

MANSFIELD TOWNSHIP COMMITTEE MEETING

May 28, 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 made a motion to approve the bill list with the addendum 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 the Committee members were given a copy of the payroll report and also the overtime report.

Mr. Coppola also stated that the Budget amendment public hearing will be held on June 11, 2008 and after the budget amendment is adopted the Township Committee can vote on the 2008 budget.

Mr. Coppola explained that he and Mr. Baldwin attended a meeting last night for Washington Township and that the three (3) year extension of the shared court agreement is going to be reviewed by Washington Twp Committee on June 5th and will be ready for our review at the June 25, 2008 meeting.

CLERKS REPORT:

Ms. Hrebenak had nothing to report.

Mayor Nerbak went over what the department head meeting discussion had been. Joanne Fascinelli is presently working on the modifications to the Recycling Ordinance which will be presented to the Committee for introduction soon. The township recycling was held the 2nd Saturday of May and six (6) people brought their recycling which was an increase from the two people that came the last time. Mayor Nerbak stated that the Township Committee needed to

appoint an indoor air quality person and that the department head recommendation had been Brent Sliker.

Mrs. Oakley made a motion to appoint Mr. Brent Sliker as the Indoor Air Quality Person for the township, which was seconded by Mr. Baldwin.

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

Nays: None

Abstain: None

Absent: None

Mayor Nerbak stated that Mr. Kobert, Esq. reviewed the all of the Open Space ordinances and he explained that prior to money being spent out of the Open Space Trust Fund the Township Committee needs to get the opinion of the Open Space Committee and there will also need to be a public hearing.

ENGINEERS REPORT:

Mr. Mace stated that his office is still working on getting a peaceful compliance with the two properties along Route 57 with zoning issues on them.

Mr. Mace explained that he has been in dialog with the Natural Stone Traditions attorney about the on sight issues that need to be taken care of.

Mr. Mace's office had a preconstruction meeting with Ron Brinkerhoff who is now the owner of the Simoff development off of Airport Road so they will be starting construction in the next couple of days.

Mayor Nerbak explained that she had received a phone call from Rhonda Capers who owns property on Roosevelt Ave she is having issues with the road washing out and wants to know if the town could do something to fix it.

Mr. Mace stated that the township never took over Roosevelt or Elizabeth Ave the houses were granted approval to built on the paper streets with improvements being required by the homeowners in order to build on the paper streets, but the township never took over the maintenance of the roads the homeowners were responsible to maintain the road.

Mayor Nerbak asked Mr. Mace to put that information in writing.

Mayor Nerbak explained that we have another issue on Alpine Ave. with a lot of garbage all over the properties. There is an ordinance in place that will force the owner to clean up the property and Mr. Baldwin feels that it is a police ordinance not a zoning ordinance.

Mr. Mace stated that he believed that to be a police enforcement ordinance.

Mr. Baldwin agreed that the property maintenance ordinance is a police ordinance.

Mr. Baldwin asked Mr. Kobert, Esq. how something like this would be handled.

Mr. Kobert, Esq. explained that this would fall under the disorderly persons police ordinance and that the police would issue a summons and that would bring the property owner into municipal court.

Ms. Hrebenak explained that the property is in the name of an estate.

Mr. Kobert, Esq. also stated that the township could consider the passage of an ordinance that the township will go and clean up the property and that a lien will be placed on the property for the work that is done to rectify the violation.

Mayor Nerbak asked if Mr. Kobert, Esq. could present something like that to the Committee for review.

PUBLIC PORTION:

Mrs. Carol Thompson, Route 57, stated that she is present tonight to present the required documentation that was requested from her at the previous meeting of the issues that are going on at the two businesses on Route 57.

Mayor Nerbak asked if Mrs. Thompson was present when Mr. Mace explained that he believes that the two businesses are trying to comply and rectify the current issues.

Mrs. Thompson stated that she was present, but she is unsure when Mr. Mace did this because she had another problem yesterday.

Mr. Mace explained that he had spoken with the attorney for the one sight either yesterday or Friday.

Mrs. Thompson and Mr. Mace had dialog about the ways that this may be resolved.

Mr. Tom Maxwell, 12 Hoffman Road, complained that his neighbor presently has a number of chickens and roosters and he wanted to know if this is an allowed usage on a small lot.

Mayor Nerbak asked Mr. Mace to look into this and address it.

