

MANSFIELD TOWNSHIP COMMITTEE MEETING

October 9, 2013

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, Mrs. Kocher, Mayor Tomaszewski

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Mr. Watters asked if this was for the set that was presented tonight.

Ms. Hrebenak stated that they are the set with the changes that were requested.

Mr. Watters made a motion to approve the passage of the minutes from the regular meeting held on September 25, 2013, which was seconded by Mayor Tomaszewski.

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

Nays: None

Absent: None

Abstain: None

APPROVAL OF THE BILL LIST:

Mr. Watters made a motion to approve the bill list with the addendum with the exception of Purchase order 130922, which was seconded by Mr. Smith.

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

Nays: None

Absent: None

Abstain: None

Mr. Watters made a motion to enter into Executive Session at 7:34 pm for personnel matters, which was seconded by Mr. Clancy.

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

Nays: None

Absent: None

Abstain: None

Return from Executive Session 8:17pm.

Roll Call: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Personnel Chiefs Contract

Mayor Tomaszewski made a motion for Mrs. Kries to be able to receive time from the officers if needed, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski  
Nays: None  
Absent: None  
Abstain: None

ENGINEERS REPORT:

Mr. DiSessa explained that there was only one bid that was received for the Diamond Hill Road project and it came in over the estimates that we had.

Mr. Watters made a motion to reject the bid for Diamond Hill Road project, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski  
Nays: None  
Absent: None  
Abstain: None

Mr. DiSessa stated that Mayor Tomaszewski, Mr. Watters attended the HMUA meeting last night to request more funding for the Diamond Hill Road project and they did not agree to give us more money.

Mr. DiSessa stated that they will most likely be giving us the leftover money from the work that they just completed in Diamond Hill for the sewer system.

PUBLIC PORTION:

John General, 54 Country Meadow Road, came to follow up with the Township Committee about the effect of the trees that were planted by the developer have begun to pull up the sidewalk and he is looking for the maintenance of the trees and the sidewalk.

Mr. Lavery asked to be provided with a metes and bounds description for Mr. General's property.

Mr. General asked where it is that he gives up the right of way.

Mr. Lavery stated that he would need to see the metes and bounds description.

Mr. General asked what it is that makes this his responsibility to remove the trees and repair the curbs so as not to have a loss due to the issue from the trees.

Mr. General stated that last year he lost four trees during Sandy and it cost him \$75 per stump to remove. If he has to remove these trees and the concrete slabs it would be an undue expense on him as a

homeowner. Mr. General stated that the curbing is a safety issue and he is asking for the town to do the right thing and make the repairs.

Mayor Tomaszewski asked Mr. Lavery where we stand with this issue.

Mr. Lavery stated that he really needed to review the metes and bounds and then he could determine who's trees they are.

Mr. DiSessa stated that even without the paperwork there is still the issue of is the township going to address the safety issue if the town is responsible.

Michael Misertino, 8 Walter Terrace, came and asked what the status of the revaluation process is and what is happening here.

Mayor Tomaszewski explained that the revaluation was passed and bonded and approved and rejected at the last meeting.

Mr. Smith asked Mr. Misertino if he knew that this was a \$200,000 expense and was a no bid contract. Mr. Smith stated that it did not seem correct with no bid or RFP sent out. The resolution states that it is a revaluation and the contract states that it is a reassessment.

Mrs. Kocher stated that there was an article in the Warren Reporter that Phillipsburg is doing a reassessment and it is at less of a cost.

Mr. Misertino stated that it is commendable that Mr. Smith is thinking of the cost behind the reassessment, but according to the state an RFP is not needed.

Desiree Dillon, Mitchell Road, went through the votes and the documentation for the meetings having to do with the reassessment.

Mrs. Kocher asked where Mrs. Dillon had gotten this information.

Mrs. Dillon stated that she got all of her information from the Township website.

Mr. Murdoch, CTA came forward and explained the reassessment to the Township Committee.

Mr. Smith asked how many appeals we had last year.

Mr. Murdoch stated that there were about 50 but by doing the reassessment we will be able to increase the commercial properties back up to 100%.

