

MANSFIELD TOWNSHIP COMMITTEE MEETING

November 12, 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.

Discussion with Washington Twp.

Present from Washington Township, Warren County: Mayor Dave Dempski, Committeeman Samir Elbassiouny, Construction Official Christopher Rose, Technical Assistant Carolyn Quinn

Mr. Coppola stated that there have been a number of payments that have been received late.

Mayor Dempski apologized for having to cancel the last meeting, but he had a prior engagement for school for his child. He stated that he views Mansfield Township as a strategic partner and he gave his sincere apologies and he also apologized that he concerns of the township were not addressed sooner.

Mayor Dempski also explained that as far as the financial concerns he has instructed the Finance Liaison Jeff Struck and spoken with the auditor and the conclusion that was come to was to pass a resolution to give authorization to the Chief Financial Officer of Washington Township to prepare and sign the checks for payment tot Mansfield upon receipt of the Code and Construction Reports. Washington Township only meets once a month on the third Tuesday and that meeting does not really fit into the schedule for payments that is included in the contract. This should lead to a great deal of timeliness on the chicks being generated because the CFO can cut a check as needed. This should address items one and five from the letter of concerns. Mayor Dempski stated that he does stress that interlocal service agreements are top priority as far as the bills being processed and that he expects the bills to be paid first and foremost.

Mayor Baldwin stated that this was all we could ask.

Mayor Nerbak asked Mr. Coppola if this would be satisfactory to our auditors.

Mr. Coppola stated that it really is up to the Township Committee and that we could see if this arrangement will work if there will not be a new account opened for Mansfield's monies. Mr. Coppola also stated that once the construction payments were being sent in the court payments were not.

Mr. Baldwin and Mayor Nerbak both agreed that as long as the bills are paid in a timely fashion this should work.

Mayor Dempski stated that there have been many issues in the finances department through the years and that he feels that things should be going more smoothly now.

Committeeman Samir Elbassiouny stated that this was the best advice that was received from the Washington Twp auditors and that they suggested not to set up an account in Mansfield's name also that they feel that now that the township offices are working under one roof everything will run much more smoothly.

Mr. Coppola asked how long that this process will take to start working, because he gets the same reports that the Washington Township CFO receives and it is very close to the end of the month.

Mayor Dempski stated that the resolution will be passed at the meeting on Tuesday and will take effect immediately that night.

Mayor Nerbak asked if October's bill should be paid to the township in the first week of November, but because this resolution is not in effect the payment needs to wait until shortly thereafter the 18th of November and that once this resolution is passed the payments will be made in the first seven days of the month.

Mayor Dempski explained that in the beginning of each year the anticipated money to be paid out to Mansfield is included in the budget therefore it is not a matter of the money not being there it was just the payment being approved to be paid out.

Mayor Nerbak asked if the offices were all moved to the new location.

Mayor Dempski stated that they were.

Mr. Baldwin asked if the police were working out of the building also.

Mr. Embassy stated that they were.

Mr. Rose stated that the COAH policy that was in place was a verbal policy and there was never any written policy that was give to them whether the money is to be collected all up front or half at the beginning and half at the end of the project, it would be helpful if there is a written policy so that everyone could be familiar with it. If it would be helpful the applicants could be required to file a third set of prints with the tax assessor so that the COAH figure could be calculated.

Ms. Herbenak stated that all of the information with the policies of handling COAH payments was gone over at the very first meeting when the two offices combined and that this information has been repeatedly gone over at other meetings.

Mr. Rose again stated that he never received a written policy.

Ms. Hrebenak stated that she would send over a written policy for the COAH procedures.

Mayor Dempski stated that just to clarify that they went through the same thing when they were working with the state for construction services, because the CO's were issued without payment.

Ms. Hrebenak stated that prior to permit issuance 50% of the COAH has to be paid prior to permits being issued and that when the final inspections begin to be done the paperwork should be submitted back to Mansfield for the Assessor to give the equalized assessed value. There have been a number of people who have received all of their final inspections and that they are then told that prior to a CO they need to pay a COAH fee.

Mayor Dempski asked if there is a written application for the COAH payments.

Ms. Hrebenak stated that there is a written application and that the application is contained on the computer that was given to the Construction office from the Township of Mansfield when the two offices combined.

Mr. Rose stated that in the list #3 was the release of Fujiyama Restaurant's CO prior to engineers release, which has been taken care of and the release was given to them.

Mr. Mace asked if the construction office is clear on how things work for the township with his office.

