

MANSFIELD TOWNSHIP COMMITTEE MEETING

October 8, 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.

Mayor Nerbak stated that a letter was received from Mr. Mace's office regarding the release of Natural Stone's restoration cash bond.

Mr. Baldwin made a motion to approve the release of the restoration bond, which was seconded by Mrs. Oakley.

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

Nays: None

Absent: None

Abstain: None

PAYMENT OF BILLS:

Mrs. Oakley made a motion to approve the payment of the bills, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

Mayor Nerbak stated that the members of Tri County Fire Department have requested to make a presentation and that she would like to turn the floor over to the two members from Tri County Fire Department that are present.

Mr. Scott Hammel and Stephen Smith introduced themselves and presented a plaque to the Township Committee and thanked Mayor Nerbak for her attendance and judging for the Mayors trophy at the Car Show that was held at the Tri County Firehouse this past weekend. Mr. Hammel and Mr. Smith also thanked the Township Committee for all of their assistance in the past year.

The Township Committee thanked Mr. Hammel and Mr. Smith.

Mayor Nerbak stated that Mrs. Sharon Cooper, Brown and Brown Insurance is present to present the Township Committee with the current years surplus savings.

Mrs. Sharon Cooper thanked the Township Committee and stated that she was pleased to announce that this year there will be a total of \$10,951 applied to the final installment of the insurance payment due to a surplus. Mrs. Cooper also stated that since 1997 when the township became a charter member of the PAIC insurance there has been a total of \$66,143 applied to the insurance payments from the surplus and there has been \$4719 from the community alliance pool. Mrs. Cooper stated in the time that the Township has been a member of the PAIC insurance there has been a total savings of over \$70,000.

Mayor Nerbak thanked Mrs. Cooper for this terrific news.

CFO REPORT:

Mr. Coppola stated that there were originally three resolutions on the agenda for the SHARE grant funding because there was supposed to be a 10% match and when reviewing the grant agreement the grant is for the entire amount, so therefore we only need to pass one resolution to put the money into the budget.

Mr. Coppola stated that we are going to be sending a letter of response for police services to Oxford.

Mr. Baldwin stated that he would like to go meet with Oxford with Andrew to see what we can get put together.

Mayor Nerbak stated that would good and that she would be interested in getting things to move forward.

Mr. Coppola also stated that the Energy Audit Proposals as of Friday we anticipated going with the proposal that was outside the State program because it was the lowest cost proposal and on Monday the State rolled out their program and we sent the RFP along with the responses and the State said go ahead and select a vendor at that point we were going to go ahead with that but this morning I received an email from the State that this need to be put on hold because the State wants pricing by building not municipality or school district Mr. Coppola stated that he has called and emailed the State to ask if we can still go forward since we got the ok and he has received no return response. So this is where things stand as of right now.

Mr. Baldwin stated that by the time that the State responds he fears that the prices will change.

Mr. Coppola asked the Township Committee if they would be interested to proceed with the Energy Audit or would you like to start the whole process over when the State finally does have a response for us.

Mr. Baldwin stated that he felt we should proceed.

Mayor Nerbak asked will there still be a possibility of the township being reimbursed.

Mr. Coppola stated that if we went through the State program it would be \$7600 and after everything is complete we would be reimbursed 75% and we would still have to put the money out upfront and outside of the State program it would be \$3200 and there would be no reimbursement.

Mr. Baldwin stated that there is certain amount of money that is designated to cover this reimbursement through the whole state, so the reimbursement will also depend where we are on the list.

Mr. Coppola stated that oddly enough as of Monday we were the only ones that turned anything in.

Mr. Jewell asked if the State gave any indication of when they would get back to him.

Mr. Coppola stated that he has received no response at all.

Mr. Baldwin stated that he would like to give them a couple of days to respond and then decide what we will do.

Mr. Jewell stated that he would like to see if anyone else will be going forward without the reimbursement because the number that participate makes up a good portion of the price that we received.

