December 12, 2019

The Township Committee met on the above date with Mayor Rita Romeu calling the meeting to order at 7:00 PM. The meeting opened with the flag salute and a moment of silence. Roll call was taken showing present: Mayor Rita Romeu, Deputy Mayor Denise Koetas-Dale, Committeemen Jeremy Liedtka and Committeewoman Andrea Katz. Also present Township Administrator/Police Chief Kyle Wilson; Township Attorney John Gillespie and Township Engineer Joe Hirsh. Absent was Shreekant Dhopte.

The Open Public Meetings Act statement was read and compliance noted.

AGENDA MATTER(S) REQUIRING RECUSAL(S) -none

COMMENTS FROM THE PUBLIC MATTERS ON THE AGENDA ONLY - NONE

CONSENT AGENDA

Ms. Koetas-Dale made a motion seconded by Ms. Katz to approve the November 13th minutes and October Finance Report. All were in favor.

TOWNSHIP ENGINEER REPORT

Mr. Hirsh reported on the following projects:

<u>Harker Road Phase II</u> – Waiting for punch list to be completed. He met with the contract out at the site and waiting for response and additional cost for aprons.

Sykesville Road Phase I has been approved to go out to bid.

Sykesville Road Phase II has been approved for \$244,000. He stated they are asking DOT if they can join the projects and bid as one project and hopefully get a better price.

Mr. Liedtka asked where the starting point is and does not want to jump around. Mr. Hirsh stated they will not be jumping around. The plan is to start on the south side of "Townsend Pond" and work toward Route 528. Mr. Liedtka would like to see it start at Route 537 and go as far as we can go. The area north of the pond is probably in worse shape than the rest of the road. Mr. Hirsh will re-evaluate and see if the starting point can be changed.

Burlington County Parks Grant- Still awaiting awards.

CDBG – Still awaiting awards.

ORDINANCES FOR INTRODUCTION

Ms. Koetas-Dale made a motion seconded by Ms. Katz to introduce Ordinance 2019-27. All were in favor. Public Hearing will be December 30, 2019.

TOWNSHIP OF CHESTERFIELD ORDINANCE NO. 2019-27

AN ORDINANCE TO REPEAL ORDINANCE 2018-11, WHICH ESTABLISHED A REFUNDABLE DEPOSIT FEE FOR MUNICIPAL PARKS AND RECREATION PROPERTIES

WHEREAS, by Ordinance 2018-11, the Township Committee of the Township of Chesterfield amended Section 110-146 of the Code of the Township of Chesterfield, entitled "Parks and Recreation", to add subparagraph A(4), establishing a "Refundable Key Deposit \$20.00"; and

WHEREAS, the Township has determined that said fee has proven to be unnecessary, and wishes to eliminate same; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Chesterfield, County of Burlington and State of New Jersey, that Ordinance 2018-11, and Section 110-146 A(4), be and the same are hereby repealed, and the refundable key deposit of \$20.00 is hereby eliminated.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: December 12, 2019

Adopted:

RECORD OF VOTE													
INTRODUCTION					ADOPTION								
TWP COMMITTEE	AYE	NAY	NV	АВ	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
S Dhopte				Χ			S Dhopte						
A Katz	Х					Х	A Katz						
D Koetas-Dale	Х				Х		D Koetas-Dale						
J. Liedtka	Х						J. Liedtka						
R Romeu	Х						R Romeu						
	X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded												

Mr. Liedtka made a motion seconded by Ms. Katz to introduce Ordinance 2019-28. All were in favor. Public Hearing will be December 30, 2019.

TOWNSHIP OF CHESTERFIELD ORDINANCE 2019-28

AN ORDINANCE AMENDING ORDINANCE 2019-2 TO FIX AND ADJUST THE COMPENSATION FOR CERTAIN POSITIONS

WHEREAS, Ordinance 2019-2 fixes the salary and wages for all employees; and

WHEREAS, the position of Building/Fire Inspector, Building/Subcode Official and Construction Official will become a part-time position beginning January 1, 2020 compensated at an hourly rate;

BE IT ORDAINED that the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey hereby amends the ordinance to remove Building/Fire Inspector, Building/Subcode Official and Construction Official from annual salary and adjust hourly rate as follows:

TITLE	PER I	HOUR	
Inspector/Subcode/Construction Official	\$	36.00	\$ 60.00

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: December 12, 2019

Adopted:

RECORD OF VOTE													
	IN	roduc	CTION						ADOPT	ION			
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
S Dhopte				Х			S Dhopte						
A Katz	Х					Х	A Katz						
D Koetas-Dale	Х						D Koetas-Dale						
J Liedtka	Х				Х		J Liedtka						
R Romeu	Х						R Romeu						
	X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded												

Mayor Romeu explained Ordinance 2019-29. She stated it doesn't appear the State will mandate it right now. 125 municipalities have passed similar resolutions and she thinks this will help get the State to move forward. Ms. Katz asked if existing businesses would be exempt or if it effects everyone. Mr. Gillespie stated it would be everyone and that it would not go into effect until 6 months after the publication of adoption. Mr. Wilson stated that when this was going to be introduced before it was suggested that there be some outreach to the effected businesses and farmers. Ms. Katz asked if anyone reached out. Ms. Romeu stated she has and they seemed to be ok with it. She stated we would probably need to discuss an education process.

Ms. Koetas-Dale made a motion seconded by Ms. Katz to introduce Ordinance 2019-29. All were in favor. Public Hearing will be December 30, 2019.

