

## **MANSFIELD TOWNSHIP COMMITTEE MEETING**

**March 26, 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.

### **APPROVAL OF THE MINUTES:**

Mrs. Oakley made a motion to approve the minutes from the regular meeting held on February 13, 2008 as presented, which was seconded by Mr. Jewell.

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

Nays: None

Abstain: None

Mr. Baldwin made a motion to approve the minutes from the regular meeting held on February 27, 2008 as presented, which was seconded by Mrs. Oakley.

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

Nays: None

Abstain: None

### **PAYMENT OF BILLS:**

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

### **CFO REPORT:**

Mr. Coppola stated that he had given reports for overtime, cash management report, and two payroll reports for the committees review.

### **CLERKS REPORT:**

Mrs. Hrebenak stated that the two raffle licenses listed on the consent agenda are there because the PTA has changed the dates for the raffles.

Mrs. Hrebenak also stated that there is correspondence that was received from the NJ League of Municipalities that is a survey about shared services that needed the Committee to answer and went through the questions with the Township Committee and stated that she would fax the response to the League.

### **CONSENT AGENDA:**

**RA 2008-01 Mansfield Twp PTA**

**RA 2008-02 Mansfield Twp PTA**

Mrs. Oakley made a motion to approve the change of the date on the raffle licenses previously approved, which was seconded by Mr. Baldwin.

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

**CITATION PRESENTATION: Sergeant Newman and Sergeant Emery**

**RESOLUTION 2008-41**

On January 14, 2008 Detective Sergeant Robert Emery observed a white Dodge pick up pulling a trailer near the intersection of Rt. 57 and Port Murray Rd. Sgt. Emery had intelligence that a vehicle meeting the description had been stealing utility trailers in the area. Sgt. Emery had identified the driver as a suspect in these thefts.

Sgt. Emery had Sgt. Patricia Mannon assist him in stopping the vehicle on Rt. 57 near the old Tri-County Firehouse. The driver and passenger were identified. Upon checking it was determined that one of the suspects was wanted by Union County Sheriffs department, Roselle Park and Parsippany.

He was place under arrest for these warrants. Both parties were brought to police headquarters to be questioned in the trailer thefts. One of the suspects admitted to Sgt. Emery possession of at least six stolen trailers. Both parties were charged with theft and possession of stolen property. These thefts covered Independence Twp, Lopatcong Twp, Washington Twp, Hampton, and Glen Gardner. This investigation is still on going due to the scope of this theft ring.

**For his exemplary and exceptional efforts and investigative techniques we cite Detective Sergeant ROBERT EMERY and commend and bestow upon him the EXCEPTIONAL SERVICE MEDAL on behalf of the citizens of the Township of Mansfield.**

Mrs. Oakley made a motion to approve the passage of Resolution 2008-41, which was seconded by Mr. Baldwin.

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

**RESOLUTION 2008-42**

In October 2007, Sergeant James Newman was tasked with creating a School Security Plan for the elementary school. Sgt. Newman began immediately by contacting the school to see their needs. He then contacted other police departments, and went to observe their programs. He then met with members of the Warren County Tactical Unit to see what training was available. He then created a comprehensive plan encompassing any act, which would threaten the school and the children who attend the school.

He then took this further by securing the equipment that the officers would use in case of an emergency. This was done by a donation from Home Depot and securing Rifles for each officer, by meeting with the Mansfield Township Committee.

Sgt. Newman has also met with Mansfield Twp. Department of Public Works, Mansfield Rescue Squad, Mansfield's Fire Companies, NJ DOT, Mansfield School Superintendent, Warren County Tactical Unit and mutual aid police departments to explain the plan and provide them a copy of their responsibilities during an emergency.

**For his exemplary and exceptional efforts in going above and beyond the call of duty we cite Sergeant JAMES NEWMAN and commend and bestow upon him the EXCEPTIONAL SERVICE RIBBON on behalf of the citizens of the Township of Mansfield.**

Mrs. Oakley made a motion to approve the passage of Resolution 2008-42, which was seconded by Mr. Baldwin.

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

Nays: None

Abstain: None

**PUBLIC PORTION:**

Mr. Bathgate, Bathgate's Garage Owner, asked the Township Committee why he had received a letter from Douglas Mace in reference to two different car sales businesses on his property telling him that this is not an allowed use. Mr. Bathgate explained that this is something that has been done for years and he is unsure why he is being questioned now.

Mr. Kobert stated that this is something that he should speak to Mr. Mace about and should go before the Planning Board for an interpretation of the possible grandfathered use.

Chief Ort was present and he brought to the Township Committee's attention that Warren County is planning on moving adult inmates into the Warren Acres building due to overcrowding. Chief Ort explained that this could cause more work for our officers when there are problems at this location.

Mr. Kobert stated that we should speak with the county and see what their intentions are and also how situations will be handled.