Mr. Watters stated that most of the time the commercial properties typically hold the larger end of the tax burden and that is not the case here.

Mr. Murdoch explained that the biggest issue is that most of the money that is being returned to the Taxpayers with appeals has already gone out to the schools and we will not get that back.

Mr. Mistertino read the Tax laws to the Township Committee.

Mr. Petteruti, 205 Snyder Road, asked Mr. Lavery if there was a termination clause in the contract.

Mr. Lavery stated that he will not comment on this as he is representing the Township.

Mr. Petteruti stated that the terminology for a reassessment and revaluation are very similar. And went through the terminology for a revaluation and stated that this is needed in our township.

Mr. Petteruti stated that the selling value was \$218,000 and the assessed value is \$241,000 according to the state.

Mr. Misertino stated that the rule of 1/3 will happen. One third will go up, One third will go down and One third will remain the same. Mr. Misertino stated that the contract was signed and he believe that the township will still be responsible for some amount of money and if his house is assessed too low he does not want someone else paying more so that he will pay less.

Mr. Murdoch stated that the ratios went low and that is when the retail building and the apartments appealed, so once the reassessment is done we will be able to raise them up to what they are worth.

The discussion continued as to the township's responsibility if we do not change the vote for the reassessment.

Mr. Murdoch stated that it is possible that the township will still be responsible for 20% of the contract amount if we cancel the contract.

Mr. Misertino stated that we should not even be in position and that a vote should never have been made on a contract and then turn around and change your mind. Mr. Misertino stated that as he sees it the township is now on the hook for at least 20% if that is what the reassessment company determines. The reassessment is so that Mansfield will receive the revenue that it needs to plow the roads, pay for police officers, and pay the government employees. So now as he sees it we have approved more officers being hired and a new police car and with the reassessment being voted down we have denied Mansfield tax payers and he feels that the Committee members that voted it down should go into their pockets to pay whatever the cost is that the township incurs.

Mr. Clancy made a motion to proceed with the reassessment, which was seconded by Mr. Watters.

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

Nays: Mrs. Kocher

Absent: None

Abstain: None

Mrs. Fascenelli stated that she had given the Township an ordinance for introduction tonight for the event that she would like to do with collection of tires.

Mr. Watters asked if the price was per ply.

Mrs. Fascenelli stated that for the larger tires the price is per ply.

Mrs. Fascenelli stated that she spoke with Mr. DeBoer, Washington twp to see if we could use their compost facility. There will be a price per pass and the Mansfield Township residents will have to pay more for the pass.

RESOLUTION:

RESOLUTION # 2013 –107  
REFUND OF RECREATION REGISTRATION  
TOWNSHIP OF MANSFIELD  
WARREN COUNTY, STATE OF NEW JERSEY

**WHEREAS**, Tarra Stainer issued a check in the amount of \$ 130.00 for Fall Soccer with the Township of Mansfield, County of Warren,

**WHEREAS**, J. Monterey will not be able to attend,

**NOW THEREFORE BE IT RESOLVED**, that the Acting Chief Financial Officer be authorized to do a partial refund in the amount of \$ 65.00 to Tarra Stainer.

Mr. Watters made a motion to approve the passage of Resolution 2013-107, which was seconded by Mrs. Kocher.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski  
Nays: None  
Absent: None  
Abstain: None

RESOLUTION # 2013 –108  
REFUND OF RECREATION REGISTRATION  
TOWNSHIP OF MANSFIELD  
WARREN COUNTY, STATE OF NEW JERSEY

**WHEREAS**, Gerald Senat registered his daughter and paid by credit card in the amount of \$ 65.00 to participate in Fall Soccer with the Township of Mansfield, County of Warren,

**WHEREAS**, they live in Columbus, NJ - his daughter will not be participating in Fall Soccer and the credit card used to register for Fall Soccer has expired,

**NOW THEREFORE BE IT RESOLVED**, that the Acting Chief Financial Officer be authorized to refund the amount of \$ 65.00 to Gerald Senat.

