

MANSFIELD TOWNSHIP COMMITTEE MEETING

March 22, 2006

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. Baldwin, Ms. Nerbak, Mr. Appleby, and Mayor Watters present.

Salute to flag was done by all.

APPROVAL OF MINUTES:

Mr. Baldwin made a motion to approve the minutes from the March 8, 2006, seconded by Mrs. Oakley.

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

PAYMENT OF BILLS:

Mr. Baldwin made a motion to approve the bill list, seconded by Ms. Nerbak

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

PUBLIC PORTION:

Mayor Watters opened the Public Portion, seeing that there was no public comment, the public portion was closed.

ENGINEER'S REPORT:

Mr. Mace stated that he had no report for this meeting.

Mr. Appleby asked how the Township was doing with the deadlines for the stormwater management.

Mr. Mace stated that all of the deadlines necessary thus far have been met.

Mr. Mace stated that in a lot of the cases of the deadlines we are ahead of the time for the deadline.

Mr. Mace also stated that with all of the stormwater work that has had to been done so far a number of departments in the township and committee and commission have taken part and helped meet the deadlines for stormwater management. He also stated that Brent Sliker and the Department of Public Works have done a number of the requirements for stormwater management.

RESOLUTIONS:

RESOLUTION 2006-38

A RESOLUTION TO ADOPT PERSONNEL POLICIES AND PROCEDURES

WHEREAS, it is the policy of Township of Mansfield to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity

Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Township Committee has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Township Committee that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all municipal officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by municipal employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township committee.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the township shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that the Administrator and all managerial/supervisory personnel are responsible for these employment practices. The administrator and the Township Attorney shall assist the Administrator in the implementation of the policies and procedures in this manual.

Mr. Baldwin made a motion to approve Resolution 2006-38, seconded by Mrs. Oakley.

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

Nays: None

RESOLUTION NO. 2006-39
A RESOLUTION TO SUSPENDED ENFORCEMENT OF RIPARIAN BUFFER CONSERVATION
ZONES (ORDINANCE 2005-6) PENDING APPROVAL OF THE NJDEP

WHEREAS, the Code of the Township of Mansfield provides for testing and licensing of onsite septic systems in the Township of Mansfield beginning March 22, 2006, in accordance with Ordinance 2006-6; and

WHEREAS, the NJDEP has yet to approve the contents of said ordinance as a part of the

Mansfield Township Wastewater Management Plan;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Mansfield that the Township of Mansfield shall suspend enforcement of the provisions of Ordinance 2005-6 until further direction of the Township Committee.

This Resolution shall be effective immediately.

Ms. Nerbak made a motion to approve Resolution 2006-39, seconded by Mr. Baldwin.

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

Nays: None

ADMINISTRATORS REPORT:

In the absence of Mr. Lee, Mr. Coppola, CFO, handled the administrators report.

Mr. Coppola stated that Judge Palmer has interview set up for the Court Administrators position that is presently open, and that once the interviews have been conducted that the Judge will speak with the Court Subcommittee for Township of Mansfield and Washington to make his recommendations for hire.

Mr. Coppola stated that in the past the Township Committee had stated that there should be guidelines set for the League of Municipalities Convention. He asked if the Township Committee could try to get some of the guidelines down so that the procedure is in order.

Mr. Baldwin stated that the Township Committee should get a list of who it is that is requesting to go, why it is that they would like to go, and also that the only items that will be covered for the Convention by the Township will be the room, meals, and registration, not the travel expenses.

Ms. Nerbak and Mrs. Oakley stated that the proof of taking the class is required upon return from the Convention.

Mr. Coppola asked that the committee to please make a decision about the meeting room sound system.

Mr. Appleby stated that he should have a quote by the next meeting for what is need and the cost of the items needed.

Mr. Coppola asked if the committee wished to purchase the police vehicle. All of the Township Committee agreed that in July the purchase should be done.

Mr. Coppola asked Chief Ort to give the Township Committee his thoughts on the League of Municipalities Notice about Low Speed Vehicles, not powered by gas or diesel, and whether or not the township should act on this.

Chief Ort expressed his interest in the township creating an Ordinance to ban the low speed vehicles on roadways.

The Township Committee agreed that they would like an ordinance to be drafted to cover this issue.

Mr. Baldwin and Mr. Coppola told the Township Committee about the shared services workgroup that was attended by about seven of the local towns to discuss the possibility of a shared services agreement between towns to save the tax payers money.

Mr. Coppola asked if the Township Committee would be interested in appointing a subcommittee to handle the review of engineering inspections for developer agreements, possibly Mr. Baldwin and one other member of the committee.

