

MANSFIELD TOWNSHIP COMMITTEE MEETING

February 27, 2008

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, Mr. Baldwin, Mr. Jewell, Mayor Nerbak

Salute to the flag was done by all.

PAYMENT OF BILLS:

Mr. Baldwin questioned why the porta john bills are still on the bill list at this time of year.

Mr. Coppola explained that the way that it was worked out previously was that recreation buildings and ground for the first part of the year and that the second part of the year was charged to the recreation trust.

Mr. Baldwin stated that he was not asking where the money was coming from, but why do we need them at this time of year.

Mr. Coppola stated that he would follow up with that and let Mr. Baldwin know.

Mr. Watters asked why the township was paying for training for the tax collector being that we are not her full time town.

Mr. Coppola explained that this is training that she has to take to maintain her license and that she has not had the township pay for any of her training classes in a while.

Mr. Baldwin, Mayor Nerbak and Mrs. Oakley all explained that we have not paid for any training in a while and that they have no problem with this being paid being that she has helped us by staying on as a part time employee.

Mr. Watters also questioned the Finch Fuel bill for heating oil.

Mr. Coppola explained that the bill is for both the municipal building and for the DPW building.

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

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak

Nays: None

Abstain: None

Absent: None

CFO REPORT:

Mr. Coppola stated that he had given reports for overtime, cash management report, and two payroll reports for the committees review. Also that we had a request for reimbursement for a mailbox that was hit during one of the snowstorms.

Mr. Coppola explained the governors proposal about removing state aid from the states budget and that as it looks now the township will be losing at least \$104,000. The budget is before the Township Committee tonight for introduction and with the \$104,000 lost out of the budget it would mean that the taxes would increase by 4.5% which means that we could introduce and amend the budget because that is under the number that would mean that the budget would have to be reintroduced, but if there is a change that will be more than \$36,000 that will put us over 5% and that would require us to advertise the amendments in the newspaper.

Mayor Nerbak explained that through her research she understands that the municipal aid is being removed for towns under 10,000 to force towns to consolidate services.

Mr. Kobert explained that if we could get a list to him of the shared services he would draft a letter to the state to explain that we have a number of consolidated services.

CONSENT AGENDA:

RA 2008-01	Mansfield Township PTA Raffle License
RA 2008-02	Mansfield Township PTA 50/50 License

Mrs. Oakley made a motion to approve the Consent Agenda, which was seconded by Mr. Jewell.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak

Nays: None

Abstain: None

Absent: None

ENGINEERS REPORT:

Mr. Mace stated that he had sent a letter to the Township Committee requesting that the Township release all but \$15,000 from the current letter of credit for Fujiyama. The current letter of credit is for \$50,000 and the only reason for needing to keep the \$15,000 is because there are some lights that need to be replaced and then the engineers office will be going out to reinspect the property, and that there is also some escrow shortage.

Mayor Nerbak explained that once a new letter of credit is received for the \$15,000 then the original letter of credit will be refunded.

Mr. Mace explained to Mr. Kim, Owner of Fujiyama, that the escrow account is short right now \$6392 the town will need to receive money for the escrow account.

Mr. Baldwin made a motion to approve the letter of credit being returned once the new letter of credit for \$15,000 is received and once the escrow account is brought current, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak

Nays: None

Abstain: None

Absent: None

Mr. Mace stated that he had spoken with Mike Roth's son David about the possibility of low to moderate income housing and he is going to set up a meeting to discuss this he just needs to know who will be attending.

Mr. Baldwin stated the he would like Mr. Layton to attend and he would like to attend himself.

Mr. Jewell stated that he would like to participate in the meeting also.

Mr. Mace stated that he would let them know when the meeting gets set up and that he is also trying to get in touch with someone from Toll Brothers to see if they will be able to provide low to moderate income housing also in the new age restricted development.

PUBLIC PORTION:

Glen Todd, Washburn Road, will there be another meeting with Comcast prior to renewing their contract and will people be notified if the meeting is rescheduled. Mr. Todd gave the Committee his phone number to be notified when the meeting is rescheduled for.

Russ Onderko, Ridgley Street, asked when the Toll Brothers would be beginning work on the Adult Community.