Mrs. Kocher made a motion to approve the passage of Resolution 2013-108, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski  
Nays: None  
Absent: None  
Abstain: None

**RESOLUTION # 2013 –109**  
**TRANSFER OF MANSFIELD TOWNSHIP TRUST FUNDS**  
TOWNSHIP OF MANSFIELD  
WARREN COUNTY, STATE OF NEW JERSEY

**WHEREAS**, the Township Committee of the Township of Mansfield deemed it in the best interest of the Township to amend the Cash Management Plan to include as a authorized bank for deposit Unity Bank,

**NOW, THEREFORE BE IT RESOLVED**, that the Acting Chief Financial Officer is authorized to transfer the following Mansfield Township trust accounts from Fulton Bank of New Jersey to Unity Bank.

Dog Account

Mr. Watters made a motion to approve the passage of Resolution 2013-109, which was seconded by Mayor Tomaszewski.

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

Nays: None

Absent: None

Abstain: None

**RESOLUTION # 2013-110**  
**Endorsement of Redeemed Municipal**  
**Tax Sale Certificate**

TOWNSHIP OF MANSFIELD  
WARREN COUNTY, STATE OF NEW JERSEY

**BE IT RESOLVED**, by the Township Committee of the Township of Mansfield that the following Tax Sale Certificate, held by the Township, having been paid and satisfied in full pursuant to N.J.S.A. 54:5-59; the Mayor and Township Clerk are hereby authorized and directed to endorse same for cancellation, affix the Township Seal, and return same to the Tax Collector for delivery to the property owner or legal representative pursuant to N.J.S.A. 54:5-55.

TAX SALE CERTIFICATE NUMBER	BLOCK/LOT	AMOUNT
2011-10	1202/03	\$46,875.13

Mr. Watters made a motion to approve the passage of Resolution 2013-110, which was seconded by Mr. Clancy.

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

Nays: None

Absent: None

Abstain: None

**RESOLUTION # 2013-111**  
**Return of Premium**

TOWNSHIP OF MANSFIELD  
WARREN COUNTY, STATE OF NEW JERSEY

**WHEREAS**, the Tax Collector of the Township of Mansfield has advised the Committee that the following property has been foreclosed within five (5) years of the tax sale, and a premium of \$3,400.00 was paid at the time of the sale;

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Mansfield this 9th day of October 2013 that the \$3,400.00 premium is to be returned to the certificate holder as noted:

<b><i>CERTIFICATE HOLDER</i></b>	<b><i>BLOCK/LOT</i></b>	<b><i>CERT #</i></b>
US Bank-Cust for Pro Capital I, LLC US Bank TLSG 50 S. 16 <sup>th</sup> Street, Suite 1950 Philadelphia, PA. 19102	Block 1105.04 Lot 35	2010-07

Mr. Clancy made a motion to approve the passage of Resolution 2013-111, which was seconded by Mrs. Kocher.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski  
Nays: None  
Absent: None  
Abstain: None

ORDINANCE

First Reading

Mayor Tomaszewski introduced Ordinance 2013-15 by title only;

**ORDINANCE 2013-15**

AN ORDINANCE TO AMEND SECTION 2-10 "SCHEDULE OF FEES" OF THE CODE OF  
THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY  
BE IT ORDAINED BY THE MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF MANSFIELD:

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

**"2-10 Schedule of Fees"**

(New)

Car, SUV, and Light Truck Tires (with or without rims)	\$ 1.25 - \$ 2.00
Truck Tires 8.25-20, 9.00-20, 10.00-20, 11.00-20,	\$ 9.00 - \$ 12.00

11.00-22.5 and Bigger (with or without rims)

Farm Tractor Tires (with or without rims)

\$ 5.00 - \$ 7.00 per ply

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

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

Mr. Watters made a motion to introduce Ordinance 2013-15 and requested that the public hearing be advertised to be held on October 23, 2013, which was seconded by Mr. Clancy.