Ms. Nerbak made a motion to appoint Mr. Baldwin and Mr. Watters to a subcommittee to work with Mr. Mace and Mr. Lee to list the engineering inspections included in Developers agreements, seconded by Mr. Appleby.

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

Mr. Baldwin stated that some of the Land Use Ordinances are not current to what needs are, certain needs and regulations have changed and our Ordinances have not been updated.

Mr. Mace stated that the Land Use Ordinances do need to at least be updated to agree with the Residential Site Improvement Standards.

Mr. Mace stated that he would like to rechapterize the Ordinances first and then go through and see what would need to be changed with the Ordinances.

Mr. Baldwin asked Mr. Mace if he could get totals together and let Mr. Lee know possibly how much it would cost to begin this type of restructuring.

ORDINANCES: (8:00 PM)

SECOND READING:

ORDINANCE 2006-13
AN ORDINANCE TO AMEND CHAPTER 20 LAND USE AND
PERFORMANCE STANDARDS FOR STORMWATER MANAGEMENT
COMPLIANCE

**Mansfield Township
Chapter XX Land Use and Performance Standards
Stormwater Management.**

20-11 Stormwater Management and Flooding

20-11.1 *Purpose.*

It is hereby found that uncontrolled stormwater runoff and flooding endanger life and damage public and private property, that this condition is aggravated by encroachments in the floodplain which contribute to flooding conditions by decreasing flood storage volumes, and that the most appropriate method of alleviating flooding conditions is through the regulation of both stormwater management and stream encroachments, and that such regulations are within the exercise of the police power of the township for the protection of the persons and property of its inhabitants and for the preservation of the health, safety and general welfare.

20-11.2 *General Provisions.*

Any application for major development in the township shall include sufficient information to carry out the intent and purpose of this section, which shall be administered by the township engineer in conjunction with approval by the Board. Special attention shall be given to proper sites for stormwater detention, surface drainage and groundwater recharge so that the surface water will not adversely affect neighboring properties or the public storm drainage system.

20-11.3 *Design Standards.*

In the preparation of a stormwater management plan, the following general principles shall be adhered to:

- a. Stormwater management systems shall emphasize a natural, as opposed to an engineered, drainage strategy. The extent of natural approach depends on such factors as site storage capacity, open channel hydraulic capacity, recharge capability and maintenance needs and resources. The extent of the stormwater management design shall be assessed through the use of the New Jersey Department of Environmental Protection (NJDEP) "New Jersey Nonstructural Stormwater Management Strategies Point System"(NSPS) or such other analysis technique suitable to the municipal approving authority.
 - b. Maximum use shall be made of presently existing stormwater runoff control devices, mechanisms or areas, such as existing berms, terraces, grass waterways, favorable hydrologic soils, swamps, swales, watercourses, woodlands and floodplains, as well as any proposed management structures.
 - c. Whenever practicable, planned or cluster development shall be employed and permitted if it will reduce the total area of impervious surfaces and preserve open space and topographic features critical to stormwater management.
 - d. Evaluation shall be made of the nature of the subwatershed of which the site is a part and of the receiving stream channel capacities.
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**Mansfield Township
Chapter XX Land Use and Performance Standards
Stormwater Management.**

- e. Stormwater runoff shall not be transferred from one subwatershed to another.
- f. The plan should coordinate with the soil erosion sediment control plan.
- g. To the greatest possible extent, the plan shall avoid the concentration of flow and shall provide for dissipation of velocities at all concentrated discharge points.
- h. Reestablishing vegetative cover shall be in accordance with the Standards and Specifications for Soil Erosion and Sediment Control in New Jersey, latest edition.
- i. Timing for the plan shall establish permanent stormwater management measures prior to construction or other land disturbance, to include seeding and establishing sod in grass waterways.

20-11.4 *Design Criteria.*

- a. For calculating runoff amounts and for design of controls the provisions of Subchapter 7 entitled Stormwater Management of the "Residential Site Improvement Standards" N.J.A.C. 5:21-7.1 *et. seq* shall be employed., b. All stormwater management techniques and devices shall conform to the provisions of the NJDEP provisions for Stormwater Management as set forth in N.J.A.C. 7:8. The following subchapters shall be specifically included:
 - 1. Definitions shall be as set forth in N.J.A.C. 7:8-1.2 with the following additions or modifications which shall be applicable to this article only and as may be referred to in references to this article:

County Review Agency shall mean the Warren County Planning Board.

Municipality shall mean the Township of Mansfield, Warren County, New Jersey.

N.J.A.C. means the New Jersey Administrative Code.