TOWNSHIP OF CHESTERFIELD ORDINANCE NO. 2019-29

AN ORDINANCE ADDING A NEW CHAPTER TO THE <u>TOWNSHIP CODE OF THE</u> <u>TOWNSHIP OF CHESTERFIELD</u> ENTITLED "SINGLE-USE PLASTIC BAGS"

WHEREAS, the Township Committee of the Township of Chesterfield desires to protect its natural environment, safeguard its wild and marine life, and reduce waste and litter; and

WHEREAS, single-use plastic disposable bags are significantly contribute to litter and plastic pollution in New Jersey, diminish the operating life of local landfills, and increase the economic and environmental costs of managing waste.

NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey, that the <u>Township Code of the Township of Chesterfield</u> is hereby amended by the addition of the following

ARTICLE I. NEW CHAPTER

A. Chapter 187 "Single-Use Plastic Bags"

§187-1 Definitions

- a. Compliant Bag—A reusable bag is a durable carryout bag with stitched handles for reinforcement made from any natural or synthetic material other than plastic film including, but not necessarily limited to, woven or nonwoven plastic or cloth, that is at least 10 mils thick, and that is specifically designed and manufactured for multiple reuse, and that is machine-washable or is made from a material that can be cleaned or disinfected regularly.
- b. Compostable Plastic—Plastic that undergoes degradation by biological processes during composting to yield CO2, water, inorganic compounds, and biomass at a rate consistent with other known compostable materials and that leaves no visible, distinguishable, or toxic residue.
- c. Customer—Any person purchasing goods or services from a retail establishment.
- d. Operator—The person in control of, or having the responsibility for, the operation of a retail establishment, which may include, but is not limited to, the owner of the retail establishment.
- e. Person—Any natural person, firm, corporation, partnership, or other organization or group, however organized.
- f. Post-Consumer Recycled Material—A bag constructed of a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. "Post-consumer recycled material" does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.
- g. Produce Bag/Product Bag—A very thin bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a retail establishment or, for reasons of public health and safety, to prevent such food items from coming into direct contact with other purchased items.
- h. Recyclable—Material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of reusing the altered, incinerated, converted, or otherwise thermally destroyed solid waste generated therefrom. The material must be recycled in a manner that is environmentally effective, economically feasible, and safe for employees as deemed feasible by the municipality.
- i. Retail Establishment—Any store or commercial establishment that sells

perishable or nonperishable goods, including, but not limited to, clothing, food, and personal items, directly to the customer and is located within or doing business within the geographical limits of the (municipality). Retail establishments include: a business establishment that generates a sales or use-tax; a drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other commercial entity engaged in the retail sale of a limited line of goods that include milk, bread, soda, and snack foods; a public eating establishment (i.e., a restaurant, take-out food establishment, or any other business that prepares and sells prepared food to be eaten on or off its premises); and a business establishment that sells clothing, hardware, or any other nonperishable goods. "Retail establishment" does not include nonprofit charitable organization as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization that reuses and recycles donated goods or materials and receives more than 50% of its revenues from the handling and sale of those donated goods or materials.

- j. Single-use Paper Carry-out Bag—Any carrier bag made predominately of paper.
- k. Single-use Plastic Carry-out Bag—Any bag made predominantly of plastic derived from either petroleum or a biologically based source, such as corn or other plant sources, that is provided by an operator of are retail establishment to a customer at the point of sale. The term includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags. This definition specifically exempts the following from the category of "single-use plastic carry-out bag":

Ι.

- Bags provided by operators and used by consumers inside retail establishments to:
 - 1. Package bulk items, such as fruit, vegetables, nuts, grains, candies, or small hardware items;
 - 2. Contain or wrap frozen foods, meat, or fish, whether packaged or not;
 - 3. Contain or wrap flowers, potted plants, or other items where dampness may be an issue;
 - 4. Contain unwrapped prepared foods or bakery goods; or
 - 5. Pharmacy prescription bags.
- ii. Newspaper bags, door-hanger bags, laundry and/or dry-cleaning bags, or bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags, yard waste bags, or pet waste bags.

No retail establishment shall provide to any customer a single-use plastic/paper carry-out bag, as defined above. This prohibition applies to bags provided for the purpose of carrying goods away from the point of sale and does not apply to product bags or to produce bags used to carry produce within the retail establishment to the point of sale. The prohibition applies to single-use plastic/paper carry-out bags used for take-out deliveries from retail establishments within the municipality. The point of sale in such transactions is deemed to be at the retail establishment, regardless of where payment for the transaction physically occurs.

§187-3 Availability and use of compliant bags

- A. All retail establishments shall make available to customers, for a fee, compliant bags, as defined herein, for the purpose of carrying goods or other materials away from the point of sale, subject to the provisions of this chapter. The fee charged shall be reflected in the sales receipt.
- B. Nothing in this chapter prohibits customers from using bags of any type that they choose to bring to retail establishments themselves, in lieu of using bags available for a fee from the retail establishment, or from carrying away goods that are not placed in a bag.

§187-4 Fees for provision of compliant bags.

- A. A retail establishment may provide customers with a reusable bag, as defined herein, for a fee of at least \$0.10.
- B. All monies collected by retail establishments under this chapter shall be retained by the store.

§187-5 Use of reusable bags encouraged.