Helga Simmons, 1 Ridgewood Terrace, stated that for the past 15 years her neighbor has had the messiest driveway and she would like the township to do something to make them clean the property up.

Kathie Todd, Jackson Valley Road, asked about the open space money that last meeting was going to be set aside for the walking trails, she wanted to know if this was going forward.

Mayor Nerbak explained that it is going forward, but that the spending of the moneys is being referred to the Open Space Committee for their opinion and after that there will be a public hearing for this purpose.

Ms. Todd stated that she had called Mr. Kobert the day after the previous meeting to ask him a question and was referred to Mayor Nerbak.

Mayor Nerbak explained that when we hired Mr. Kobert as Township Attorney we designated certain people that could call and speak to the Township Attorney.

Glen Todd, Washburn Road, stated that he was curious why on the radio it was stated that there are a lot of people that are in favor of the park but there are a lot of negative things that are being said.

Mayor Nerbak stated that there are a lot of different opinions about the park.

Helga Simmons stated that she does not agree with money being spent to build the recreation park and that she felt that no one knew that this is what the money would be used for and that she was not pleased when the increase for the Open Space tax and the revaluations increase went on the same year.

Nadie Hill, stated that she would like to see more preserved open space and asked if the creation of the recreation park will in fact make the taxes rise due to the need for more staffing in the recreation department, police department and other departments within the township. She also questioned why all townships are cutting back and we are not.

Alice Mayberry, Main Street, stated that she got a copy of the ballot question for the Open Space tax did say that the money would be used to buy the grounds and create the recreation park.

Merle Morse, 3 Walter Terrace, asked if the property could be maintained as open space and not developing the property at this time.

Mayor Nerbak stated that the Recreation Commission had done an extensive survey in preparing to begin the park.

Nadie Hill agreed but stated that there was nowhere on there that asked if you did not want the park.

Mr. Todd asked why it is that the township doesn't try to preserve the round barn in Mansfield.

Mayor Nerbak stated that the round barn is on state property and they would have to do the repairs to that.

Nadie Hill stated that she had called the state and explained that this is the only round barn and asked if the repairs could be made for the 250th of the township and got no response.

Kathie Todd asked if the Township Committee members would change their votes from the last meeting if there was an outcry of citizens against the money being spent that way.

Mr. Baldwin explained that for as many people that are disagreeing with the park project tonight there are people that are in favor of the park project.

Mr. Watters stated that it is not so much the question of the development of the park it is more so the money that has already been allocated for the recreation park which this year will receive \$600,000 not counting the \$450,000 that was voted on last meeting.

Mayor Nerbak stated that since the beginning of this program out of this fund we spent \$1,169,073 for farmland preservation, and the purchase of the Port Murray Dairy Property was \$1,490,000.

RESOLUTION:

RESOLUTION ADOPTING CLICK IT OR TICKET PROGRAM
TOWNSHIP OF MANSFIELD
NUMBER 2008-56

WHEREAS, there was 716 motor vehicle fatalities in New Jersey in 2007; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a safety belt; and

WHEREAS, use of a safety belt remains the most effective way to avoid death and serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that \$135,000 lives were saved by safety belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide Click It or Ticket safety belt mobilization from May 19 to June 1, 2008 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 91% to 93%; and

WHEREAS, a further increase in safety belt usage in New Jersey will save lives on our roadways;

NOW, THEREFORE, BE IT RESOLVED that the Township of Mansfield hereby declares it's support for the Click It or Ticket safety belt mobilization program and accepts a grant for the same in the amount of \$4000.00 to be used for 80 hours of overtime enforcement (at \$50/hour) during the two week mobilization period.

Mr. Baldwin made a motion to approve the passage of Resolution 2008-56 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

RESOLUTION NO. 2008-57

**AN RESOLUTION 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 RESOLVED, 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:

Tax Collector	\$36,268 from May 24 to Dec. 31
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BE IT FURTHER RESOLVED, that salaries are to be paid in accordance with Salary Ordinance – Ordinance 2008-01, which was adopted by Mansfield Township Committee on Jan. 23, 2008.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Chief Financial Officer shall be hereby authorized to pay the foregoing salaries commencing May 28, 2008.

Mrs. Oakley made a motion to approve the passage of Resolution 2008-57 as presented, which was seconded by Mr. Baldwin.

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

Nays: None

Abstain: None

Absent: None

RESOLUTION NO. 2008-58

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

WHEREAS, it is desired to amend said approved budget;

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:

Click-It or Ticket Grant	\$4,000.00
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Mrs. Oakley made a motion to approve the passage of Resolution 2008-58, which was seconded by Mr. Baldwin.