CLERKS REPORT:

Ms. Hrebenak stated that she had nothing to report.

Mayor Nerbak asked what the ISO letter was and where the report was.

Ms. Hrebenak stated that the ISO came and rated the Construction office and that the report was too large to copy, so if anyone would like to review the report it is in the Clerks office.

Mr. Watters asked what is going on with the towing applications.

Ms. Hrebenak stated that so far only one application packet has been picked up and that it has not been returned yet.

Mr. Watters asked what the timeframe is to have all of the applications in.

Ms. Hrebenak stated that the towing list will not go into effect until January 1st of 2009.

MAYORS REPORT:

Mayor Nerbak stated that the request from Beattystown Church for materials and labor for repairs to the church will be forwarded to the Open Space Committee for their review and comment and we will have the Public Hearing at the 1st meeting in November.

Mayor Nerbak also stated that she received a letter from Marcia Karrow in reference to the Yellow Ribbon Grant which would be available to veterans of Iraq and Afghanistan so if anyone knows of an veteran, please let us know.

Mayor Nerbak stated that the Bright Road discussion will be held at the next meeting, but she explained that the road will be being plowed this year.

Mayor Nerbak stated that the North Jersey Transportation Planning Authority will be holding a meeting on October 29 at 7pm at Warren County Vo Tech for the overview of the transportation plan and she asked if anyone would be able to attend.

There was no one that thought that they would be able to attend, so Mayor Nerbak stated that she would try to attend the meeting.

Mayor Nerbak stated that the Pollution Control Financing Authority has a new program and she has the paper for that and it will allow the towns and municipalities to schedule their cleanup days once or twice a year by using this program.

Mayor Nerbak also stated that the Wheels Bus is looking for us to contribute more to the bus service, due to the costs going up right now we send them \$5000 per year.

Mr. Lavery, Esq. stated that he thinks that the state sent a bill for an additional \$1,200 to \$1,400.

Mr. Jewell asked how much Hackettstown pays for this service.

Mayor Nerbak stated that at this time Hackettstown paid in \$26,000 for this service and they are estimating that this year the cost will be \$52,000.

Mayor Nerbak stated that she would hate to see this service discontinued due to funding.

Mr. Jewell stated that when we first started to have this service he rode the bus to see how many miles it covered and to make a suggestion on how much we should pay.

ENGINEERS REPORT:

Mr. Mace stated that he spoke with Carol Lowy and she remembered the grant that no one else could. Mr. mace explained that she said the small cities money that we have left over could be applied to our COAH money and use it as we would the COAH money.

Mr. Baldwin asked if Mr. Mace knew how much this is right now.

Mr. Coppola stated that right now we have \$130,000.

Mr. Mace asked about how much more we have to collect.

Ms. Hrebenak stated that she has the list, but is not exactly sure how much is still owed to us.

Mr. Mace stated that there was part of the grant that was for water service connections and that he is not sure whether this needs to be paid back.

Ms. Hrebenak stated that there are a number of loans that are still outstanding with the same owner.

Mr. Baldwin made a motion to approve Title Searches being done on two properties to see if the liens show up which Mr. Lavery stated would cost about \$200 or \$300 dollars per search, which was seconded by Mr. Jewell.

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

Nays: None

Absent: None

Abstain: None

Mr. Watters asked Mr. Mace when he believes that we will begin the Washburn Road project.

Mr. Mace explained that we should be beginning the process within the next couple of weeks and the project should take a month to six weeks.

Mr. Mace explained that the committee should consider when they would like to bid the project.

Mr. Baldwin stated that he would like to bid the project in the fall and all of the committee concurred.

PUBLIC PORTION:

Mayor Nerbak opened the public portion, seeing as there were no comments from the public the public portion was closed.