- A. A retail establishment may choose, in its discretion, to provide a credit to customers that choose to bring their own bags.
- B. Each retail establishment shall be strongly encouraged to educate its staff to promote the use of reusable bags and to post signs encouraging customers to use reusable bags rather than recyclable paper carry-out bags.
- C. A retail establishment is strongly encouraged to educate on plastic bag and plastic film recycling and offer a take back program.
- D. The (governing body) may choose to increase the fee for compliant bags for continued enforcement of behavioral change.

§188-7 Enforcement; violations and penalties

- A. The department (E.g., Code Enforcement) or his/her designee, has the responsibility for enforcement of this chapter and may promulgate reasonable rules and regulations in order to enforce the provisions thereof, including, but not limited to, investigating violations and issuing fines.
- B. Any retail establishment that violates or fails to comply with any of the requirements of this chapter after an initial written warning notice has been issued for that violation shall be liable for an infraction.

- C. If a retail establishment has subsequent violations of this chapter after the issuance of an initial written warning notice of a violation, the following penalties will be imposed and shall be payable by the operator of the retail establishment:
 - A fine not exceeding \$100 for the first violation after the written warning notice is given;
 - b. A fine not exceeding \$200 for the second violation after the written warning notice is given; or
 - c. A fine not exceeding \$500 for the third and any subsequent violations after the written warning notice is given.
- D. A fine shall be imposed for each day a violation occurs or is allowed to continue.
- E. Any appeal of a written warning notice or fine shall be conducted pursuant to standard municipal regulations and procedures concerning appeals already adopted by the (municipality).

§188-8 Authority to promulgate rules

The Code Enforcement Department shall have the authority to promulgate rules as necessary and appropriate for the implementation of this chapter.

ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. <u>Repealer.</u> Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. <u>Severability.</u> In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. <u>Effective Date.</u> This Ordinance shall take effect six months after proper passage in accordance with the law.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: December 12, 2019

Adopted:

	RECORD OF VOTE - ORDINANCE 2019-29												
INTRODUCTION					ADOPTION								
TWP COMMITTEE	AYE	NAY	NV	АВ	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	АВ	ORD	SE C
S Dhopte				Χ			S Dhopte						
A Katz	Х					Х	A Katz						
J Liedtka	Х						J Liedtka						
D Koetas-Dale	Х				Х		D Koetas-Dale						
R Romeu	Х						R Romeu						
	X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded												

Ms. Katz made a motion seconded by Ms. Koetas-Dale to open the public hearing on Ordinance 2019-26. All were in favor.

Mike Stein – 19 Greenview Drive – asked for an explanation of the Ordinance. Mr. Wilson stated the rates for outside employment have not been adjusted in 4-5 years. This ordinance will bring the Township rate up to \$70 per hour. Some towns are as much as \$100 per hour. The ordinance also address how the administrative costs are handled when utilizing officers outside of Chesterfield Township and establishing a vehicle rate based on hours. Mr. Stein asked if this was for security details as well. Mr. Wilson stated yes and each town has their own rate. When working in another town, the fee paid is based on that towns rates.

Hearing no further comments, Ms. Katz made a motion seconded by Ms. Koetas-Dale to close the public hearing.

Ms. Katz made a motion seconded by Ms. Koetas-Dale to adopt Ordinance 2019-26. All were in favor.

TOWNSHIP OF CHESTERFIELD ORDINANCE NO. 2019-26

AN ORDINANCE TO AMEND CHAPTER 42 OF THE <u>CODE OF THE TOWNSHIP OF</u> <u>CHESTERFIELD</u>, AND SPECIFICALLY ARTICLE II OF SAME ENTITLED "OUTSIDE EMPLOYMENT OF POLICE OFFICERS"

BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey as follows:

ARTICLE I. AMENDED SECTIONS.

A. SECTION 42-21, entitled "Payment for Extra Duty Assignments; Establishment of Fund", and relating to the administrative costs associated with the payment for extra duty police assignments, is hereby amended as to the following subparagraphs:

"42-21. Payment for Extra Duty Assignments; Establishment of Fund:

- A. [No Change]
- B. The rate to be charged under this Section shall be as follows:
 - (1) Contracts signed at least 24 hours in advance of the assignment:
 - a. \$70.00 per hour per Police Officer Monday through Friday; and
 - b. \$97.50 per hour per Police Officer Saturday, Sunday and

Holidays.

- (2) Contract signed less than 24 hours in advance of the assignment:
 - a. [No Change]
 - b. [No Change]
- (3) [No Change]"
- **B. SECTION 42-22**, entitled "**Administrative Costs**", is hereby amended to add the following sentence to the existing text:

"In the event that the Chief of Police arranges with surrounding police agencies to provide assistance in performing these outside police details, the \$15.00 per hour administrative fee shall be paid as follows: \$9.00 per hour will remain with

Chesterfield Township to cover the costs associated with scheduling, coordinating, invoicing, etc.; and the balance of \$6.00 will be paid to the municipality from whom the assistance is lent, which \$6.00 shall cover the costs associated with mandatory payroll deductions for those hours."

C. SECTION 42-23, entitled "**Use of Township Vehicles**", is hereby amended to read as follows:

"Police Officers engaging in off-duty activities, as authorized and required by this Article, may be permitted to utilize a municipal vehicle, subject to the approval of the Chief of Police. If a municipal vehicle is utilized, the private employer shall also pay the Township of Chesterfield a fee of \$150.00 for the first 8 hours of usage of said vehicle or any portion thereof; any additional hours beyond the first 8 hours will be billed at the rate of \$50.00 per each 4 hour increment, or portion thereof. A 'day', is defined as a 24-hour period beginning 12 midnight to 11:59:59 pm. A new day starts at midnight and thus, a new fee of \$150.00 begins at midnight in the event that usage of the police vehicle goes beyond 11:59:59 of the day."