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

Nays: None

Absent: None

Abstain: None

### **ORDINANCE 2013-16**

#### **AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, ABOLISHING THE BOARD OF RECREATION COMMISSIONERS, AND IN ITS PLACE AND STEAD, CREATING A RECREATION COMMITTEE**

**WHEREAS**, it is the desire of the governing body of the Township to provide for the recreational needs of all citizens of the Township; and

**WHEREAS**, the governing body has in the past entrusted that important task to the Board of Recreation Commissioners, formed pursuant to N.J.S.A. 40:12-1; and

**WHEREAS**, it is the determination of the governing body that the presently constituted Board of Recreation Commissioners has not provided for the recreational needs of all of the citizens of the Township in the manner the governing body deems best for the Township; and

**WHEREAS**, the governing body, being ultimately responsible for providing such recreational needs of the community, has determined that the same can be best accomplished by abolishing the Recreation Commission and forming a Recreation Committee under the direct authority and supervision of the Mayor and Township Committee; and

**WHEREAS**, the power to abolish the Board of Recreation Commissioners is derived pursuant to the revised statutes of the State of New Jersey, and as affirmed by Board of Recreation Commissioners of the Borough of Rutherford v. Board of Rutherford, 166 N.J. Super. 476 (App. Div. 1979).

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

**Section 1**

The title of Section 2-31 of the Township Code is amended to read as follows:

“Recreation Committee”

**Section 2**

The existing Section 2-31 of the Township Code is repealed in its entirety, and the following new Section 2-31 is adopted in its place and stead as follows:

**§2-31.1 Establishment.** The Township Committee of the Township of Mansfield, deeming it necessary for the proper and efficient conduct of the affairs of the municipality and particularly so to create a system of recreation programs designed to amuse, entertain and improve the physical fitness and to bring into closer harmony and relationship of the community of Mansfield as a whole, the neighborhoods making up that community and the families abiding therein, too, pursuant to the revised statutes so that the State of New Jersey, hereby establishes and creates a Recreation Committee.

**§2-31.2 Members.** The Recreation Committee shall consist of five (5) public members to be appointed for alternating three year terms and two (2) alternate members designated as alternate one (1) and alternate two (2). The alternate members shall serve a term of one (1) year. All members shall be residents of Mansfield Township. All such appointments shall be done by Resolution of the Township Committee at an open public meeting on an annual basis. The Mayor may appoint the Chair of the Recreation Committee.

**§2-31.3 Powers.** The Township Committee, through the Recreation Committee, shall have the full and complete authority and power to expend monies raised for and the operation of recreational fields and parks within the Township and all recreation programs thereon.

**§2-31.4 General Regulations.** Said Recreation Committee, in conjunction with and under the supervision of the Township Committee, shall supervise methods and arrangements for the proper maintenance and care of the lands and improvements with the Township Recreation fields and parks and all structures thereon now or hereafter owned by the Township and all recreational programs; shall formulate rules and regulations for the public use of said areas and all recreational programs; shall submit annually the requested budget indicating what sums may be necessary for the performance of the above functions and duties; shall recommend to the Township Committee a schedule of fees and charges to be made for the use of playground or recreational places for utilizing facilities, use of purchase of equipment and uniforms, participating in organized sports and activities and for such other purposes as may be deemed reasonable and proper by the Township Committee; and in all respects operate through and under the direction of the Township Committee in accordance with the administrative procedures and regulations of the Code of the Township of Mansfield. However, the Recreation Committee and its members shall have no power to take any action on behalf of the Township of Mansfield, or to take any other action, other than what is set forth within this subsection.

**Section 3**

The previously established Recreation Commission of the Township of Mansfield is hereby deemed eliminated and dissolved, and all offices and membership in same which have been created are hereby revoked and dissolved. Any authority or power any person, or persons, had or was otherwise authorized by the existence of the Recreation Commission is hereby revoked. Any and all funds held by the Recreation Commission, barring any legal limitations, shall be immediately turned over by the Treasurer of the Recreation Commission to the Chief Financial Officer of the Township, and the Chief Financial Officer shall place such funds in the Recreation Trust Fund of the Township.

**Section 4**

This ordinance shall take effect immediately after passage.