Mr. Rose stated that yes, everything is clear to them on the procedures of dealing with Mace's office.

Mr. Mace stated that he believed that communication lines have been established with his office is this correct.

Mr. Rose said that they have spoken and there are open communication lines.

Mr. Rose also stated that the averages that were paid to the state for the state surcharge fees were corrected and repaid to the township and this was an error of the Permits NJ program it took a lot of correspondence between Dena, the state and I.

Mr. Baldwin asked if Mr. Coppola had anything else to talk about.

Mr. Coppola stated that he had nothing else to add.

Mr. Rose stated that he would like to serve Mansfield equally as they serve Washington Twp and that he believes that the two offices work well with each other.

Mr. Baldwin stated that the Court Agreement has worked out wonderfully and that the Construction Office has just hit some bumps in the road, but hopefully all of the things that have been discussed will iron everything out.

Mr. Rose also stated that there will always be growing pains with a new venture like this and it was very good to clear the air.

Mayor Nerbak stated that this is exactly what we are trying to do to address issues that have been bogging us down and hopefully this will work it out.

Committeeman Samir Elbassiouny stated that there were growing pains and that Washington Twp just started this department and that he was glad that the items that they were unaware of were brought to their attention. Committeeman Samir Elbassiouny thanked Mr. Coppola and Ms. Hrebenak for all of their help in this process.

Mr. Baldwin asked that if there were any concerns of Washington Twp that they let us know and told them that we would do the same.

Mayor Nerbak told Mr. Rose and Mrs. Quinn that it was very good to meet them and asked everyone to please keep the lines of communication open.

APPROVAL OF MINUTES:

Mr. Baldwin made a motion to approve the minutes of the October 22, 2008, which was seconded by Mr. Jewell.

Mr. Jewell stated that on page 6 there is a resolution 2008-92 which talks about Walgreen's Site Plan and then in the resolution it talks about Natural Stone, which is it for?

Ms. Hrebenak stated that it was a mistake on her part. It is a resolution for Natural Stone and it will be corrected.

Mr. Jewell also stated that on the last page it says that Mr. Baldwin voted and he did not.

Ms. Hrebenak stated that this has already been corrected.

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

Nays: None

Absent: None

Abstained: None

PAYMENT OF BILLS:

Mr. Jewell asked what work was done on the 916 Loader that cost \$980.52.

Mr. Baldwin explained that the work was done on the fuel system of the old loader with the automatic fuel. It was shutting itself off all of the time. This one is used for the salt shed, which is better to sue with the salt instead of the new loader.

Mr. Watters asked if this also includes the coming and going.

Mr. Baldwin stated that this is the old loader and this is just for labor and parts and that the reason that the repairs were done was because he feels that it is better to use the old machine that already has wear instead of causing undue wear to the new machine.

Mr. Watters asked on the addendum if we have a bill for 850 gallons of diesel fuel for \$750, and how is that.

Mr. Coppola stated that that is the balance of a bill for 850 gallons of diesel fuel.

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

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

Nays: None

Absent: None

Abstained: None

CFO REPORT:

Mr. Coppola stated that the Committee members received a copy of the overtime reports and also the monthly budget reports in each of their packets.

Mr. Coppola stated he just wanted to give everyone an update on the energy audit. So far Independence Township Municipal Building and Independence School, Washington Twp, Morris County, Washington Library and the Mansfield Township School are all interested in having the energy audits performed and that the cost to Mansfield Township, if there are 3 participants, will be \$6700 and if there are 6 participants the cost will be \$5200. Are we interested in doing it?

Mr. Baldwin stated that there is money already earmarked in the budget for this purpose.

Mr. Jewell asked if this would be in the state plan.

Mr. Coppola stated that it would not.

Mayor Nerbak stated that we would probably be saving money before the state plan was approved.

CLERKS REPORT:

Ms. Hrebenak stated that she received two raffle applications for Mansfield Township Fire Department both 50/50's one to be held on 11/28/2008 and one to be held on 12/27/2008 all of the items of the application are in order.

Mrs. Oakley made a motion to approve the Raffle applications, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstained: None

Ms. Hrebenak stated that the Comcast application for franchise renewal was received and all members of the Committee received copies this evening. The copy that was received by the Township Committee is a confidential copy, but the public copy will be maintained in the Clerk's Office if there is anyone from the public wishing to view the

application. The public hearing date needs to be set for the first or second meeting in January. The Committee agreed to have the public hearing on January 14, 2008.

Ms. Hrebenak also stated that for the second year in a row the Township received an honorable mention award for the website in the Rutgers contest for public information.