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

CAPITOL ORDINANCE

ORDINANCE NUMBER – CA-08-02

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY,
APPROPRIATING \$10,500.00 FOR PURCHASE OF RECREATION EQUIPMENT

WHEREAS, there is a need for equipment necessary for the maintenance of recreation facilities;

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

1. The amount of \$ 10,500 is hereby appropriated from Capital Surplus.
2. There is no debt incurred by this Ordinance.
3. This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

Mr. Jewell made a motion to approve the introduction of Capital Ordinance 08-02 and requested that the public hearing be advertised for the June 11, 2008 meeting at 8pm, which was seconded by Mr. Baldwin.

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

ORDINANCE NUMBER – CA-08-03

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY,
APPROPRIATING \$15,403.00 FOR PURCHASE OF POLICE EQUIPMENT

WHEREAS, there is a need for equipment necessary to ensure public safety;

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

1. The amount of \$ 15,403 is hereby appropriated from Capital Surplus.
2. There is no debt incurred by this Ordinance.
3. This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

Mrs. Oakley made a motion to approve the introduction of Capital Ordinance 08-03 and requested that the public hearing be advertised for the June 11, 2008 meeting at 8pm, which was seconded by Mr. Jewell.

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

Nays: None

Abstain: None

Absent: None

ORDINANCE:

SECOND READING

Mr. Joel Kobert, Esq. stepped down for reason of a conflict of interest with a previous client and was replaced by Mr. William Edleston, Esq.

Mayor Nerbak opened the floor for public comment on Ordinance 2008-06, seeing that there were no comments from the public the public comment portion was closed.

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. No permanent resident shall be under twenty-three (23) years of age or younger. One (1) temporary resident who provides necessary health care to a permanent resident of the dwelling units may be twenty-one (21) years of age or older, provided that such individual may not be accompanied by any person(s) intending to reside at the premises of the unit temporarily or otherwise.

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 passage of Ordinance 2008-06 and requested that the results be advertised, which was seconded by Mr. Watters.

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

Nays: None

Abstain: None

Absent: None

Mayor Nerbak opened the floor for public comment on Ordinance 2008-07:

Nadie Hill, Main Street, stated that she believed that the prices in this Ordinance were too high and that they should be lowered, she recently got new tires and the tire place only charged her 3.50 to take the old tires.

Discussions were held on the clean up fees and procedures.

Seeing that there were no comments from the public Mayor Nerbak closed the public comment portion.

ORDINANCE 2008-07

AN ORDINANCE TO AMEND CHAPTER 2-51 OF THE CODE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY ENTITLED SCHEDULE OF FEES FOR MUNICIPAL SERVICES

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:

2-51.1 (d) DEPOSIT OF CLEANUP DEBRIS AT MUNICIPAL FACILITY

Station Wagon or Car	\$15.00 Per Load
Pick-Up Truck	\$25.00 Per Load
Van	\$25.00 Per Load
Any of the above with single axle utility trailer	Additional \$25.00 per load
Truck Tires	\$7.50 Each
Auto Tires	\$5.00 Each

Section 2. All ordinances inconsistent with the foregoing shall be deemed repealed by this ordinance.

Section 3. This Ordinance shall take effect immediately upon publication as provided by law.

Mr. Baldwin made a motion to approve the passage of Ordinance 2008-07, which was seconded by Mr. Watters.

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

Nays: None

Abstain: None

Absent: None

Mr. Baldwin made a motion to go into an executive session after a five minute break.

EXECUTIVE SESSION: PERSONNEL

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 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.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Mansfield, assembled in public session on May 28, 2008, that an Executive Session closed to the public shall be held on May 28, 2008 at 9:03PM 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. Baldwin made a motion to approve the passage of the Executive Session Resolution, which was seconded by Mrs. Oakley.

COMMITTEE PERSON COMMENTS:

Mrs. Oakley had no report.

Mr. Watters had no report.

Mr. Jewell reminded all of the members that the Warren County League meeting is tomorrow night.

Mayor Nerbak stated that Jerilyn Harris will be representing Mansfield Township at a Clean Energy Program meeting.

Mr. Baldwin made a motion to adjourn at 9:42 which was seconded by Mr. Jewell and carried by all.

Respectfully Submitted,

Dena Hrebenak