NJDEP means the New Jersey Department of Environmental Protection

NSPS means the Nonstructural Stormwater Management Strategies Point System as published by the NJDEP.

Mansfield Township
Chapter XX Land Use and Performance Standards
Stormwater Management.

2. Applicability shall be as set forth in N.J.A.C. 7:8-1.6 (a) & (b)
3. Design and performance standards shall be as set forth in N.J.A.C. 7:8-5 except as follows:
 - (a) Article 5.3 (a) shall be supplemented as follows:

The applicant shall demonstrate through the use of the NSPS the degree of conformance with these regulations.
 - (b) Article 5.3 (c) setting forth standards for land incorporated into nonstructural stormwater management measures shall be change to read as follows:
 1. Any land area used as a nonstructural stormwater management measure to meet the performance standards in N.J.A.C. 7:8-5.4 and 5.5 shall comply with at least one of the following:
 - i. be dedicated to a government agency (subject to the concurrence and approval of said agency),
 - ii. subjected to a conservation restriction filed with the Warren County Clerk's office, or
 - iii. subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.
 2. Any land subject to the provisions of i, ii, or iii. above, except that land dedicated and accepted by Mansfield Township, shall also be subject to maintenance, inspection and reporting provisions as required by N.J.A.C. 7:8-5.8 entitled "Maintenance Requirements" and the requirements of the stormwater NJPDES permit issued to Mansfield Township and N.J.A.C. 7:14A-25.7. An agreement shall be drawn between the Township and the party designated to provide maintenance and inspection services. In addition a bond in a accordance with the provisions of N.J.A.C. 7:8-5.8(i).
 3. Provisions shall be made to require that the party providing maintenance and inspection shall on an annual basis and at least two months prior to the required reporting date of the Township (April 30 at the writing of this ordinance, subject to change by NJDEP) provide to the Township a completed copy of the municipal annual reporting form (provided by the

**Mansfield Township
Chapter XX Land Use and Performance Standards
Stormwater Management.**

Mansfield Township Stormwater Management
Coordinator) for the subject property including the
required certifications. In addition the Township shall
have the right to audit the information within the report.

- (c) Safety standards shall be as set forth in N.J.A.C. 7:8-6.
- 4. Erosion control, groundwater recharge and runoff quantity standards shall be as set forth in N.J.A.C. 7:8-5.4.
- 5. Stormwater runoff quality standards shall be as set forth in N.J.A.C. 7:8-5.5
- 6. Calculation of stormwater runoff and groundwater recharge shall be as set forth in N.J.A.C. 7:8-5.6 provided that where the standards in this section are in conflict with the standards in the Residential Site Improvement Standards then the standards herein shall control.
- 7. Standards for structural stormwater management measures shall be as set forth in N.J.A.C. 7:8-5.7 except as set forth as follows:
 - (a) Article 7:8-5.7(a) 1 shall be amended to require that a plan indicating the location and method of determination of each environmentally critical area shall be supplied.
- 8. Maintenance requirements shall be as set forth in N.J.A.C. 7:8-5.8.

20-11.5 *Stream Encroachments and Stream Buffers.*

No structure shall be built on a lot any side of which fronts on a natural watercourse unless a permit or certificate of exemption has been issued by the New Jersey Department of Environmental Protection or as appropriate by the Township of Mansfield as follows:

- (a) as required by the Stream Encroachment Law, R.S. 58:1-26, et seq., and the Floodplain Act, R.S. 58:16A-50, et seq;
- (b) as required by N.J.A.C. 7:8-5.5(h) special water resource protection areas, also known as Category One waters; and
- (c) as required by Chapter XXII, Zoning article 22-4.8 entitled "Riparian Buffer Conservation Zone".

**Mansfield Township
Chapter XXI Land Subdivision and Site Plan Review
Stormwater Management**

21 Land Subdivision and Site Plan Review

§21-5.3 Minor Subdivision Plat

Sub-article d. is changed to read as follows:

- d. Existing and proposed drainage and stormwater management features of the property and surrounding area within 200 feet (for example, culverts, wetlands, water areas, streams and leads subject to occasional flooding) and a stormwater management plan and report complying with §21-5.4 c. 3. (d)

§21-5.4 Preliminary Subdivision Plat

The following is added §21-5.4 c. 3

- (d) Stormwater Management Plan and Report shall consist of the following elements:
 - (1) Existing conditions mapping shall include a topographic survey of the property which shall include indications of existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, property lines, and significant natural and manmade features not otherwise enumerated.
 - (2) An Environmental Site Analysis which shall consist of a written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. This mapping may utilize appropriate portions of the environmental impact statement or analysis as required by §20-4.1 and may cross reference said mapping.
 - (3) A Stormwater Management Facilities Map and Report which shall be a comprehensive map indicating all existing and proposed site features upon which the required stormwater management facilities are based. This shall include the following elements:
 - [a] existing and proposed site conditions which affect compliance with the requirements of §20-11 Stormwater Management and Flooding;
 - [b] a demonstration of how the goals and standards of §20-11 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible;
 - [c] an indication of the stormwater management facilities which shall include:
 - [1] total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the