RESOLUTION:

TOWNSHIP OF MANSFIELD
WARREN COUNTY

RESOLUTION 2008-31

TONNAGE GRANT APPLICATION (2007)

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the 2007 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycle and to indicate the assent of the Township of Mansfield to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Township of Mansfield Committee of the Township of Mansfield that the Township of Mansfield hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates JoAnn Fascenelli to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Mrs. Oakley made a motion to approve the passage of Resolution 2008-31, which was seconded by Mr. Watters.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak

Nays: None

Abstain: None

Absent: None

2008-32 Deferred School Tax

Mrs. Oakley made a motion to approve the passage of Resolution 2008-32, which was seconded by Mr. Jewell.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak

Nays: None

Abstain: None

Absent: None

RESOLUTION 2008-33 RESOLUTION TO APPLY FOR A FEASIBILITY STUDY GRANT

WHEREAS, the Governing Body of the Township of Mansfield and the Town of Hackettstown, the Township of Independence, the Borough of Washington, and the Township of Washington have agreed to apply for a *SHARE* (Sharing Available Resources Efficiently) Feasibility Study Grant through the State of New Jersey Local *SHARE* Program in the amount of \$6,529.50; and,

WHEREAS, the Township of Mansfield has agreed to be the lead agency in this endeavor; and

WHEREAS, the Governing Body of the Township of Mansfield is acknowledging and accepting the responsibility of acting as applicant for this grant on behalf of the Town of Hackettstown, the Township of Independence, the Borough of Washington, and the Township of Washington.

WHEREAS, the State of New Jersey has made *SHARE* grants available to assist local units study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between our local units through the Warren-Morris Council of Governments Records/Document Storage and Retrieval feasibility study that would be beneficial to all local units;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Washington that the Township of Mansfield does hereby join with the Town of Hackettstown, the Township of Independence, the Borough of Washington, and the Township of Washington in applying for a grant for the purposes of

conducting a survey of existing records/documents storage and retrieval practices, identification of personnel and equipment needs and funding available through PARIS, SHARE or other resources, preparation of a records/document management plan subsequent to any PARIS funded projects, and determination of savings available through sharing of resources; and

BE IT FURTHER RESOLVED that the Township of Mansfield agrees to provide its agreed share of the required local matching funds or other resources in the amount of \$128.72 and to accept receipt of the local match requirements from the other participating local units and to be responsible for its proper expenditure.

Mr. Watters made a motion to approve the passage of Resolution 2008-33, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak

Nays: None

Abstain: None

Absent: None

RESOLUTION 2008-34

TOWNSHIP OF MANSFIELD

WARREN COUNTY, NEW JERSEY

WHEREAS, there exists a need for the service of a Township Engineer in the Township of Mansfield for engineering services and advice to the Mayor and Township Committee; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:1 1-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

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

1. The agreement with **Douglas Mace** with the office of **Mace Consulting Engineers** is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:1 1-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law. A copy of the Agreement is on file for inspection with the Clerk of the Township of Mansfield.

2. A notice of this action shall be printed once in the Star-Gazette.

Mrs. Oakley made a motion to approve the passage of Resolution 2008-34, which was seconded by Mr. Jewell without number 5.

Mayor Nerbak stated that Resolution 2008-34 will be held for attorney review and will be discussed at the end of the meeting.

RESOLUTION 2008-35

SELF-EXAMINATION OF BUDGET RESOLUTION
[as required by DCA]

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Mansfield has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2008 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Mansfield that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Mr. Baldwin made a motion to approve the passage of Resolution 2008-35, which was seconded by Mr. Jewell.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak
Nays: None
Abstain: None
Absent: None

RESOLUTION- No. 2008-36

FOR TRANSFER OF FUNDS

WHEREAS, there are insufficient funds in some of the 2007 budget line items; and

WHEREAS, it is permissible to transfer appropriation reserve funds before April 1, 2008.

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

FROM		TO	
Streets & Roads OE	\$375.00	Tax Assessment OE	\$375.00

Mr. Baldwin made a motion to approve the passage of Resolution 2008-36, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak
Nays: None
Abstain: None
Absent: None

BILL LIST ADDENDUM

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

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak
Nays: None
Abstain: None
Absent: None

ORDINANCE:

Mayor Nerbak introduced Ordinance 2008-02:

**ORDINANCE 2008-02
CALENDAR YEAR 2008 ORDINANCE TO EXCEED
THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Mansfield in the County of Warren finds it advisable and necessary to increase its CY 2008 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 1.0 % increase in the budget for said year, amounting to \$38,956.36 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Mansfield, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2008 budget year, the final appropriations of the Township of Mansfield shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 136,347.26 and that the CY 2008 municipal budget for the Township of Mansfield be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mr. Baldwin made a motion to approve the introduction of Ordinance 2008-02 and request the public hearing be advertised for March 26, 2008, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak

Nays: None

Abstain: None

Absent: None

Mayor Nerbak introduced Ordinance 2008-03:

ORDINANCE 2008-03

ORDINANCE TO CANCEL CAPITAL ORDINANCES OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY

WHEREAS, there exists fully-funded ordinances on the balance sheet of the General Capital Account Fund;
and