**RESOLUTION:**

**RESOLUTION NO. 2008-39**

WHEREAS, the temporary capital budget of the Township of Mansfield for the year 2008, was approved on the 1<sup>st</sup> day of January, 2008; and

WHEREAS, it is desired to amend said budget to include additional appropriations;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Warren, that the following amendments to the temporary capital budget be made:

PROJECT	EST. COST	BUDGET APPROPRIATION	CAPITAL IMP. FUND	GRANTS IN AID & OTHER FUNDS	DEBT AUTHORIZED
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Purchase		
Emergency		
Vehicle	103,500.00	103,500.00

Mr. Jewell made a motion to approve Resolution 2008-39 for passage, which was seconded by Mrs. Oakley.

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

**RESOLUTION NO. 2008-40**

WHEREAS, the temporary municipal budget for the year 2008, was approved on the 1<sup>st</sup> day of January, 2008; and

WHEREAS, an emergent condition has arisen with respect to the need to provide municipal services while the amount of aid from the State of New Jersey to offset property taxes is not yet certain and no adequate provision has been made in the 2008 temporary appropriations for this delay, and NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation; and

WHEREAS, the total emergency temporary resolutions adopted in the yea 2008 pursuant to the provision of NJSA 40A:4-20 including this resolution total \$500,000,

NOW THEREFORE, BE ITS RESOLVED by the Township Committee of the Township of Mansfield, County of Warren, that the following amendment to the temporary budget be made:

Appropriation:

Salaries & Wages	\$200,000.00
Other Expenses	\$178,931.25
Capital Improvement Fund	\$121,068.75

Mr. Baldwin made a motion to approve Resolution 2008-40 for passage, which was seconded by Mrs. Oakley.

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

Mr. Baldwin asked how many times that a resolution like this may be passed prior to the adoption of the 2008 budget due to the current State Aid situation.

Mr. Ferry, Township Auditor, stated that this may be done as many times as needed as long as the money does not exceed the budgeted amount for 2008.

**ORDINANCE:**

**Introduction**

Mayor Nerbak presented Ordinance 2008-04 for introduction:

**ORDINANCE: 2008-04**

**AN ORDINANCE TO AMEND CHAPTER 2-8 OF THE CODE OF THE TOWNSHIP OF MANSFIELD ENTITLED "POLICE DEPARTMENT" TO CLARIFY THE QUALIFICATION REQUIREMENTS,**

**WHEREAS**, the Township Committee of the Township of Mansfield has determined that Chapter 2-8 of the Township Code should be amended to clarify the qualification requirements for new police officers to address concerns raised by the Police Department;

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

**Section I.**

The Code of the Township of Mansfield is hereby amended so that Section J "Appointments and qualifications" be revised to read as follows:

- i. Has a High School Diploma and has either 60 College Credits or at least two years of prior military or law enforcement experience.

**Section II.**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**Section III.**

If any section, subsection, paragraph, phrase or sentence of these amendments to the Township Code is, for any reason, declared to be unconstitutional or invalid, such section, subsection, paragraph, phrase or sentence shall be deemed severable.

**Section IV.**

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

Mrs. Oakley made a motion to approve the introduction of Ordinance 2008-04 and requested that the public hearing be advertised for April 9, 2008 at 8:00pm, which was seconded by Mr. Baldwin.

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

Nays: Mr. Watters

Abstain: None

Mayor Nerbak presented Ordinance 2008-05 for introduction:

**ORDINANCE: 2008-05**

**AN ORDINANCE TO AMEND CHAPTER 5 OF THE CODE OF THE TOWNSHIP OF MANSFIELD ENTITLED TO REQUIRE OWNER REIMBURSEMENT FOR ALL FEES AND COSTS OF BOARDING,**

**WHEREAS**, the Township Committee of the Township of Mansfield has determined that Chapter 5 of the Township Code should be amended to require owner reimbursement for all fees and costs of boarding their animal upon impoundment;

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

**Section I.**

The Code of the Township of Mansfield is hereby amended to add the following provision to Chapter 5 "Animal Control":

The owner of any animal impounded pursuant to this Chapter or any other provision of the Township Code or State Law, shall be responsible for the full costs of impoundment, boarding, medical treatment and, if deemed necessary, the destruction of said animal

**Section II.**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**Section III.**

If any section, subsection, paragraph, phrase or sentence of these amendments to the Township Code is, for any reason, declared to be unconstitutional or invalid, such section, subsection, paragraph, phrase or sentence shall be deemed severable.