**Section 5**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Mayor Tomaszewski made a motion to approve the introduction of Ordinance 2013-16 and requested that the public hearing be advertised to be held on October 23, 2013, which was seconded by Mr. Clancy.

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

Nays: None

Absent: None

Abstain: None

### Second Reading

Mayor Tomaszewski opened the floor for public comment; seeing as there were no comments the public comment portion was closed.

**ORDINANCE NUMBER – CA-2013-01  
AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD  
WARREN COUNTY, NEW JERSEY, APPROPRIATING \$6,766.00 FOR A SERVER  
(INCLUDING INSTALLATION)**

**WHEREAS**, there is a need for a new server to ensure the continuous operation of the administrative offices of the Township of Mansfield; and

**WHEREAS**, it has been recommend that the current server be replaced;

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

- The amount of \$ 6,766.00 is hereby appropriated from the Capital Improvement fund in the general capital fund.
- There is no debt incurred by this Ordinance.
- This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

Mr. Clancy made a motion to approve the passage of Capital Ordinance 2013-01, which was seconded by Mayor Tomaszewski.

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

Nays: None

Absent: None

Abstain: None

### COMMITTEE PERSON COMMENTS:

Mrs. Kocher stated that there are plenty of pos that need to be signed for recreation and the bills need to be paid and there have not been enough members at the meeting to reach a quorum.

Mayor Tomaszewski made a motion to approve signing the purchase orders, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski  
Nays: None  
Absent: None  
Abstain: None

Mrs. Kocher stated that there is a traveling baseball team that would like to use the field.

Mr. Smith made a motion to allow the traveling team to use the field for one game, which was seconded by Mr. Clancy.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski  
Nays: None  
Absent: None  
Abstain: None

Ms. Hrebenak requested permission from the Township Committee to send a Broker of Record letter to D&H so that all of the Township Liability Insurance is in the same place.

Mayor Tomaszewski made a motion to have Ms. Hrebenak sign the Broker of Record letter for the Recreation Insurance so that all of the Liability Insurance is controlled by the same broker, which was seconded by Mrs. Kocher.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski  
Nays: None  
Absent: None  
Abstain: None

Mayor Tomaszewski made a motion to have the contract signed for the DPW to be able to use the State Salt yard as a backup for the end of this year and next year, which was seconded by Mr. Watters.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski  
Nays: None  
Absent: None  
Abstain: None

Mayor Tomaszewski made a motion to approve the bingo and pull tab raffle license for the Mansfield Township Fire Company, which was seconded by Mrs. Kocher.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski  
Nays: None  
Absent: None

Abstain: None

Ms. Hrebenak explained that at the last meeting the Committee had authorized the award of the electric bid as long as the lowest bidder could show the township more of a savings with more than 15 meters. Ms. Hrebenak checked with the company and they had misunderstood the question and the only savings would be that the pricing would be the same per kilowatt hour which is less than the township is presently paying. Ms. Hrebenak stated that at this point the Township does not have 15 meters and we are unsure if the township would be able to participate in a program like this and the cost per kilowatt hour is more expensive with the company that would credit the township over 15 meters.

Mayor Tomaszewski made a motion to award the bid for Electric Service Supplier to Vanguard Energy, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

Mrs. Kocher stated that it has been brought to her attention that there were lights put on top of the recreation building and there was never a request from the recreation committee and the lights are running on the township meter overnight.

Mayor Tomaszewski stated that Mr. Watters had brought this to his attention and that he contacted someone and they text messaged Bill Haffner and the lights are on a timer from 7pm to 10pm at night on nights that the field is being used.

Mayor Tomaszewski stated that he would like to authorize Mr. Lavery to send a letter to the Mount Bethel Church to make an offer of \$40,000 on behalf of the Township to be used as a historical building. There is a program Municipal Charitables that may be able to assist the Township with acquiring this property.

Mayor Tomaszewski stated that he would like to offer the owners of Mount Bethel Church \$40,000, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

Mayor Tomaszewski made a motion adjourn at 9:51pm.