**Mansfield Township
Chapter XXI Land Subdivision and Site Plan Review
Stormwater Management**

- [2] proposed plan to control and dispose of stormwater;
details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway;
- [d] a set of calculations documenting compliance with §20-11 which shall include as a minimum:
 - [1] a copy of the NSPS with a key to the stormwater management facilities map for each element of the calculations.
 - [2] comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §20-11
 - [3] when the proposed stormwater management control measures (e.g., infiltration devices or features) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.
- (4) A Maintenance and Repair Plan and report describing the procedures required to meet the maintenance requirements of §20-11

§21-5.5 Improvement and Utility Plans

Sub-article f.6. shall be changed as follows:

- 6. Final design computations and an updated stormwater management plan and report complying with §21-5.4 c. 3. (d)

§21-7.5 Site Plan Information for Preliminary Approval

Sub-article j shall be changed as follows:

- (i) The approximate location and size of all existing and proposed storm drainage facilities, plus all required preliminary design data supporting the adequacy of the existing or proposed facility to handle future storm flows and analysis of the capacity of the facility into which the stormwater will flow and a stormwater management plan and report complying with §21-5.4 c. 3. (d)

§21-7.7 Final Site Plan Requirements

Sub-article c.15 shall be changed as follows:

- 15. The location, type and size of all existing and proposed catchbasins and storm drainage facilities with profiles thereof, including design calculations, plus all

**Mansfield Township
Chapter XXI Land Subdivision and Site Plan Review
Stormwater Management**

required design data supporting the adequacy of all existing facilities to accept the additional stormwater and an updated stormwater management plan and report.

The "Checklists" in this chapter shall be changed as follows:

MINOR SUBDIVISION PLAN CHECKLIST

_____ 21-5.3d Existing and proposed drainage features
_____ Stormwater Management Plan and Report

MAJOR SUBDIVISION PRELIMINARY PLAT CHECKLIST

_____ 21-5.4c 3. (c) Preliminary design computations
_____ (d) Stormwater Management Plan and Report

MAJOR SUBDIVISION IMPROVEMENT & UTILITY PLAN CHECKLIST

_____ 21-5.3f 6. Existing and proposed drainage features
_____ Stormwater Management Plan and Report

PRELIMINARY SITE PLAN CHECKLIST

_____ 21-7.5j Existing and proposed drainage features
_____ Stormwater Management Plan and Report

FINAL SITE PLAN CHECKLIST

_____ 21-7.7c 15 Existing and proposed drainage features
_____ Stormwater Management Plan and Report

Mr. Baldwin made a motion to approve the passage of Ordinance 2006-13, seconded by Mr. Appleby.

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

Nays: None

COMMITTEE PERSON COMMENTS:

Mr. Coppola stated that there is a reserve for \$25,000 for the design work and purchase of right of ways for Snyder Road expansion, a grant was applied for about three years ago for this project and we were denied the grant. Mr. Coppola asked if the Township Committee would like to still see this work be performed in the future, and try to apply for another grant, or apply the money in other ways to something else that is needed in the town.

The Township committee asked if we could get the pricing for the permits and costs of the right of way purchases would be.

Mr. Mace stated that he would be checking on the pricing and would get back to the committee.

Mr. Coppola stated that the Planning Board has requested that we send Joseph Layton, Township Planner to the Highlands Commission Meetings to provide input and direction to the Planning Board.

Ms. Nerbak stated that we presently have someone that goes to the Highlands Commission Meetings, James E. Kessler, he will be reported to the Township Committee and he could also report to the Planning Board and provide assistance with what he is learning from the meetings.

Discussions ensued about the Open Space tax and the reason that it can be used for Recreation.

All discussions were postponed for the following meeting.

RESOLUTION AUTHORIZING EXECUTIVE SESSION

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:

(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.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Mansfield, assembled in public session on March 22, 2006, that an Executive Session closed to the public shall be held on March 22, 2006 at 9:15 p.m. 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 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. Baldwin made motion to adjourn Executive Session at 9:35 pm, which was carried by all.

Mr. Baldwin made motion to adjourn the meeting at 9:40 pm, which was carried by all.

Respectfully Submitted,

Dena Hrebenak