakley.

Return from Executive Session at 9:00pm.

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

Mrs. Oakley made a motion to approve Mr. Mace corresponding with the DEP about the requirements that were just communicated through the correspondence from the NJDEP for the approval of the Wastewater Management plan, which was seconded by Mr. Appleby.

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

Nays: None

Mrs. Oakley made a motion to adjourn at 9:10pm, which was carried by all.

Respectfully Submitted,

**Dena Hrebenak
Registered Municipal Clerk**