**Section IV.**

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

**Mrs. Oakley made a motion to approve the introduction of Ordinance 2008-05 and requested that the public hearing be advertised for April 9, 2008, which was seconded by Mr. Baldwin.**

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

Nays: None

Abstain: None

**Mr. Kobert, Esq. stated that Mr. Edleston had prepared this ordinance for the Township Committee due to the fact that the Meadows at Mansfield was his client prior to being appointed Township Attorney.**

**Mayor Nerbak presented Ordinance 2008-06 for introduction:**

TOWNSHIP OF MANSFIELD  
COUNTY OF WARREN

**ORDINANCE NO. 2008-06**

**AN ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF THE TOWNSHIP OF MANSFIELD ENTITLED "ZONING" RELATING TO ADULT RETIREMENT COMMUNITIES.**

**STATEMENT OF PURPOSE.** This Ordinance is intended to amend the age restricted portion of the Ordinance.

**BE IT ORDAINED** by the Township Committee of the Township of Mansfield that the following Ordinance amendment be enacted

**Section 22-13.10(h)(1) Age Restriction Compliance:** Is hereby amended as follows:

Each dwelling unit in the ARC development must be occupied by one (1) permanent resident fifty-five (55) years of age or older with no children under twenty-three (23) years of age in permanent residence, pursuant to the Federal Fair Housing Amendments Act of 1998 and any amendments thereto, including but not limited to the Housing for Older Persons Act of 1995. Irrespective of the Federal Fair Housing Amendments Act, there shall be no occupancy of any dwelling unit unless at least one member of the household is fifty-five (55) years of age or older.

**REPEALER:** All Ordinances of the Township of Mansfield, which are inconsistent with the provision of this Ordinance are hereby repealed to the extent of such inconsistency. If any section, subsection, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**EFFECTIVE DATE:** This Ordinance shall take effect following its final passage and publication in accordance with the law.

Mr. Baldwin made a motion to approve the introduction of Ordinance 2008-06 and requested that the public hearing be advertised for April 23, 2008 at 8:00pm, which was seconded by Mrs. Oakley.

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

Nays: None

Abstain: None

### **Public Hearing**

Mayor Nerbak opened the meeting up for public comment on Ordinance 2008-02, seeing that there were no comments from the public Mayor Nerbak closed the public comment period.

**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 passage of Ordinance 2008-02 and requested that the results be advertised, which was seconded by Mrs. Oakley.

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

Nays: Mr. Jewell

Abstain: None

Mayor Nerbak opened the meeting up for public comment on Ordinance 2008-03, seeing that there were no comments from the public Mayor Nerbak closed the public comment period.

#### **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 passage of Ordinance 2008-03 and requested that the results be advertised, which was seconded by Mr. Jewell.

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

Nays: None

Abstain: None

#### **PUBLIC HEARING OF 2008 BUDGET (8:00):**



Mayor Nerbak turned the meeting over to Mr. Coppola and Mr. Ferry for the explanation of the budget for the year 2008.

Mr. Coppola explained that the budget as presented would increase the municipal tax three (3) cents and that if the state does decide not to give the township State Aid the increase went up to six (6) cents. Mr. Coppola stated that when the state had said that they would be cutting the State Aid to the Municipalities that another Budget Hearing was held and that after cuts were made in the budget the increase would be reduced to five (5) cents.

Mr. Coppola advised the Township Committee that the adoption of the budget should be done at a future date when there is some knowledge about the State Budget and whether the Municipalities would be receiving State Aid.

**COMMITTEE PERSON COMMENTS:**

Mayor Nerbak stated that the towing ordinance would be introduced at the next meeting as long as everyone agrees that there are no changes need.

Mr. Baldwin stated that he and Andrew have been working on possible shared services for another court and also for animal control.

Mayor Nerbak stated that she attended the Recreation Meeting last night and that she had received a letter of resignation from Guy Hepworth the Football Commissioner.

Mrs. Oakley made a motion to accept the letter of resignation from Mr. Hepworth with regret and requested that the clerk send a letter of thanks to him for all of his service to the Township, which was seconded by Mr. Baldwin.

Mayor Nerbak also stated that she would like to appoint Bill Haffner to take Mr. Hepworth's position.

Mr. Baldwin made a motion to appoint Bill Haffner to the Recreation Commission to fill the unexpired term of Mr. Hepworth, which was seconded by Mrs. Oakley.

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

Nays: None

Abstain: None

Mayor Nerbak stated that she attended the department head meeting this morning and went through the items that were discussed by the Department Heads.

Mayor Nerbak stated that in previous discussions about the Nextel phones it had been agreed that the Mayor and whomever was the DPW Supervisor would be keeping their phones for communications with the employees, but that it has been brought to her attention that some of the Committee members would like to keep there Nextel phones to communicate with the employees that they are liaisons to.

Mrs. Oakley stated that she would pay for the phone if necessary, but that she uses her phone to speak with the Chief and Andrew.

Mr. Jewell stated that he was not interested in keeping the phone and has returned it this evening to the clerk.

**EXECUTIVE SESSION: CONTRACT NEGOTIATIONS, PERSONNEL**

Mr. Watters made a motion to go into Executive Session at 8:28pm, which was seconded by Mr. Jewell.

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

Nays: None

Abstain: None

Return from Executive Session at 9:25pm.

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

Mayor Nerbak asked if we would be having the farmer plant the field for this year. The Township Committee discussed the issues with having the crops planted for this year.

Mayor Nerbak stated that she would meet with the farmer and discuss what will be being done on the property and where he will be planting.

Mr. Jewell made a motion to adjourn at 9:29pm, which was seconded by Mrs. Oakley and carried by all.