D. [No Change]

ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. <u>Repealer.</u> Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. <u>Severability.</u> In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. <u>Effective Date.</u> This Ordinance shall take effect upon proper passage in accordance with the law.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: November 13, 2019 Adopted: December 12, 2019

RECORD OF VOTE – ORDINANCE 2019-26													
	INTRODUCTION							ADOP	ΓΙΟΝ				
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	АВ	ORD	SEC
S Dhopte	Х						S Dhopte				Х		
A Katz	Х				Х		A Katz	Х				Х	
J Liedtka	Χ						J Liedtka	Χ					
D Koetas-Dale	Х					Х	D Koetas-Dale	Х					Х
R Romeu	Х						R Romeu	Х					
	X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded												

RESOLUTIONS

Ms. Koetas-Dale made a motion to adopt Resolution 2019-12-2 seconded by Mr. Liedtka. All were in favor.

TOWNSHIP OF CHESTERFIELD RESOLUTION 2019-12-2

RESOLUTION AUTHORIZING CANCELLATION OF TAX SALE CERTIFICATE DUE TO REDEMPTION OF SAME

WHEREAS, the Township of Chesterfield is the owner of a certain Tax Sale Certificate relating to property located at Block 107, Lot 2.3 on tax maps of the Township of Chesterfield, and more familiarly known as 41 Shanahan Lane; and

WHEREAS, on November 15, 2019 said Certificate was redeemed by payment in full to the Township's Tax Collector, thereby satisfying the debt associated with said Tax Sale Certificate; and

WHEREAS, it is appropriate to authorize cancellation of same with the County Clerk's office so that this Certificate is no longer a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey, that the Mayor and Tax Collector be and are hereby authorized and directed to execute such documents as may be necessary to cancel said tax lien of record, and to file said cancellation with the appropriate authorities, including the Burlington County Clerk.