WHEREAS, the fund creating this ordinance has been investigated and it has been determined that this ordinance is no longer needed and should be cancelled;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, that the following ordinances in the amounts of \$44,393.33 be and the same are hereby canceled to Capital Surplus

Ordinance 2000-15
Acq. Land DPW - \$3,268.20
Ordinance 2003-07
Acq. Land DPW - \$36,000.00
Ordinance 2005-01
Emergency Equipment - \$3,737.46
Ordinance 2005-02
Road Construction - \$825.50
Ordinance 2006-01
Emergency Equipment - \$1.11
Ordinance 2007-07
Fire Equipment Butler Park- \$561.06

Mrs. Oakley made a motion to approve the introduction of Ordinance 2008-03 and request the public hearing be advertised for March 26, 2008, which was seconded by Mr. Jewell.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak
Nays: None
Abstain: None
Absent: None

Mayor Nerbak stated that the Township Attorney reviewed the contract for the Township Engineer and that all is in order.

RESOLUTION 2008-34

TOWNSHIP OF MANSFIELD

WARREN COUNTY, NEW JERSEY

WHEREAS, there exists a need for the service of a Township Engineer in the Township of Mansfield for engineering services and advice to the Mayor and Township Committee; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:1 1-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

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

1. The agreement with **Douglas Mace** with the office of **Mace Consulting Engineers** is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:1 1-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law. A copy of the Agreement is on file for inspection with the Clerk of the Township of Mansfield.

2. A notice of this action shall be printed once in the Star-Gazette.

Mrs. Oakley made a motion to approve the passage of Resolution 2008-34, which was seconded by Mr. Jewell without number 5.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak

Nays: None

Abstain: None

Absent: None

COMMITTEE PERSON COMMENTS:

Mr. Jewell stated that he would like to hold off on the budget introduction for two weeks.

Mr. Baldwin stated that Mr. Sliker put his recommendations for the heating and air conditioning contractors to do the work that needs to be done within the municipal building.

Mr. Baldwin would like for the Township Committee to make a motion to approve the hiring of the contractor recommended by Mr. Sliker.

Mr. Kobert suggested that Mr. Coppola get a copy of the contractor's contract and that it be presented at the next meeting.

Mr. Baldwin also stated that NJ Transit is proposing having an extension that goes from Hackettstown to Phillipsburg.

Mayor Nerbak stated that she had met with the Recreation Commission last night and there will be a lacrosse team starting in the spring and prices have been received for the Kensington tennis courts.

Mayor Nerbak stated that Warren County Planning Department is looking for the township to give their recommendations about the county taking over the Wastewater Management Plans as a County not as separate towns.

Mr. Mace stated that now that we have an approved plan we do not need the County to change the plan.

Mr. Baldwin made a motion to approve Mr. Mace sending a letter to the County about the proposal of the County taking over the Wastewater Management plans for the towns, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak

Nays: None

Abstain: None

Absent: None

Mayor Nerbak also requested that advertising be done for the Township Committee attending the Round Table meeting being held on Wednesday, March 5th.

Mayor Nerbak stated that the Township Committee is being invited to the First Responder Medication Distribution Tabletop Exercise to observe on March 13th at 7pm.

Mayor Nerbak stated that Warren County Board of Chosen Freeholders will be holding an Ethics in Public Office Workshop with Chris Christie State Attorney at the Warren County Technical School on April 15th at 7pm and they have invited the Township Committee.

Mrs. Oakley stated that she would be attending.

Mayor Nerbak stated that she would also be attending.

INTRODUCTION OF 2008 BUDGET Ordinance 2008-04:

Mr. Baldwin made a motion to approve the Introduction of the 2008 Budget Ordinance 2008-04 and requested that the public hearing be advertised for March 26, 2008, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Baldwin, Mayor Nerbak

Nays: Mr. Jewell, Mr. Watters

Abstain: None

Absent: None

EXECUTIVE SESSION:

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

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

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

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

- (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.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Mansfield, assembled in public session on February 27, 2008, that an Executive Session closed to the public shall be held on February 27, 2008 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.

Mr. Watters made a motion to go out of regular session and into executive session, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak
Nays: None
Abstain: None
Absent: None

Return from Executive Session.

Mrs. Oakley made a motion to approve \$4000 out of the open space trust to go with the Wetlands application for the Recreation Park project, which was seconded by Mr. Baldwin.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak
Nays: None
Abstain: None
Absent: None

Mr. Baldwin stated that they are working on a shared service for the Animal Control Officer position.

Mr. Baldwin made a motion to adjourn at 8:36pm which was carried by all .