

MANSFIELD TOWNSHIP COMMITTEE MEETING

July 13, 2011

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. Smith, Mr. Watters, Mr. Clancy, Mayor Tomaszewski
Absent: Ms. Nerbak

Salute to the flag was done by all.

PAYMENT OF BILLS:

Mayor Tomaszewski asked what the bill from Hackettstown Ammo for Glock guns channel club for a pistol.

Mr. Clancy stated that it looks like they are doing annual maintenance on the gun.

Mayor Tomaszewski asked what the bill is for the Magloc.

Mr. Clancy stated that this is an annual bill for an intelligence for the police department.

Mr. Watters stated that the regular gas for the police department is \$1414 and there is a question of if the tank is filled and when the tanks are filled.

Mr. Watters stated that he would like to switch to going to a gas station for 2 months to see what we are actually using for fuel.

Mr. Watters stated that the electric bill is about the same as it was, but the electric company said that this building is using a lot less in electric.

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

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mayor Tomaszewski
Nays: None
Absent: Ms. Nerbak
Abstain: None

CFO REPORT:

Mrs. Harm stated that the Audit report was given to all committee members for their review and that the corrective action plan will be presented for the next meeting.

CLERKS REPORT:

Ms. Hrebenak stated that she received a letter from Jerry Conover requesting the return of the 2% retainage for the multi purpose trail.

Mr. Watters stated that there are still issues with washouts and that he would like Mr. DiSessa to inspect this prior to

the retainage being returned.

Ms. Hrebenak stated that she received to applications for 50/50 raffles from the Mansfield Township Cowboys Parents Association on for the final game of the season and one for all of the home games from August 12, 2011 thru October 22, 2011.

Mr. Watters made a motion to approve the two 50/50 raffle licenses for the Mansfield Cowboys Parents Association, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mayor Tomaszewski

Nays: None

Absent: Ms. Nerbak

Abstain: None

ENGINEERS REPORT:

Mr. DiSessa discussed the proposed solar and wind energy ordinance and the different items that are addressed within the ordinance.

DISCUSSION:

VANGUARD ENERGY SERVICES

Scott Monetti, discussed the energy savings for the municipality through his company.

Mr. Watters stated that he would like to look into going through the bid process.

PUBLIC PORTION:

RESOLUTION:

RESOLUTION # 2011 -62
REFUND OF HEALTH INSURANCE CO-PAY
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Mr. Everett Cox Sr. paid \$ 153.54 in cash for the June 2011 health insurance coverage co-pay with the Township of Mansfield, County of Warren,

WHEREAS, Mr. Everett Cox Sr. died May 28, 2011,

NOW THEREFORE BE IT RESOLVED, that the Acting Chief Financial Officer be authorized to refund the amount of \$ \$ 168.89 (June 2011 co-pay plus 3 days in May 2011) to Mr. Everett Cox Jr.

Mr. Clancy made a motion to approve the passage of Resolution 2011-62, which was seconded by Mr. Watters.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mayor Tomaszewski

Nays: None

Absent: Ms. Nerbak

Abstain: None

RESOLUTION # 2011 –63
 REFUND OF RECREATION REGISTRATION
 TOWNSHIP OF MANSFIELD
 WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Theresa Hicks registered two children on 5/01/11 in the amount of \$ 130.00 for Cheerleading registration with the Township of Mansfield, County of Warren,
WHEREAS, Theresa Hicks won a gift certificate for 1 free registration for cheerleading at the Mansfield Tricky Tray,
WHEREAS, on 6/13/11 Mansfield Township received a check from the Mansfield Cowboys Parents Association in the amount of \$65.00 to cover the cost of the gift certificate,
NOW THEREFORE BE IT RESOLVED, that the Acting Chief Financial Officer be authorized to refund the amount of \$ 65.00 to Theresa Hicks.