CHESTERFIELD TOWNSHIP COMMITTEE

~~~~~~~

Mr. Liedtka made a motion to adopt Resolution 2019-12-3 seconded by Ms. Katz. All were in favor.

# TOWNSHIP OF CHESTERFIELD RESOLUTION 2019-12-3

### RESOUTION AUTHORIZING REFUND OF ESCROW FUNDS

**WHEREAS,** in reviewing escrow balances, the Clerk and Planning Board Secretary have determined that there are inactive accounts; and

**WHEREAS**, the TDR and/or Planning Board applications for these inactive accounts are no longer in need of escrow funds; and

**WHEREAS**, two accounts are bonds no longer needed as listed below:

Douglas Tavern - Site Plan completed

# State Environmental – Sewer Operator Bond from 2005

**WHEREAS**, the Professional staff have indicated there are no outstanding invoices and there will be no future invoices in regard to the applications; and

**WHEREAS,** Schedule A, which is attached and made part of this resolution, is a listing of the inactive escrow accounts having balances to be refunded to the owner; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey that the escrow balances for the inactive accounts totaling \$9,056.80 be returned to the owner(s) of the funds in the amounts as on the attached Schedule A.

### CHESTERFIELD TOWNSHIP COMMITTEE

### "SCHEDULE A"

| APPLICANT NAME               | PROJECT DESCRIPTION         | AMOUNT         |
|------------------------------|-----------------------------|----------------|
|                              |                             |                |
| Dan Brown                    | Brown's Landscaping         | \$<br>409.72   |
| Joseph Burg                  | TDR 1102/5.01               | \$<br>500.00   |
| Crosswicks Foundation        | 467 Main St. B/L 300/3      | \$<br>179.62   |
| Crosswicks Inn Keepers       | Douglas Tavern              | \$<br>1,632.42 |
| Michael Dolan                | TDR Escrow                  | \$<br>380.00   |
| Lawrence Durr                | TDR Enrollment B/L 204/6.01 | \$<br>1,471.62 |
| Marsha Gilligo               | TDR Application             | \$<br>470.00   |
| Brian Gordaychik             | TDR Enrollment              | \$<br>5.00     |
| Pamela Liptak                | Liptak B/L 500/4.01         | \$<br>540.62   |
| State Environmental Services | Performance Bond Sewer Op   | \$<br>2,853.00 |
| Barclay Townsend             | TDR B/L 1102/23.03          | \$<br>244.40   |
| Barclay Townsend             | TDR Assignment              | \$<br>3.00     |
| Craig Yates                  | TDR Enrollment & Assignment | \$<br>367.40   |
|                              |                             |                |
| TOTAL                        |                             | \$<br>9,056.80 |

Mr. Wilson explained the personnel policy update and that it is now required by the State. Training is also required but there was no information provided on where to obtain same. Mr. Wilson reached out to Mr. Gillespie who was able to locate the required training.

Mr. Liedtka made a motion to adopt Resolution 2019-12-4 seconded by Ms. Koetas-Dale. All were in favor.

# TOWNSHIP OF CHESTERFILED RESOLUTION 2019-12-4

RESOLUTION AMENDING THE TOWNSHIP OF CHESTERFIELD PERSONNEL AND EMPLOYEE MANUAL

WHEREAS, the Township Committee for the Township of Chesterfield adopted an Employee Manual by Resolution 2012-5-7 on May 26, 2016, which has been amended from time to time; and

**WHEREAS**, the State of New Jersey requires employers to have a Domestic Violence Policy; and

WHEREAS, the purpose of the State of New Jersey Domestic Violence Policy for Public Employers (herein "policy") is to set forth a uniform domestic violence policy for all public employers to adopt in accordance with N.J.S.A. 11A:2-6a. The purpose of this policy is also to encourage employees who are victims of domestic violence, and those impacted by domestic violence, to seek assistance from their human resources officers and provide a standard for human resources officers to follow when responding to employees; and

**WHEREAS**, in order to effectuate the change the Employee Handbook requires revision; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey that the Personnel and Employee Manual, a copy of which is attached hereto, is hereby adopted as amended.

**BE IT FURTHER RESOLVED** that a copy of the Policy shall be distributed to all Township employees and officials.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

CHESTERFIELD TOWNSHIP COMMITTEE

# DOMESTIC VIOLENCE POLICY FOR PUBLIC EMPLOYERS

**Prepared for:** 

**TOWNSHIP OF CHESTERFIELD** 

| Reviewed by (print name):                                          |         |
|--------------------------------------------------------------------|---------|
| Signature:                                                         | Date:   |
|                                                                    |         |
| TABLE OF CONTENTS                                                  |         |
| PURPOSE                                                            | 14      |
| DEFINITIONS                                                        | 14      |
| PERSONS COVERED BY THIS POLICY                                     | 15      |
| RESPONSIBILITY OF EMPLOYERS TO DESIGNATE A HUMAN RESOURCES OFFICER | 15      |
| DOMESTIC VIOLENCE REPORTING PROCEDURES                             | 16      |
| CONFIDENTIALITY POLICY                                             | 17      |
| CONFIDENTIALITY OF EMPLOYEE RECORDS                                | 17      |
| THE NEW JERSEY SECURITY AND FINANCIAL EMPOWERMENT                  | Г АСТ18 |
| PUBLIC EMPLOYER DOMESTIC VIOLENCE ACTION PLAN                      | 18      |
| RESOURCES                                                          | 19      |
| DISTRIBUTION OF POLICY                                             | 19      |
| POLICY MODIFICATION AND REVIEW                                     | 20      |
| POLICY ENFORCEABILITY                                              | 20      |

### **PURPOSE**

The purpose of the State of New Jersey Domestic Violence Policy for Public Employers (herein "policy") is to set forth a uniform domestic violence policy for all public employers to adopt in accordance with N.J.S.A. 11A:2-6a. The purpose of this policy is also to encourage employees who are victims of domestic violence, and those impacted by domestic violence, to seek assistance from their human resources officers and provide a standard for human resources officers to follow when responding to employees.

### **DEFINITIONS**

The following terms are defined solely for the purpose of this policy:

Domestic Violence - Acts or threatened acts, that are used by a perpetrator to gain power and control over a current or former spouse, family member, household member, intimate partner, someone the perpetrator dated, or person with whom the perpetrator shares a child in common or anticipates having a child in common if one of the parties is pregnant. Domestic violence includes, but is not limited to the following: physical violence; injury; intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; cyber harassment; stalking; economic abuse or control; damaging property to intimidate or attempt to control the behavior of a person in a relationship with the perpetrator; strangulation; or abuse of animals or pets.

Abuser/Perpetrator - An individual who commits or threatens to commit an act of domestic violence, including unwarranted violence against individuals and animals. Other abusive behaviors and forms of violence can include the following: bullying, humiliating, isolating, intimidating, harassing, stalking, or threatening the victim, disturbing someone's peace, or destroying someone's property.

