

MANSFIELD TOWNSHIP COMMITTEE MEETING

September 26, 2007

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. Watters, Ms. Nerbak, Mr. Appleby, Mr. Baldwin

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Mrs. Oakley made a motion to approve the minutes from the regular meeting held on September 12, 2007, which was seconded by Mr. Watters.

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

Nays: None

Abstain: None

PAYMENT OF BILLS:

Mr. Watters made a motion to approve the bill list as presented, which was seconded by Mrs. Oakley.

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

Nays: None

Abstain: None

CONSENT AGENDA:

2007-98	Overpayment of Taxes
2007-99	Overpayment of Taxes

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

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

Nays: None

Abstain: None

ENGINEERS REPORT:

Mr. Mace stated that the entrance and parking lot are completed for the recreation property and that there were only a few minor issues that were being fixed.

CLERK'S REPORT:

Ms. Hrebenak stated that the first meeting in November is scheduled for the week of the NJ League of Municipalities and that there will be a number of people that will not be here for the meeting. So, if we could change the meeting to November 7 everyone would be able to attend.

Mrs. Oakley made a motion to approve rescheduling the meeting for November 7, 2007 and requested that the same be advertised, which was seconded by Mr. Appleby.

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

Nays: None

Abstain: None

RECIEPT OF BIDS (8:00pm): Rubber Tire Loader

Mayor Baldwin asked if there was anyone seated that had a bid to be turned in for the Rubber Tire Loader. Seeing there was no one with a bid the receipt of bids was closed and Mayor Baldwin asked Mr. Mace to open the bids that were received.

Mr. Mace stated that there was only one bid received and that packet was from Jesco located in South Plainfield. Mr. Mace looked through the bid for all of the required paperwork and then stated that the amount of the bid is in the amount of \$84,500.00 for a John Deer .410JTC.

The Township Committee requested that Mr. Mace review the paperwork for accuracy and then forward to Mr. Sliker for his review of the specs, so that the recommendations can be ready for the next meeting.

PUBLIC PORTION:

Scott Cruts- Recreation Commission- stated that the Recreation Commission is planning to have a Ribbon Cutting for the Recreation Park now that the driveway is completed they are thinking of having it October 27.

Scott also asked the Township Committee if they had any suggestion on a name for the road going to the recreation property. The Township Committee did not have any ideas in mind.

Mr. Cruts stated that they may have a contest for the kids in Mansfield to come up with a name for the road.

RESOLUTION:

**RESOLUTION 2007-100
A RESOLUTION TO ADOPT PERSONNEL POLICIES AND PROCEDURES**

WHEREAS, it is the policy of Township of Mansfield to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor

Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

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

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

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

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

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

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

Ms. Nerbak made a motion to approve Resolution 2007-100 and asked that a copy be submitted to the insurance company, which was seconded by Mrs. Oakley.

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

Nays: None

Abstain: None

COMMITTEE PERSON COMMENTS:

Mrs. Oakley stated that the annual Christmas tree lighting will be held this year on December 8 at 7:00pm, and that she would like to have a tree donated again for this.

Ms. Nerbak stated that the Warren County League Dinner is being held on October 18, 2007 and that she would need to know who would be going.

Mr. Appleby and Mr. Baldwin stated that they would be going and Mr. Mace said that he would let Ms. Nerbak know.

Mrs. Oakley made a motion to approve a letter being sent in support of the Audubon taking over the property by the Musconetcong River to open for Green Acres, which was seconded by Ms. Nerbak.

Ayes: Mrs. Oakley, Ms. Nerbak, Mr. Appleby

Nays: Mr. Watters, Mr. Baldwin

Abstain: None

Mr. Baldwin stated that he and Chief Ort had gone to the ROIC State Police building for a tour, which was very interesting and that they had enjoyed the tour.

Mr. Baldwin also stated that the Police Trailer is very close to being completed.

Ms. Nerbak made a motion to have a letter drafted to all Department Heads that stated to make any changes to township buildings (wiring, telephones, locks, etc.) permission needs to be obtained first, which was seconded by Mrs. Oakley.

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

Nays: None

Abstain: None

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12.

WHEREAS, the Township Committee of the Township of Mansfield is subject to certain requirements of the Open Public Meetings Act. N.J.S.A. 10:4-6, et seq. and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Township Committee of the Township of Mansfield to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.**
- (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.**
- (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense,**

welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

- (4) **Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.**
- (5) **Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.**
- (6) **Matters Relating to Public Safety and Property: any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.**
- (7) **Matters Relating to Litigation, Negotiations, and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.**
- (8) **Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.**
- (9) **Matters relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.**

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Mansfield, assembled in public session on September 26, 2007, that an Executive Session closed to the public shall be held on September 26, 2007 at 8:18 PM in the Mansfield Township Municipal Building, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in the closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Return from Executive Session at 8:46 pm.

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

Mrs. Oakley made a motion to adjourn at 8:48pm, which was carried by all.