

**MANSFIELD TOWNSHIP COMMITTEE MEETING**

**December 27, 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

Salute to the flag was done by all.

**APPROVAL OF MINUTES:**

Ms. Nerbak made a motion to approve the minutes of the November 8, 2006 regular meeting with corrections, seconded by Mr. Baldwin.

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

Mrs. Oakley made a motion to approve the minutes of the December 13, 2006 regular meeting with corrections, seconded by Ms. Nerbak.

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

**RESOLUTIONS:**

**RESOLUTION NO. 2006 – 122**

**A RESOLUTION TO ADOPT THE DEFINITION OF DEPENDENT UNDER THE STATE HEALTH BENEFITS PROGRAM FOR EMPLOYEES OF THE TOWNSHIP OF MANSFIELD TO INCLUDE DOMESTIC PARTNERS**

**IT IS HEREBY RESOLVED BY THE MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY:**

1. It hereby elects to adopt the definition of dependent to include domestic partner under the terms of the New Jersey Domestic Partnership Act and adhere to the rules and regulations promulgated by the State Health Benefits Commission to implement the provisions of that law. This Resolution shall be effective as of the date of its adoption.
2. The domestic partnership must meet the requirements of the Domestic Partnership Act; said coverage shall be limited to same-sex domestic partnerships and a Certificate of Domestic Partnership,

obtained from the State of New Jersey, must be made available upon request of the Township and / or the State Health Benefits Program.

3. This Resolution shall take effect immediately and coverage shall be effective as of January 1, 2007, or as soon thereafter as it may be effectuated pursuant to the statutes and regulations governing the program.

Ms. Nerbak made a motion to approve the passage of Resolution 2006-122, seconded by Mr. Baldwin.

**Ayes: Mr. Baldwin, Ms. Nerbak, Mr. Appleby, Mayor Watters**

**Nays: None**

**Abstain: Mrs. Oakley**

### **RESOLUTION NO. 2006 – 123**

#### **RESOLUTION OPPOSING S-457 AND A-3870, AMENDING THE TIME OF DECISION RULE**

WHEREAS, Senate bill S-457 and Assembly bill A-3870 are intended to modify the “time of decision” rule which currently allows municipalities to change the zoning regulations during the pendency of an application for development; and

WHEREAS, under the bill the ordinances in effect at the time of an application is submitted shall govern the review of that application, and any decision made following upon that review;

WHEREAS, “the time of decision rule” is a judicially recognized principal that decisions are to be made on the basis of laws, ordinances and regulations in effect at the time the decision is rendered; and

WHEREAS, courts have applied the “time of decision rule” to correct errors in zoning ordinances, thus giving local legislators the opportunity to correct legislative policy that had been found to be imperfectly expressed;

WHEREAS, the “time of decision rule” has permitted a municipality to give additional legislative consideration to serious and substantial land use planning concerns that, for whatever reason, had not been previously addressed in the ordinance;

WHEREAS, application and zoning changes require public discussion and hearings, and S-457/A-3870 would permit developers to “beat the clock” by filing applications and freezing the ability of local officials to act,

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Mansfield, that the Township of Mansfield urges our State Legislators to oppose S-457/A-3870;

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Senator Leonard Lance, Assemblyman Michael J. Doherty, Assemblywoman Marcia A. Karrow, the sponsors of S-457 and A-3870, members of the Senate Community and Urban Affairs Committee and the Assembly Housing and Local Government committee, the New Jersey League of Municipalities, and the Office of the Governor.

Ms. Nerbak made a motion to approve the passage of Resolution 2006-123, seconded by Mrs. Oakley

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

**Nays:** None

**Abstain:** None

**RESOLUTION- No. 2006-124**

**A RESOLUTION FOR TRANSFER OF FUNDS**

WHEREAS, there are insufficient funds in some of the 2006 budget line items; and

WHEREAS, it is permissible to transfer current appropriation funds after Nov. 1, 2006.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield that the following transfers be made:

| FROM        |           | TO                 |           |
|-------------|-----------|--------------------|-----------|
| Engineering | \$1830.00 | Electricity        | \$ 300.00 |
| Clerk S&W   | \$3000.00 | Data Processing OE | \$1000.00 |
|             |           | Registrar S&W      | \$1420.00 |
|             |           | PEOSHA             | \$ 110.00 |
|             |           | Finance S&W        | \$1500.00 |
|             |           | Prosecutor         | \$ 500.00 |

Mr. Baldwin made a motion to approve the passage of Resolution 2006-124, seconded by Mrs. Oakley.