Human Resources Officer (HRO) –An employee of a public employer with a human resources job title, or its equivalent, who is responsible for orienting, training, counseling, and appraising staff. Persons designated by the employer as the primary or secondary contact to assist employees in reporting domestic violence incidents.

Intimate Partner - Partners of any sexual orientation or preference who have been legally married or formerly married to one another, have a child or children in common, or anticipate having a child in common if one party is pregnant. Intimate partner also includes those who live together or have lived together, as well as persons who are dating or have dated in the past.

Temporary Restraining Order (TRO) -A civil court order issued by a judge to protect the life, health or well-being of a victim. TROs can prohibit domestic violence offenders from

having contact with victims, either in person or through any means of communication, including third parties. TROs also can prohibit offenders from a victim's home and workplace. A violation of a TRO may be a criminal offense. A TRO will last approximately 10 business days, or until a court holds a hearing to determine if a Final Restraining Order (FRO) is needed. In New Jersey, there is no expiration of a FRO.

Victim - A person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. A victim of domestic violence is also any person, regardless of age, who has been subjected to domestic violence by one of the following actors: a person with whom the victim has a child in common; a person with whom the victim anticipates having a child in common, if one of the parties is pregnant; and a person with whom the victim has had a dating relationship.

Workplace-Related Incidents- Incidents of domestic violence, sexual violence, dating violence, and stalking, including acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, that imperil the safety, well-being, or productivity of any person associated with a public employee in the State of New Jersey, regardless of whether the act occurred in or outside the organization's physical workplace. An employee is considered to be in the workplace while in or using the resources of the employer. This includes, but is not limited to, facilities, work sites, equipment, vehicles, or while on work-related travel.

### PERSONS COVERED BY THIS POLICY

All employees of the Township of Chesterfield are covered under this policy, including full and part time employees, casual/seasonal employees, interns, volunteers and temporary employees at any workplace location.

# RESPONSIBILITY OF EMPLOYERS TO DESIGNATE A HUMAN RESOURCES OFFICER

The Township of C hereby designates the following employees as the Primary HRO and Secondary HRO, to assist employees who are victims of domestic violence.

Primary HRO:

Kyle Wilson Chief of Police & Township Administrator

Secondary HRO:

Glenn McMahan Tax Accessor/ Zoning Officer

The designated Primary and Secondary HRO shall receive training on responding to and assisting employees who are domestic violence victims in accordance with this policy.

Managers and supervisors are often aware of circumstances involving an employee who is experiencing domestic violence. Managers and supervisors are required to refer any employee who is experiencing domestic violence or who report witnessing domestic violence to the designated HRO. Managers and supervisors must maintain confidentiality, to the extent possible, and be sensitive, compassionate, and respectful to the needs of persons who are victims of domestic violence.

The name and contact information of the designated HRO will be provided to all employees This will be completed by way of a memo to each employee as well as receiving the updated Handbook via email.

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines that impose a duty to report. For example, if there is any indication a child may also be a victim, reporting is mandatory to the Department of Children and Families, Child Protection and Permanency, under N.J.S.A. 9:6-8.13.

### DOMESTIC VIOLENCE REPORTING PROCEDURES

Employees who are victims of domestic violence are encouraged to seek immediate assistance from their HRO. Employees who have information about or witness an act of domestic violence against an employee, are encouraged to report that information to the designated HRO, unless the employee is required to report the domestic violence pursuant to applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report, in which case the employee must so report to the appropriate authority in addition to reporting to the designated HRO. Nothing in this policy shall preclude an employee from contacting 911 in emergency situations. Indeed, HROs shall remind employees to contact 911 if they feel they are in immediate danger.

#### Each designated HRO shall:

- A. Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance.
- B. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.
- C. Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or the employee can contact the appropriate Employee Assistance Program to assist with securing resources and confidential services.
- D. Refer the employee to the provisions and protections of The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1 et seq. (NJ SAFE Act), referenced under Section VIII of this policy.
- E. In cases where domestic violence involved a sexual touching or sexual assault between state employees, the HRO is also required to report the incident to

their agency's EEO Officer or Title IX Officer, Caryn Hoyer.

- F. If there is a report of sexual assault or abuse, the victim should be offered the services of the Sexual Assault Response Team, by notifying the Chesterfield Township Police Department.
- G. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy. (See Section VI).
- H. Upon the employee's consent, the employee may provide the HRO with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the work place and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of TROs and FROs shall be maintained in a separate confidential personnel file.

### CONFIDENTIALITY POLICY

In responding to reports of domestic violence, the HRO shall seek to maintain confidentiality to protect an employee making a report of, witnessing, or experiencing domestic violence, to the extent practical and appropriate under the circumstances and allowed by law. Thus, this policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines that impose a duty to report.

This confidentiality policy shall not prevent disclosure where to do so would result in physical harm to any person or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals in the workplace, the HRO shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and comply with the law. The HRO shall provide advance notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. The HRO shall also provide the employee with the name and title of the person to whom they intend to provide the employee's statement and shall explain the necessity and purpose regarding the disclosure. For example, if the substance of the disclosure presents a threat to employees, then law enforcement will be alerted immediately.

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines where mandatory reporting is required by the appointing authority or a specific class of employees.

### CONFIDENTIALITY OF EMPLOYEE RECORDS

To ensure confidentiality and accuracy of information, this policy requires the HRO to keep all documents and reports of domestic violence in confidential personnel file separate from the employee's other personnel records. These records shall be

considered personnel records and shall not be government records available for public access under the Open Public Records Act. See N.J.S.A. 47:1A-10.

### THE NEW JERSEY SECURITY AND FINANCIAL EMPOWERMENT ACT

The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1, et seq. (NJ SAFE Act), is a law that provides employment protection for victims of domestic or sexual violence.