MAYORS REPORT:

Mayor Nerbak appointed Paul Tarlowe as the Musconetcong River Management Council Representative for the Township of Mansfield.

Mr. Baldwin made a motion to concur with said appointment, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstained: None

Ms. Nerbak stated that she met with the seniors and that they had a couple of concerns, they would like for the township to advertise items on Comcast channel #21, more handicapped parking in the lot around the municipal building, also for the municipality to purchase a large drop down screen for the meeting room.

Ms. Hrebenak stated that the municipal building has a portable screen in clerk's office when they need a screen, and that the drop down screen was looked at, but the cost was far too expensive.

Mayor Nerbak stated that she would like to commend the Robert Griffith and Scott Hammel, Mansfield Township OEM Coordinators, Cheryl Holowath, Independence Township OEM Coordinator, and Buddy Volkert, Hackettstown OEM Coordinator for all of their efforts on the day of the snowstorm with all of the power outage to form a Regional Shelter at the Mansfield Elementary School. Mayor Nerbak stated that all went very well and that the Red Cross and Salvation Army were also involved and that the Regional Shelter helped them too. The OEM Coordinators would like to set up a joint meeting with all of the towns to have a plan if something like this was to ever happen again and possibly set up a mutual aid agreement.

Mayor Nerbak stated that the Warren County League meeting will be held on December 4 at 6:30 at Bello Giorno, so the clerk will need to know who will be attending at the next meeting.

Mayor Nerbak stated that she spoke with the Chief and there are a couple of items that need to be changed with the towing ordinance. The length of time that is allotted for review is not enough time for the reviews and he believes that we should also have a possibility of extension if need be.

Mr. Watters asked if this is for all of the people that are going to be tower or just the new applicants.

Mayor Nerbak explained that this would apply to everyone.

Mr. Watters stated that presently we have four or five towers does this apply to all of them for this year.

Ms. Hrebenak explained that the towing application and ordinance don't take effect until January 1, 2009.

ENGINEERS REPORT:

Mr. Mace stated that he needed the Township Committee to authorize by resolution his signature on the treatment works approval for the septic system for the Mansfield Motel.

Resolution 2008-98
RESOLUTION TO AUTHORIZE SIGNATURE ON THE APPLICATION FOR SEPTIC FOR THE
MANSFIELD MOTEL

BE IT RESOLVED, by the Township Committee of the Township of Mansfield that the engineer, Douglas Mace has the approval of the Township Committee to place his signature on the application for the septic for the Mansfield Motel.

Mr. Baldwin made a motion to approve Mr. Mace's signature on the application, which was seconded by Mrs. Oakley.

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

Mr. Mace asked for authorization to advertise for the bid acceptance for Washburn Road at the first meeting in December.

Mr. Baldwin made a motion to advertise for the acceptance of bids at the first meeting in December, which was seconded by Mr. Watters.

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

Mr. Baldwin asked Mr. Mace what was the percentage of average inspection fees.

Mr. Mace stated that he was not able to say and that he does not charge a percentage because that method is not allowed.

Mr. Mace stated that he would speak with Mr. Baldwin during the week.

PUBLIC PORTION:

Paul Tarlowe, Brookside Ave, asked if the Committee also wanted him to represent Mansfield at the Highlands Meetings because that was the notice that he had received.

Mayor Nerbak stated that he was appointed to represent the Township at the Musconetcong River Management Council meetings only, but if he wished to go to the meeting he could.

RESOLUTION:

RESOLUTION- No. 2008-97

FOR TRANSFER OF FUNDS

WHEREAS, there are insufficient funds in some of the 2008 budget line items; and

WHEREAS, it is permissible to transfer current appropriation funds after Nov. 1, 2008.

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

From		To	
Fire Dept. Liaison S&W	2,500.00	Diesel Fuel	5,700.00
Public Works OE	2,160.00	General Administration OE	3,500.00
Zoning Board OE	990.00		
Planning Board OE	1500.00		
Elections OE	2050.00		

Mrs. Oakley made a motion to approve Resolution 2008-97, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: None

Abstained: None

Second Reading:

CAPITAL ORDINANCE:

ORDINANCE NUMBER – CA-08-05

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY, APPROPRIATING \$15,000.00 FOR IMPROVEMENTS TO PUBLIC BUILDINGS

WHEREAS, there is a need for a new recreation shed;

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

1. The amount of \$15,000.00 is hereby appropriated from a Reserve for Improvements to Public Buildings in the general capital fund.
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.