Mr. Watters made a motion to approve the passage of Resolution 2011-63, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mayor Tomaszewski
 Nays: None
 Absent: Ms. Nerbak
 Abstain: None

ORDINANCE:

First Reading

ORDINANCE # 2011- 16

AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE SALARIES AND WAGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MANSFIELD AND THE METHOD OF PAYMENT OF SUCH SALARIES AND WAGES

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

SECTION 1. The salary range per annum of rates of compensation of the following officers and employees of the Township of Mansfield are determined to be as follows:

Committee Members	\$ 3,000	-	\$ 4,950
Mayor	\$ 540	-	\$ 660
Deputy Mayor	\$ 270	-	\$ 330
Insurance Fund Commissioner	\$ 1,350	-	\$ 1,650
Municipal Clerk	\$46,250	-	\$56,540
Elections Officer	\$ 150 / election		\$ 250 / election
Website Administrator	\$ 500.00	-	\$ 1,650
Depart. of Health Deputy Registrar	\$21,000	-	\$35,655
Chief Financial Officer	\$53,678	-	\$65,606
Acting Chief Financial Officer	\$ 9,000	-	\$11,045
Tax Collector	\$27,479	-	\$39,089
Deputy Tax Collector	\$27,000	-	\$31,453
Alternate Deputy Tax Collector	\$ 1,000	-	\$ 2,750
Tax/Finance Clerk	\$16,216	-	\$19,820
Tax Search Officer	\$ 900	-	\$ 1,100
Tax Assessor	\$19,800	-	\$24,200
Certified Lists (Tax Assessor)	\$ 560	-	\$ 686
Assessment Search Officer	\$ 900	-	\$ 1,100

Tax Assessor Secretary	\$ 2,000	-	\$ 5,705
COAH Calculations	\$ 20 / calc	-	\$ 20 / calc
Municipal Housing Liaison	\$ 6,000	-	\$ 8,000
Economic Secretary	\$ 233	-	\$ 285
Historical / Environmental Secretary	\$ 840	-	\$ 1,027
Planning Board Clerk	\$13,500	-	\$16,500
Zoning Board Clerk	\$ 5,850	-	\$ 7,150
Zoning Officer	\$ 4,500	-	\$ 5,500
Court Appearance by Zoning Officer	\$ 75 / appear	-	\$ 75 / appear
Police Chief	\$80,000	-	\$89,000
Police Secretary	\$22,000	-	\$32,803
Police Secretary (Temp or Part-Time)	\$ 14 / hr	-	\$ 17 / hr
Patrolmen	\$30,000	-	\$85,000
Sergeant	\$75,297	-	\$90,000
Police Officer (Temp/Part-Time)	\$ 13.50 / hr	-	\$ 17 / hr
Detective Stipend	\$ 1,000	-	\$ 1,000
Corporal Stipend	\$ 1,000	-	\$ 1,000
EMT Stipend	\$ 1,000	-	\$ 1,000
Director Emergency Management	\$ 2,334	-	\$ 2,852
OEM Certification Step	\$ 500	-	\$ 500
Assistant OEM Director	\$ 467	-	\$ 570
Fire Department Liaison	\$ 2,500	-	\$ 2,500
Smoke Detector Inspector	\$ 1,000	-	\$ 2,000
Prosecutor	\$17,392	-	\$37,108
DPW Superintendent	\$62,546	-	\$76,445
Recreation Supervisor	\$25,000	-	\$55,851
Recreation Secretary	\$ 673	-	\$ 823
Recreation Administration Asst.	\$ 14 / hr	-	\$ 17 / hr
Machine Operator	\$30,000	-	\$55,000
Part-Time Public Works Laborer	\$ 8 / hr	-	\$ 15 / hr
Custodian	\$ 10 / hr	-	\$ 15 / hr
DPW Secretary	\$ 14 / hr	-	\$ 17 / hr
Certified Recycling Professional	\$ 2,000	-	\$ 2,500
Director Recycling	\$ 14 / hr	-	\$ 17 / hr
Recycling Attendant	\$ 30 / hr	-	\$ 40 / hr
Animal Control Officers	\$ 6,675	-	\$ 8,158
Clean Communities Coordinator	\$ 1,300	-	\$ 4,000
Judge	\$33,817	-	\$85,964
Court Administrator	\$43,479	-	\$73,954
Deputy Court Administrator	\$25,000	-	\$55,226
Violations Clerk	\$ 11 / hr	-	\$ 17 / hr
Call-Outs	\$ 50 / ea	-	\$ 50 / ea
Court Security	\$ 75 / session	-	\$ 125 / session
Public Defender	\$ 150 / case	-	\$ 150 / case
Bonus	\$ 50	-	\$ 3,000

Mr. Watters made a motion to approve the introduction of Ordinance 2011-16 and requested that the public hearing be held on July 27, 2011, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mayor Tomaszewski

Nays: None

Absent: Ms. Nerbak

Abstain: None

Second Reading

Mayor Tomaszewski opened the floor for public comment on Ordinance 2011-14; seeing as there was none the public portion was closed.