The NJ SAFE Act allows a maximum of 20 days of unpaid leave in one 12-month period, to be used within 12 months following any act of domestic or sexual violence. To be eligible, the employee must have worked at least 1,000 hours during the 12-month period immediately before the act of domestic or sexual violence. Further, the employee must have worked for an employer in the State that employs 25 or more employees for each working day during 20 or more calendar weeks in the current or immediately preceding calendar year. This leave can be taken intermittently in days, but not hours.

Leave under the NJ SAFE Act may be taken by an employee who is a victim of domestic violence, as that term is defined in N.J.S.A. 2C:25-19 and N.J.S.A. 30:4-27.6, respectively. Leave may also be taken by an employee whose child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic or sexual violence.

Leave under the NJ SAFE Act may be taken for the purpose of engaging in any of the following activities, for themselves, or a child, parent, spouse, domestic partner, or civil union partner, as they relate to an incident of domestic or sexual violence:

- 1) Seeking medical attention;
- 2) Obtaining services from a victim services organization;
- 3) Obtaining psychological or other counseling;
- 4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase safety;
- 5) Seeking legal assistance or remedies to ensure health and safety of the victim; or
- 6) Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

The full text of the New Jersey SAFE Act is provided in the Appendix to this policy.

### PUBLIC EMPLOYER DOMESTIC VIOLENCE ACTION PLAN

Township of Chesterfield has developed the following action plan to identify, respond to, and correct employee performance issues that are caused by domestic violence, pursuant to N.J.S.A. 11A:2-6a, and in accordance with the following guidelines:

- A. Designate an HRO with responsibilities pursuant to Sections IV and V of this policy.
- B. Recognize that an employee may need an accommodation as the employee may experience temporary difficulty fulfilling job responsibilities.
- C. Provide reasonable accommodations to ensure the employee's safety. Reasonable accommodations may include, but are not limited to, the following: implementation

of safety measures; transfer or reassignment; modified work schedule; change in work telephone number or work-station location; assistance in documenting the violence occurring in the workplace; an implemented safety procedure, or other accommodation approved by the employer.

- D. Advise the employee of information concerning the NJ SAFE Act; Family and Medical Leave Act (FMLA); or Family Leave Act (FLA); Temporary Disability Insurance (TOI); or Americans with Disabilities Act (ADA); or other reasonable flexible leave options when an employee, or his or her child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic violence.
- E. Commit to adherence to the provisions of the NJ SAFE Act, including that the employer will not retaliate against, terminate, or discipline any employee for reporting information about incidents of domestic violence, as defined in this policy, if the victim provides notice to their Human Resources Office of the status or if the Human Resources Office has reason to believe an employee is a victim of domestic violence.
- F. Advise any employee, who believes he or she has been subjected to adverse action as a result of making a report pursuant to this policy, of the civil right of action under the NJ SAFE ACT. And advise any employee to contact their designated Labor Relations Officer, Conscientious Employees Protection Act (CEPA) Officer and/or Equal Employment Opportunity Officer in the event they believe the adverse action is a violation of their collective bargaining agreement, the Conscientious Employees Protection Act or the New Jersey Law Against Discrimination and corresponding policies.
- G. Employers, their designated HRO, and employees should familiarize themselves with this policy. This policy shall be provided to all employees upon execution and to all new employees upon hiring. Information and resources about domestic violence are encouraged to be placed in visible areas, such as restrooms, cafeterias, breakrooms, and where other resource information is located.

### **RESOURCES**

This policy provides an Appendix listing resources and program information readily available to assist victims of domestic violence. These resources should be provided by the designated HRO to any victim of domestic violence at the time of reporting.

#### DISTRIBUTION OF POLICY

The Township Administrator will be responsible for distributing this policy to employees, volunteers, and other employees identified above.

The Township Administrator will be responsible for updating this policy at least annually to reflect circumstances changes in the organization.

The Township Administrator will be responsible for monitoring The Civil Service Commission and the Division of Local Government Services in the Department of Community Affairs for modifications thereto, to public employers.

### OTHER APPLICABLE REQUIREMENTS

In addition to this policy, the HRO and the public employer's appointing authority must follow all applicable laws, guidelines, standard operating procedures, internal affairs policies, and New Jersey Attorney General Directives and guidelines that impose a duty to report. Additionally, to the extent that the procedures set forth in this policy conflict with collective negotiated agreements or with the Family Educational Rights and Privacy Act (FERPA), the provisions of the negotiated agreements and the provisions of FERPA control.

#### POLICY MODIFICATION AND REVIEW

A public employer may seek to modify this policy, to create additional protocols to protect victims of domestic violence but may not modify in a way that reduces or compromises the safeguards and processes set out in this policy.

The Civil Service Commission will review and modify this policy periodically and as needed.

### POLICY ENFORCEABILITY

The provisions of this policy are intended to be implemented by the Civil Service Commission. These provisions do not create any promises or rights that may be enforced by any persons or entities.

### **POLICY INQUIRIES & EFFECTIVE DATE**

Any questions concerning the interpretation or implementation of this policy shall be addressed to the Chair/Chief Executive Officer of the Civil Service Commission, or their designee. This policy shall be enforceable upon the HRO's completion of training on this policy.

Mr. Liedtka made a motion to adopt Resolution 2019-12-5 seconded by Ms. Katz. All were in favor.

# TOWNSHIP OF CHESTERFIELD RESOLUTION 2019-12-5

### **RESOLUTION AUTHORIZING APPROPRIATION TRANSFERS**

WHEREAS, N.J.S.A. 40A:4-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum

appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey that the Treasurer be and the same is hereby authorized to make transfers among the 2019 budget in accordance with the following schedule:

| <u>FROM</u> | <u>AMOUNT</u> | <u>TO</u>                                                                                                | <u>AMOUNT</u>                            |
|-------------|---------------|----------------------------------------------------------------------------------------------------------|------------------------------------------|
| Legal - OE  | 5,000.00      | Construction Official - OE<br>First Aid Squad - OE<br>Building & Grounds – OE<br>Telecommunications - OE | 1,000.00<br>500.00<br>3,000.00<br>500.00 |
| TOTAL       | \$ 5,000.00   |                                                                                                          | \$ 5,000.00                              |

### **CHESTERFIELD TOWNSHIP COMMITTEE**