RESOLUTION:

RESOLUTION 2008-91
TOWNSHIP OF MANSFIELD
SHARE FEASIBILITY STUDY GRANT

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item thereof was not determined at the time of the adoption of the budget, and;

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Mansfield has received \$3,691.00 to administer a SHARE Feasibility Study Grant for document/record management from the Department of Community Affairs and wishes to amend its 2008 Budget to include a portion of this amount as a revenue

NOW, THEREFORE, BE IT RESOLVED that the Township of Mansfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$3,691.00

that is now available as revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent

Of the Director of Local Government Services:

Public and Private Revenues Offset with Appropriations:

SHARE Feasibility Study Grant

BE IT FURTHER RESOLVED that a like sum of \$3,691.00 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations – Excluded from “Caps” Public and Private Programs Offset by Revenues:

SHARE Feasibility Study Grant

BE IT FURTHER RESOLVED, that the Municipal Clerk forward two copies of this resolution to the Director of Local Government Services.

Mr. Baldwin made a motion to approve the passage of Resolution 2008-91, which was seconded by Mrs. Oakley.

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

Nays: None

Absent: None

Abstain: None

COMMITTEE PERSON COMMENTS:

Mr. Jewell had nothing to report.

Mr. Baldwin stated that he attended the Fire Meeting at Tri County Firehouse and the fireman discussed the false alarms ordinance and Mr. Baldwin stated that he would like to see the ordinance changed to incorporate higher fees.

Mr. Baldwin made a motion to approve the Ordinance being revised to raise the fees, which was seconded by Mrs. Oakley.

Mr. Jewell asked if we could hold off until everyone has a chance to review the other ordinances that the committee was given copies of and the packet of information.

Mr. Baldwin stated that it would be fine to wait until the next meeting to move further with the ordinance revisions.

Mr. Jewell made a motion to table the review of the False Alarm Ordinance so that everyone can review all of the paperwork, which was seconded by Mrs. Oakley.

Mr. Jewell stated that he made a motion and it was seconded by Mrs. Oakley so this will be tabled for a further meeting.

Mayor Nerbak asked Mr. Jewell if he would like to run the meeting.

Mr. Jewell said sure and asked for the roll to be called.

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

Nays: None

Absent: None

Abstain: None

Mr. Baldwin stated that he attended the Shared Service meeting the DCA, League of Municipalities and a number of other politicians the discussion was about COAH and it was an excellent meeting.

Mr. Baldwin also stated that Brent Sliker had told him that the diesel fuel gas meter is not working correctly the measurement is off, but if we are going to go to a carded system there is no point in changing the meter now.

Mr. Baldwin stated that he received a report from the planner and Mr. Lavery will be presenting that information.

Mr. Lavery, Esq. stated that the new COAH ruling is for the requested stay from the December 31, 2008 date from the League of Municipalities to address the merits of the plan like the vacate land being listed as properties in the middle of the road, etc. was not granted therefore towns like Mansfield Township will need to file their third round COAH plan in by December 31, 2008 and the briefing schedule is included. There will probably no resolution until the middle of next year. Mr. Lavery also stated that this was at the Appellate Division so they may go to Supreme Court with this also.

Mr. Watters stated that there is still no fuel consumption report from the police department.

Mr. Baldwin stated that the Clean up was about 1/3 of what it normally has been in previous years.

Mr. Baldwin asked Mr. Mace about what he thought of the proposed expedited traffic approvals. Mr. Mace explained that as much as it would make changing regulations on the road a lot easier because we could review this ourselves he doesn't agree with a change being made like that because at least with the NJDOT review the plans there is still conformity throughout the State, so therefore things should be left the way that they are presently.

Mr. Baldwin made a motion to approve the Mayor signing the letter to Washington Twp for the construction issues, which was seconded by Mrs. Oakley.

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

Nays: None

Absent: None

Abstain: None

Mr. Jewell asked what the time frame is for notification to end the agreement for either side.

Mr. Coppola stated that it is six months.