2011-14
FLOOD DAMAGE PREVENTION ORDINANCE

SECTION 1.0
STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Township Committee of the Township of Mansfield, Warren County, New Jersey does ordain as follows:

1.2 FINDINGS OF FACT

- [1] The flood hazard areas of the Township of Mansfield are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- [2] These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- [1] Protect human life and health;
- [2] Minimize expenditure of public money for costly flood control projects;
- [3] Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- [4] Minimize prolonged business interruptions;
- [5] Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- [6] Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- [7] Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- [8] Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- [1] Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- [2] Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- [3] Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- [4] Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- [5] Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Appeal — A request for a review of the Engineer's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard — The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood — The flood having a one percent chance of being equaled or exceeded in any given year.

Basement — Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Development — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving,

excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Digital Flood Insurance Rate Map (DFIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Elevated Building — A non-basement building (i) built in the case of a building in an Area of Special Flood Hazard to have the top of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from: .

[1] The overflow of inland or tidal waters and/or

[2] The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Study (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Floodplain Management Regulations — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodway — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure — Any structure that is: .

[a] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

[b] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily

- determined by the Secretary to qualify as a registered historic district;
- [c] Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
 - [d] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

Lowest Floor — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure — A walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- [1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- [2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of Mansfield, Warren County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the areas of special flood hazard for the Township of Mansfield, Community No. 340491, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Warren County, New Jersey (All Jurisdictions)" dated September 29, 2011.
- b) Flood Insurance Rate Map for Warren County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34041C0228E, 34041C0229E, 34041C0233E, 34041C0234E, 34041C0235E, 34041C0236E, 34041C0237E, 34041C0239E,

34041C0241E, 34041C0242E, 34041C0243E, 34041C0244E, 34041C0253E, 34041C0254E, 34041C0261E, 34041C0262E; whose effective date is September 29, 2011.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at the Mansfield Township Municipal Building located at 100 Port Murray Road, Port Murray, New Jersey.

3.3 PENALTIES FOR NONCOMPLIANCE

- [1] No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person, firm or corporation who or which violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than [\$500.00] or imprisoned for not more than [90] days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Mansfield from taking such other lawful action as is necessary to prevent or remedy any violation.
- [2] Violation remedied by Township; costs established as lien. In the event that the owner or possessor of said lands shall refuse or neglect to abate or remedy the violation, the Township may cause the condition complained of to be abated and remedied. Any costs or expenses incurred by the Township in abating or remedying the violation shall become a lien upon the land and shall be added to and become and form a part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- [1] Considered as minimum requirements;
- [2] Liberally construed in favor of the governing body; and,
- [3] Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Township of Mansfield, any

officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 4.0 ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in SECTION 3.2. Application for a Development Permit shall be made on forms furnished by the Engineer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- [1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- [2] Elevation in relation to mean sea level to which any structure has been floodproofed.
- [3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in SECTION 5.2-2; and,
- [4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Engineer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Engineer shall include, but not be limited to:

4.3-1 PERMIT REVIEW

- [1] Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- [2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- [3] Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of SECTION 5.3[1] are met.

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with SECTION 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer SECTIONS 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- [1] Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- [2] For all new or substantially improved floodproofed structures:
 - [i] verify and record the actual elevation (in relation to mean sea level); and
 - [ii] maintain the floodproofing certifications required in SECTION 4.1 (3).
- [3] Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

- [1] Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- [2] Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in SECTION 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

- [1] The Land Use Board as established by the Township Committee shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- [2] The Land Use Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Engineer in the enforcement or administration of this ordinance.
- [3] Those aggrieved by the decision of the Land Use Board, or any taxpayer, may appeal such decision to the Superior Court, as provided by law.
- [4] In passing upon such applications, the Land Use Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;

- (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- [5] Upon consideration of the factors of SECTION 4.4-1 [4] and the purposes of this ordinance, the Land Use Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- [6] The Engineer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