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

**Nays:** None

**Abstain:** None

**RESOLUTION NO. 2006-125**

A RESOLUTION AUTHORIZING THE CANCELLATION OF OUTSTANDING CHECKS FROM VARIOUS ACCOUNTS OF THE TOWNSHIP OF MANSFIELD, COUNTY OF, STATE OF NEW JERSEY

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

**WHEREAS**, the Chief Financial Officer of the Township of Mansfield has advised that there are outstanding checks from various accounts of the Township of Mansfield that are more than a year old; and

**WHEREAS**, the Chief Financial Officer of the Township of Mansfield has made diligent efforts to have checks cashed by the appropriate vendors.

**NOW, THEREFORE BE IT RESOLVED**, The Chief Financial Officer of the Township of Mansfield is by this Resolution authorized and directed to cancel the outstanding checks as of the date of the Resolution under said accounts on the records of the Township of Mansfield.

| Account    | Check # | Amount |
|------------|---------|--------|
| Payroll    | 9522    | 369.2  |
| Recreation | 1074    | 36     |
| Current    | 1679    | 77.22  |
|            | 1938    | 6.43   |
|            | 1954    | 25     |
|            | 1961    | 35.86  |

**Mrs. Oakley made a motion to approve Resolution 2006-125, seconded by Ms. Nerbak.**

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

**Nays: None**

**Abstain: None**

RESOLUTION NO. 2006- 126

A RESOLUTION TO CANCEL UNEXPENDED APPROPRIATION BALANCES

WHEREAS, the following Current Fund budget balances remain unexpended:

|                    |             |
|--------------------|-------------|
| Tax Collection OE  | \$ 3,450.00 |
| Police S&W         | \$20,000.00 |
| Construction S&W   | \$ 3,000.00 |
| Tax Assessment OE  | \$ 2,500.00 |
| Fire Dept. Liaison | \$ 2,500.00 |
| Fire Marshall S&W  | \$ 1,926.00 |

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be a credit to surplus;

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, that the above listed unexpended balances of the Current Fund be cancelled.

**Mrs. Oakley made a motion to approve the passage of Resolution 2006-126, seconded by Mrs. Nerbak.**

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

**Nays: None**

**Abstain: None**

RESOLUTION – 2006-127

**A RESOLUTION GRANTING APPROVAL OF THE PURCHASE OF A DEVELOPMENT  
EASEMENT ON THE LAWRENCE GETTO FARM,  
BLOCK 601.02 LOT 32**

WHEREAS, the tract would encourage the survivability of production agriculture in Mansfield Township, and said tract falls within a predetermined Agriculture Development Area, and pressures from development have significantly heightened the degree of imminence of change of land use from productive agriculture to nonagricultural uses; and

WHEREAS, the State Agriculture Development Committee has certified the fair market value of said tract at its regular meeting held on March 23, 2006.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield as follows:

The Township Committee hereby grants permission for the purchase of the development easement by the County of Warren under the Farmland Preservation Act as set forth above.

Mr. Baldwin made a motion to approve the passage of Resolution 2006-127, seconded by Mrs. Oakley.

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

Nays: None

Abstain: None

**RESOLUTION 2006-128**

**A RESOLUTION AUTHORIZING THE PAYMENT OF A BONUS FOR EXCEPTIONAL PERFORMANCE IN SERVICE TO THE  
CITIZENS OF THE TOWNSHIP OF MANSFIELD**

WHEREAS, The Township of Mansfield wishes to express its deep gratitude to employees who go above and beyond their normal duties in service to the residents of the Township of Mansfield; and

WHEREAS, JERILYN HARRIS in her capacity as the Administrator of the Municipal Courts of Mansfield Township and Washington Township has performed with high excellence in taking over and organizing a joint municipal court system; reorganization of the court offices; hiring of new personnel; and operating the new court with great efficiency and dispatch; to the benefit of the Township of Mansfield and the Township of Washington;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Township Committee of the Township of Mansfield, hereby authorize the Chief Finance Officer of the Township of Mansfield, to pay a PERFORMANCE BONUS to JERILYN HARRIS in the amount of \$1500.00 as of December 27, 2006 with the thanks and deep appreciation for job well done by the Mayor and Township Committee.

Mr. Baldwin made a motion to approve the passage of Resolution 2006-128, seconded by Mrs. Oakley.