Ted Tomaszewski, 109 Snyder Road, asked how large the shed is and whether it is a pre fab or will be built on site.

Mr. Coppola stated that he believes that he shed will be 15 x 30 and that this price will probably be higher than what will be needed.

Mr. Baldwin stated that this price was for all of the site work and everything for the shed.

Mr. Baldwin also stated that this was included in the capitol budget for this year.

Mr. Baldwin stated that this is being proposed to the Planning Board to find out the location prior to acquiring the shed.

Mr. Watters asked what kind of doors will be on the shed and what will be enclosed in the shed.

Mr. Cruts, Recreation, asked where this shed is going to be located.

Mr. Watters asked Mr. Cruts what will be located in the shed.

Mayor Nerbak answered that the shed is for the nets and stuff for the DPW-Recreation equipment to be stored.

Mr. Baldwin made a motion to approve the passage of the capitol ordinance, which was seconded by Mrs. Oakley.

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

PUBLIC HEARING FOR OPEN SPACE MONEYS: BEATTYSTOWN CHURCH

Mayor Nerbak opened the floor for the Public hearing on awarding the Beattystown Church money for the repairs to the church. Being there were no comments from the public, the public portion was close.

Mayor Nerbak asked if anyone from the committee had any questions about the work that is being done, and also stated that the Open Space Committee did not have a quorum, but that the members that were present did agree that the money should be given to the Beattystown Church minus the repair for the broken flanges in both bathrooms, that this was not maintenance on the building which would make the total awarded \$1800.

Mr. Jewell stated that he needed to step down because he has done work for the church.

Mrs. Oakley asked that the Township Committee already awarded money to the church and is this money over and above that money.

Mr. Harry Pool and Mr. Phil Hazen went through the work that was over and above the work that was first proposed.

Mrs. Oakley asked if the church has already been sold.

Mr. Pool stated that there is another congregation that will be coming in this Sunday and that in the deed there will be a clause that the church will remain a church for 10 years.

Mr. Baldwin asked what the name of the new church is.

Mr. Hazen stated that it is the Skylands Unitarian Church.

The Township Committee and Mr. Pool and Mr. Hazen had a discussion of where the money will be deposited if awarded and what will happen with the monies from the earlier repairs.

Mr. Kobert suggested that if the money is to be awarded to the church that there should be a clause included that the new church will have to pay the township back if there are any changes with the church within 10 years. Mr. Kobert also suggested that the Township Committee make this something going forward that would be included as a lien on the property.

Mr. Watters made a motion to approve the \$1800 being awarded to the Beattystown Church with the stipulation that if there is a change then it will be repaid to the township, which was seconded by Mr. Baldwin.

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

Mr. Kobert stated that at the churches closing there would be a stipulation included to explain that if the church changes anything within 10 years then the money will be repaid.

COMMITTEE PERSON COMMENTS:

Mr. Jewell explained that he and Mr. Baldwin had two meetings this week with the planner, and the sub-committee from the Planning Board about the COAH obligations.

Mr. Jewell also asked if Mr. Tomaszewski could receive all correspondence that is given to the Township Committee through the end of this year in order to prepare for the next year.

Mr. Baldwin stated that the DPW is in the process of cleaning up from the storm.

Mr. Baldwin stated that there was a meeting with the Teamsters Union this afternoon to review the proposals for the new contract.

Mr. Baldwin also explained that the annual audit for the court will be held on November 21, 2008.

Mrs. Oakley stated that the Christmas Tree lighting will be held on December 10, 2008 and requested that the Clerk let her know by December 1st if there is a response of people coming.

Mr. Watters stated that the Warren Hills Board meeting was switched to Warren Hills Regional School.

Mr. Jewell stated that he would like to oppose Inherently Beneficial Use which is from the correspondence labeled 11/12/08-15.

Mr. Jewell made the motion to oppose the passage of Inherently Beneficial Use, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: None

Abstained: None

Mrs. Oakley made a motion to take a five minute break at 9:10, which was seconded by Mr. Jewell.

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

Nays: None

Absent: None

Abstained: 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:

- (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.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Mansfield, assembled in public session on November 12, 2008, that an Executive Session closed to the public shall be held on November 12, 2008 at 9:15PM 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.

Mrs. Oakley made a motion to approve the passage of the executive session resolution, which was seconded by Mr. Jewell.

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

Nays: None

Absent: None

Abstained: None

Return from executive session at 9:50pm.

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

Mr. Baldwin made a motion to adjourn at 9:51pm, which was carried by all.