- [1] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in SECTION 4.4-1[4] have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- [2] Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- [3] Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- [4] Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- [5] Variances shall only be issued upon:
- (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in SECTION 4.4- 1[4], or conflict with existing local laws or ordinances.
- [6] Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

5.1-1 ANCHORING

- [1] All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- [2] All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- [1] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- [2] All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

- [1] All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- [2] New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- [3] On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- [4] Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

- [1] All subdivision proposals shall be consistent with the need to minimize flood damage;
- [2] All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- [3] All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- [4] Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be

equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in SECTION 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

- [1] New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated to or above base flood elevation;
- [2] within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

5.2-2 NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:

either

- [1] Elevated to the level of the base flood elevation; and
- [2] Within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

- [1] Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- [2] Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- [3] Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in SECTION 4.3-3 [2] [ii].

5.2-3 MANUFACTURED HOMES

- [1] Manufactured homes shall be anchored in accordance with SECTION 5.1-1 [2].
- [2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest

floor is at or above the base flood elevation.

5.3 FLOODWAYS

Located within areas of special flood hazard established in SECTION 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- [1] Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- [2] If SECTION 5.3[1] is satisfied, all new construction and substantial improvements must comply with SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- [3] In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

Mr. Clancy made a motion to approve the passage of Ordinance 2011-14 and requested that the results are advertised, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mayor Tomaszewski

Nays: None

Absent: Ms. Nerbak

Abstain: None

Mayor Tomaszewski opened the public comment portion for Ordinance 2011-15; seeing that there were no comments from the public the public comment portion was closed.

ORDINANCE NO. 2011-15

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 2 OF THE TOWNSHIP CODE, ENTITLED "ADMINISTRATION" SO AS TO AMEND AND SUPPLEMENT SECTION 51, ENTITLED "SCHEDULE OF FEES FOR MUNICIPAL SERVICES"

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

SECTION 1. Chapter 2 of the Township Code of the Township of Mansfield, entitled "Administration," is hereby amended and supplemented so as to amend Section 51, entitled "Schedule Of Fees for Municipal Service," by the addition of the following subsection:

Schedule Of Fees For Municipal Service

- In accordance with N.J.S.A. 54:5-54 the tax collector shall provide to any party entitled to redeem a certificate pursuant to this section (N.J.S.A. 54:5-54) two calculations of the amount required for redemption within a calendar year at no cost. For each subsequent calculation requested from the tax collector there shall be a \$50.00 fee. A request for a redemption calculation shall be made in writing to the tax collector.
- In accordance with N.J.S.A. 54:5-97.1 the tax collector may charge a lienholder of a tax lien \$50.00 for the calculation of the amount due to redeem the tax lien as required pursuant to N.J.S.A. 54:5-97.1. Any request for a

redemption calculation shall specify the date to be used for the calculation, which shall be the date of the notice. Neither the tax collector nor the municipality shall be liable for an incorrect calculation. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to N.J.S.A. 54:5-54.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

Mayor Tomaszewski made a motion to approve the passage of Ordinance 2011-15 and requested that the results be advertised, which was seconded by Mr. Clancy.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mayor Tomaszewski

Nays: None

Absent: Ms. Nerbak

Abstain: None

Five minute break

Mr. Watters made a motion to go into Executive Session to discuss personnel, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mayor Tomaszewski

Nays: None

Absent: Ms. Nerbak

Abstain: None

COMMITTEE PERSON COMMENTS:

Mr. Smith stated that Mr. Hedges is out for another 8 weeks with his workers comp.

Mr. Watters made a motion to have the VAV boxes replaced by AJ Celiano, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mayor Tomaszewski

Nays: None

Absent: Ms. Nerbak

Abstain: None

Mr. Smith stated that the old dairy barn roof is \$22,000 so the whole building should be demolished.

Mr. Smith stated that with the people out for DPW there is a short staffing issue.

Mayor Tomaszewski stated that he felt that we should hold off.

Mr. Smith stated that there is a list of items that need to be completed and he would need replacement part time or full time.

Mr. Watters stated that for paving the people could be taken off of mowing.

Mr. Watters had nothing to report.

Mr. Clancy had nothing to report.

Mayor Tomaszewski congratulated Mrs. Kocher on the results of the Primary Election and stated that he is excited to work with her next year.

Mr. Watters made a motion to adjourn at 9:19pm.