~~~~~~~

Ms. Koetas-Dale made a motion to adopt Resolution 2019-12-6 seconded by Mr. Liedtka. All were in favor.

TOWNSHIP OF CHESTERFIELD RESOLUTION 2019-12-6

RESOLUTION CANCELLING RESOLUTION 2019-10-5 AUTHORIZING REFUND OF PROPERTY TAX OVERPAYMENT ON BLOCK 900 LOT 14.05 KNOWN AS 25 CHESTERFIELD-GEORGETOWN ROAD

WHEREAS, Wells Fargo made a payment in the amount of 3,037.48 on Block 900 Lot 14.05 on September 26, 2019; and

WHEREAS, the payment created an overpayment in the amount of \$2,014.14; and

WHEREAS, Wells Fargo has requested the overpayment be refunded to them; and

WHEREAS, the Township Committee authorized said refund to Wells Fargo by approving Resolution 2019-10-5; and

WHEREAS, because of the timing, the 4th quarter tax payment became due and Wells Fargo requested in lieu of refund the overpayment be applied as follows:

\$1,996.89 to 4th quarter 2019 \$17.25 to 1st quarter 2020

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey that

Resolution 2019-10-5 is cancelled and in lieu of the overpayment, the payment be applied as requested.

CHESTERFIELD TOWNSHIP COMMITTEE

~~~~~~~

# **PAYMENT OF BILLS**

Ms. Katz made a motion seconded by Mr. Liedtka to approve the bill list. All were in favor.

### DISCUSSION

## Traffic in Crosswicks

Mr. Wilson stated that all surveys are completed. They are now processing the data and hope to have something in the next couple of weeks. After that Mr. Wilson and Mr. Hirsh will meet with the County to review the data and come up with a plan from an engineering standpoint. After that, we will send letters to the residents with the findings. Ms. Koetas-Dale asked how long the survey took place, a week. Mr. Wilson stated longer than a week because there were multiple locations.

# Old Municipal Building

Ms. Koetas-Dale stated she met with the subcommittee formed to review options for the former municipal building. They would like to go for a planning grant and would like to see the library there. She spoke with the Library and they are interested in exploring. She has spoken with three (3) of the four (4) architects and met with one vesterday with Mr. Wilson. She stated a lot of work would need to be done to look at the building and get an application in by April 23rd. We would know by next fall if we would be getting the planning grant. Mayor Romeu stated she likes the idea of working with the library but cost seems high. Mr. Wilson stated the proposal for the planning grant process and the preliminary exploration will cost approximately \$5,000. If the grant is awarded for \$60,000, the grant match would be \$15,000. So there will be a \$20,000 cost just to get started. The Planning Grant would determine the historic value it adds and holds to the community. Ms. Koetas-Dale stated that if we want to be successful in a construction grant, we need a plan. The Planning Grant will get us this plan and we would be more likely to get a construction grant. Mr. Gillespie stated it sounds like a feasibility study. Ms. Koetas-Dale said yes to determine the best use for the building. Mr. Wilson stated we need to have an idea of what the committee wants to spend. This will probably be 3-4 years in the making. Ms. Koetas-Dale stated we need to decide what we are going to do with the property. Mayor Romeu is concerned with the building just sitting there for 5 years waiting. It was discussed that getting a plan together doesn't commit us to do anything further. Ms. Katz stated that most libraries are owned by the municipalities. The County does not typically come in and build them. Mr. Wilson stated he spoke with someone who has knowledge of the building and library construction. The rough estimation would be \$600,000 - \$800,000 to include bringing the building up to par and ADA requirements. The architect they met with today stated one of the unknowns is you

don't know what's behind the walls. Ms. Koetas-Dale stated the architect will be getting us a proposal. There was still confusion on how it worked. Mr. Wilson explained we will pay the cost of the architect to apply for the grant at a cost of say \$5,000. Then if we get the Planning Grant, the cost would be \$15,000. The Architect would then prepare a plan for the use of the building.

# **Budget Advisory Committee**

Mr. Wilson asked the committee what their pleasure was for the Budget Advisory Committee. He has already met with all the department heads. Ms. Koetas-Dale stated she would like to see the BAC meet and include the five (5) people who requested to be on the subcommittee. After much discussion about which Township Committee members would sit on the BAC, it was decided that it would be discussed at the reorganization meeting on January 2<sup>nd</sup>. Mr. Wilson suggested he and Wendy meet with the BAC and give them an introduction on how the process works and meet with the entire BAC including the two (2) Township Committee members on January 9<sup>th</sup>.

Ms. Katz made a motion second by Ms. Koetas-Dale to open the meeting to public comment.

# COMMENTS FROM THE PUBLIC AND COMMITTEE

Ms. Katz stated her daughter had fallen off her bike and a resident she did not know stopped to help her. This is why she loves living in Chesterfield. There are wonderful people here.

Ms. Koetas-Dale stated she will be attending the JIF training in January in Vineland if any of the other committee members wanted to carpool. Mr. Wilson stated he went to the one last month and it was very informative.

Melissa Rinali – Crosswicks Library – She thanked the Township Committee for thinking of them with the planning process for the library.

James Codella – 470 Main Street – He has no issue with the Library but is concerned if the library leaves. We don't need any more rundown buildings in Crosswicks. He asked if any formal study has been done to say the current building doesn't meeting the needs. Ms. Koetas Dale stated if we get the planning grant we can look at the long term plan. Some people have dropped out of the book clubs because there is no parking. Mr. Wilson stated either the Fire Company or Fire District own the building but the land belongs to the Quakers. Mr. Liedtka stated that previous talk with the library they wanted to keep the existing library for meetings.

Mr. Liedtka made a motion seconded by Ms. Katz to close public comment. All were in favor. Hearing no further comment, Ms. Katz made a motion seconded by Mr. Liedtka to adjourn the meeting. All were in favor. The meeting adjourned 8:05 PM

Respectfully submitted,

Caryn M. Hoyer, RMC Municipal Clerk