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

Nays: None

Abstain: None

**RESOLUTION 2006-129**

**A RESOLUTION AUTHORIZING THE PAYMENT OF A BONUS FOR EXCEPTIONAL PERFORMANCE IN SERVICE TO THE  
CITIZENS OF THE TOWNSHIP OF MANSFIELD**

**WHEREAS**, The Township of Mansfield wishes to express its deep gratitude to employees who go above and beyond their normal duties in service to the residents of the Township of Mansfield; and

**WHEREAS**, **VERA HART** in her capacity as the Deputy Administrator of the Municipal Courts of Mansfield Township and Washington Township has performed with high excellence the reorganization of the court offices and the exceptionally smooth operation of the new court on a day to day basis; to the benefit of the Township of Mansfield and the Township of Washington;

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Township Committee of the Township of Mansfield, hereby authorize the Chief Finance Officer of the Township of Mansfield, to pay a **PERFORMANCE BONUS** to **VERA HART** in the amount of \$750.00 as of December 27, 2006 with the thanks and deep appreciation for job well done by the Mayor and Township Committee.

Mr. Baldwin made a motion to approve the passage of Resolution 2006-128, seconded by Ms. Nerbak.

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

#### **RESOLUTION 2006-130**

##### **A RESOLUTION AUTHORIZING THE PAYMENT OF A BONUS FOR EXCEPTIONAL PERFORMANCE IN SERVICE TO THE CITIZENS OF THE TOWNSHIP OF MANSFIELD**

**WHEREAS**, The Township of Mansfield wishes to express its deep gratitude to employees who go above and beyond their normal duties in service to the residents of the Township of Mansfield; and

**WHEREAS**, **JUDGE EDWARD PALMER** in his capacity as the Presiding Judge of the Municipal Courts of Mansfield Township and Washington Township has performed with high excellence overseeing a Court double in size from the previous year, with new personnel, new police officers, and a new prosecutor, all to the benefit of the Township of Mansfield and the Township of Washington;

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Township Committee of the Township of Mansfield, hereby authorize the Chief Finance Officer of the Township of Mansfield, to pay a **PERFORMANCE BONUS** to **JUDGE EDWARD PALMER** in the amount of \$1000.00 as of December 27, 2006 with the thanks and deep appreciation for job well done by the Mayor and Township Committee.

Mr. Baldwin made a motion to approve the passage of Resolution 2006-128, seconded by Mrs. Oakley.

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

#### **RESOLUTION 2006-131**

##### **A RESOLUTION AUTHORIZING THE PAYMENT OF A BONUS FOR EXCEPTIONAL PERFORMANCE IN SERVICE TO THE CITIZENS OF THE TOWNSHIP OF MANSFIELD**

**WHEREAS**, The Township of Mansfield wishes to express its deep gratitude to employees who go above and beyond their normal duties in service to the residents of the Township of Mansfield; and

**WHEREAS**, **BRETT MORROW** in his capacity as the Municipal Prosecutor of the Municipal Courts of Mansfield Township and Washington Township has performed with high excellence and professionalism as the prosecutor for the new Court, all to the benefit of the Township of Mansfield and the Township of Washington;

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Township Committee of the Township of Mansfield, hereby authorize the Chief Finance Officer of the Township of Mansfield, to pay a **PERFORMANCE BONUS** to **BRETT MORROW**

in the amount of \$1000.00 as of December 27, 2006 with the thanks and deep appreciation for job well done by the Mayor and Township Committee.

Mrs. Oakley made a motion to approve the passage of Resolution 2007-131, seconded by Mr. Baldwin.

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

Nays: None

Abstain: None

#### **RESOLUTION 2006-132**

#### **A RESOLUTION AUTHORIZING THE PAYMENT OF A BONUS FOR EXCEPTIONAL PERFORMANCE IN SERVICE TO THE CITIZENS OF THE TOWNSHIP OF MANSFIELD**

**WHEREAS**, The Township of Mansfield wishes to express its deep gratitude to employees who go above and beyond their normal duties in service to the residents of the Township of Mansfield; and

**WHEREAS**, **ANDREW COPPOLA** in his capacity as the Chief Financial Officer of the Township of Mansfield has once again surpassed the expected performance of a financial officer.

In addition to his untiring efforts at providing for joint services with the newly established joint services group of the various municipalities and in assisting George Baldwin in that effort, he has undertaken on his own an extraordinary analysis of health benefits for employees and has provided us with numerous alternatives to be reviewed for 2007 in our work with our employees to reduce costs.