Mayor Nerbak stated that she received notice from Diane Margolin that stated that Warren County Community College has asked to play on our soccer field for their home games and Greg Barry, Soccer Commissioner said that them using the fields would be ok with him.

Ms. Hrebenak asked Mayor Nerbak if they will be providing a Certificate of Liability to the Township.

Mayor Nerbak stated that there will be a certificate filed.

Mayor Nerbak asked if the Township Committee wishes to do anything with the letter that was received from Vincent Rasa about driving on township property to catch his cows.

Mr. Baldwin stated that he told Mr. Rasa that he was not allowed to to drive a vehicle on Township property.

Mayor Nerbak stated that there is an ordinance that states that driving on Township Property is not allowed.

Ms. Hrebenak asked if Mr. Rasa should she advise him that he may not drive on the property and that if he is caught he will be prosecuted.

Mayor Nerbak answered yes.

Mrs. Oakley asked if the Township Committee would like to try to do the Christmas Tree Lighting again.

Mayor Nerbak stated that it is nice to do something for the community.

Mrs. Oakley stated that the Christmas Tree Lighting will be held on December 13 at 7pm and that she hoped that this year there will be a turn out for the event and asked that it be posted on the school bulletin and also sent to WRNJ and the newspapers.

Mrs. Oakley stated that there was an interview held last Wednesday with the candidate for the Police Department the candidate's name is Chris Cavannaugh.

Mrs. Oakley made a motion to hire Chris Cavannaugh to start in two weeks at a starting salary of \$30,000.

Mr. Baldwin stated that he would like to recuse himself from this discussion and from the vote.

Mayor Nerbak explained that she spoke to Mr. Kobert, Esq. and also to Mr. Vex, Esq. and both of them agreed that Mr. Baldwin and Mr. Jewell should not participate in this conversation and the vote.

Mr. Jewell stated that he disagreed with their opinion he stated that he voted the budget down because there was the hiring of a new police officer included in the budget, so that was before we ever took applications for the position, so he does not feel that his opposing the police officer is compromising his position his decision on this has nothing to do with who is being hired and that he was going to vote no regardless of who was being hired.

Mayor Nerbak stated that Mr. Jewell by voting either way could put this town at risk of a lawsuit.

Mr. Jewell stated lets do this a different way Ted (pointing at Ted Tomaszewski) will be sworn in January 1 and Mr. Watters also voted no against the budget also for the same reason George will still be on the Township Committee, but not able to vote, Mr. Jewell stated that he also would not and Mrs. Oakley will be gone, so as of January 1st the officer will be gone.

Mr. Baldwin stated that Mr. Jewell should not have repeated what he had said in Executive Session.

Mr. Jewell stated that it is now in the Public Meeting and that Mrs. Oakley made a motion to hire.

Mr. Baldwin stated that Mr. Tomaszewski has not won an election yet, so he is not in yet and secondly that he should not be discussing what was said in Executive Session and should not be brought to a Public Meeting.

Mr. Lavery stated that his only suggestion would be since he does not know what is going on with this situation we should hold off for two weeks.

Mr. Jewell stated that regardless of what happens the police officer will be gone January 1st.

Mrs. Oakley stated that she will not recuse her motion.

Mayor Nerbak made a motion to take a five minute break to speak with Mr. Lavery to fill him in on what is going on at 8:30.

Return from five minute recess at 8:35.

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

Mayor Nerbak seconded Mrs. Oakley's motion to hire Chris Cavannaugh.

Ayes: Mrs. Oakley, Mayor Nerbak

Nays: Mr. Watters, Mr. Jewell

Absent: None

Abstain: Mr. Baldwin

Mayor Nerbak stated that the motion fails.

Mrs. Oakley stated that she would let the Chief know in the morning.

Mr. Baldwin made a motion to adjourn at 8:35, which was seconded by Mrs. Oakley and carried by all.

Respectfully Submitted,

Dena Hrebenak, RMC