He has demonstrated repeatedly his ability to manage the office by himself in which there were historically two persons; while maintaining an efficient computerized system of payables and monitoring the cash portion of the Township; all to the benefit of the Township of Mansfield and the Township of Washington;

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Township Committee of the Township of Mansfield, hereby authorize the Chief Finance Officer of the Township of Mansfield, to pay a **PERFORMANCE BONUS** to **ANDREW COPPOLA** in the amount of \$1500.00 as of December 27, 2006 with the thanks and deep appreciation for job well done by the Mayor and Township Committee.

Mrs. Oakley made a motion to approve the passage of Resolution 2006-132, seconded by Ms. Nerbak.

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

Nays: None

Abstain: None

#### **PAYMENT OF BILLS:**

Mr. Baldwin made a motion to approve the bill list with addendum, seconded by Mrs. Oakley.

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

Nays: None

Abstain: None

#### **CONSENT AGENDA:**

Bingo License Application- Butler Park Fire Co.  
Raffle License Application- Soroptimist International of Hackettstown.

Ms. Nerbak made a motion to approve the Consent Agenda as presented, seconded by Ms. Nerbak.

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

Nays: None

Abstain: None

**ENGINEERS REPORT:**

Mr. Mace stated that he placed in front of the committee copies of the Highlands Regional Master plan excerpts that apply to Mansfield Township and also maps that are included in the Master Plan that involve Mansfield.

Mr. Mace stated that he wanted to point out to the Township Committee that essentially the only areas that the Highlands is allowing to grow in Mansfield Township is the part that is already built up. Everything between the railroad and the river from the Western end of Watters Road to the Municipal boundary including the Recreation Property and the property that the municipal building is on is included in the protection zone.

Mr. Lee asked what effect these new rules would have on the recreation park.

Mr. Mace stated that the way that he reads the Regional Master Plan is that we can only redevelop in that area.

Mr. Mace stated that the way that he is reading the purposed rules could actually make it so that there are no developable areas in this area of Mansfield Township.

Mr. Mace stated that he believes that the Township Committee should go on record with their disapproval of the Regional Master Plan.

Mr. Mace would like to collaborate with Mr. Layton on the Highlands Regional Master Plan.

**AUCTION OF PUBLIC PROPERTY 7:45**

Mayor Watters opened the floor for bids

**PUBLIC PORTION:**

**ORDINANCE:**

**SECOND READING (8:00)**

**Mayor Watters presented Ordinance 2006-32 for public hearing:**

ORDINANCE 2006 –32

AN ORDINANCE TO AMEND CHAPTER 19 “LAND USE ADMINISTRATION AND PROCEDURES” 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:

**CHAPTER 19. LAND USE ADMINISTRATION AND PROCEDURES**

19-7.10 Fees

- a. Filing Fee

2. Minor Subdivision.

Initial Filing \$1500.00

b. Escrow Account Deposit.

2. Minor Subdivision.

Initial Filing. Included in Initial Filing Fee

- 2. Section 2. This Ordinance shall take effect January 1, 2007.
- 3. Section 3. All remaining portions of Chapter 19 shall remain in full force and effect.

Seeing that there were no comments from the public Mayor Watters closed the public hearing.

Mr. Baldwin made a motion to approve the passage of Ordinance 2006-32 and requested that the results be advertised, seconded by Mrs. Oakley.

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

Mayor Watters presented Ordinance 2006-34 for public hearing;

**ORDINANCE NO. 2006-34**

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

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

The salaries per annum of rates of compensation of the following officers and employees of the Township of Mansfield are determined for the period below to be as follows:

|           | From    | To                |
|-----------|---------|-------------------|
| Bonus     | \$1500  | \$750 - \$1,500   |
| Custodian | \$14.42 | \$10.00 - \$14.42 |

**This Ordinance shall take effect immediately upon publication as provided by Law.**

**NOW, THEREFORE, BE IT FURTHER ORDAINED, the Chief Financial Officer shall be hereby authorized to pay the foregoing salaries commencing Dec. 27, 2006.**

Seeing that there were no comments from the public Mayor Watters closed the public hearing.

Mrs. Oakley made a motion to approve the passage of Ordinance 2006-34 and requested that the results be advertised, seconded by Mr. Appleby.

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

Nays: None

Abstain: None

**ADMINISTRATOR'S REPORT:**

**COMMITTEE PERSON COMMENTS:**

Mr. Baldwin made a motion to adjourn at 8:07 pm, which was carried by all.