

MANSFIELD TOWNSHIP COMMITTEE MEETING

March 11, 2009

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: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Mayor Jewell
Ms. Nerbak absent.

Salute to the flag was done by all.

Mayor Jewell asked Mr. Sams, DPW Assistant Supervisor to come forward for a discussion with the Committee. Mayor Jewell explained to Mr. Sams that he was asked to come in tonight because the township has issues with the budget and a discussion that was had at a budget meeting about what could be done to cut the budget more had a couple of different scenarios of people off from the Road Department and it seems that being that Mr. Sams was the last hire it seems that he would be the first one to go. Mayor Jewell stated that the decision was not unanimous, that he had argued that there was a need for more Supervision in the Road Department which was the reason for bringing Mr. Sams on and that he still feels that there is a need for supervision and that he feels that the need for a Supervisor outweighs the saving of the money in that respect. Mayor Jewell stated that from the discussions that he has had with Mr. Sams have made him believe that even more.

Mr. Kobert, Esq explained that Mr. Sams was hired in October and that he is under a six month probationary period which would end April 20. Mr. Kobert, Esq. asked if Mr. Sams had any comment.

Mr. Sams stated that he could say plenty, but that he is disturbed that he was not able to follow thru with what the Committee had actually hired him to do and follow thru to save the money and that he feels that if this position is done away with that it will effect the working machine of the town and that some of the money will not be spent wisely because other people would be put in a place to make decisions when they have the experience and the knowledge of his years.

Mayor Jewell stated that there was also discussion of how much time that the Township was going to give Mr. Sams.

Mr. Baldwin stated that when he gave Mr. Sams the notice to be here tonight and explained his options of the meeting that he and Mr. Sams had discussed that when Mr. Sams was hired he gave the township two weeks and that the township would give him two weeks notice also after this coming Friday.

Mr. Sams stated that this was not an understanding that was only discussed by Mr. Vex and that this was something that would be up for decision tonight.

Mr. Kobert, Esq stated that in the Tax Stabilization Plan it does state that effective March 27, 2009 and that the purpose of this layoff is purely budgetary and that the savings from this layoff will cause a one cent savings in tax points.

Mr. Sams asked if this position would at this point be closed down or will position remain just be empty at this point and be filled at a later date. Mr. Sams also asked if he would be considered for this position if the need arose to fill this position.

Mr. Baldwin stated that this position has not been filled in years and that the main thing that has been done with the budget this year already is cut the operating budget of the DPW by 50% and that is a lot less money to work with and that he felt that once the economy does a turn around then there will be a need to fill this position again.

Mr. Sams stated that is where he and Mr. Baldwin differ in opinion Mr. Sams feels that with the budget being cut this is when you need to tighten your belt and be more cost effective and use the money that you have and not let the dollars and cents get away because that adds up. Mr. Sams stated that he feels this is when this position is necessary and he

feels that being as large of a township as we are and that the department being split into two different locations the Beattystown and the Port Murray shops there is a need for this position because one man cannot cover both crews. It seems to be lacking in supervision because of the fact that with only one Supervisor that is doing many other things, he cannot be doing the hands on he has to be running the business, out of sight out of mind kind of thing.

Mr. Baldwin stated that is understandable and that we try to run things as effectively as possible and that he and Mr. Sams had discussed moving some people around and that he is strongly considering doing that. Mr. Baldwin explained this lay off has nothing to do with Mr. Sams performance this is purely budgetary.

Mr. Sams asked if this position is left open is he going to be given the opportunity to be rehired for this position when it is reopen.

Mr. Baldwin stated that he feels that this is a position that should be filled in better times and that if he was still here at that point he would consider Mr. Sams for the position.

Mr. Kobert, Esq. explained that we cannot make that type of commitment to Mr. Sams.

Mr. Baldwin stated that he is sorry that this has to happen, but that Mayor Jewell had come up with one plan to cut back and the rest of the Township Committee agreed that the last one hired should be the first one to be let go not to let a number of people go for a period of time.

Mr. Sams stated that we have spent the money that we have plus his salary bringing the maintenance program and the business back up to speed because of the lack of supervision because of not getting everything done the way that it should be and at the worst time of the year brought in an extra pair of hands like himself that needs to make the learning curve and that is a slow time of year other than snow and that this year we have been pretty fortunate about major snow we have gotten through 4 or 5 months of slow time which allows for a man coming up to speed with running a crew and now it is time to bear the fruit and we are pulling the plug on the project and he does not agree that this is a good idea at all.

Mr. Baldwin stated that he had nothing to add to it and that the Committee will need to make a motion.

Mayor Jewell stated that he will not be making the motion because he is against this decision.

Mr. Watters made a motion to follow the plan that recommended to the Township Committee by Mr. Vex, Esq which states that Mr. Sams will be laid off as of March 27, 2009, which was seconded by Mr. Tomaszewski.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin

Nays: Mayor Jewell

Absent: Ms. Nerbak

Abstain: None

APPROVAL OF THE MINUTES:

Mr. Baldwin made a motion to approve the minutes from the regular meeting February 25, 2009, which was seconded by Mr. Watters.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Mayor Jewell

Nays: None

Absent: Ms. Nerbak

Abstain: None

PAYMENT OF BILLS:

Mr. Watters asked how often ammunition is order and how much is used for qualifications.

Mr. Baldwin stated that Chief Ort could tell him that, but that he had found someone to get the ammunition from in a previous year at the League of Municipalities Convention.

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

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Mayor Jewell

Nays: None

Absent: Ms. Nerbak

Abstain: None

CFO REPORT:

Mr. Coppola stated that each committee member received a copy of the Cash Management and the Overtime Reports. Mr. Coppola also stated that he has given each of the Committee Members a list of all of the township properties that will be up for auction and explained that Chief Ort and Joann Fascinelli went out and inspected the properties and their findings are included on the list. Mr. Coppola stated that one of the properties does have a couple large items on the property.

Mr. Baldwin stated that Mr. Coppola should speak with Brent and have the Road Department remove them.

Mr. Coppola asked if the Township Committee was interested in applying for the COPS grant and explained how the grant works, and also explained that according to the Warren County Prosecutors Office Mansfield is the highest in the county with domestic violence.

Mayor Jewell stated that he does not feel that the township will be inclined to apply for the grant and stated that we just laid someone off and that he does not believe that we will be hiring any new people.

Mr. Baldwin asked if this grant will cover.

Mr. Tomaszewski stated that the grant covers three years.

Mr. Baldwin stated that he knew that but that he wanted to know if it someone that is retiring.

Mr. Coppola stated that it will cover people that are retiring.

Mr. Coppola stated that he spoke with the Tax Assessor and that there are a couple of tax appeals this year.

Mr. Coppola stated that he had called the references that were listed for the Police Feasibility Studies to go through the one item that was different on the proposals and that there was no one at the public presentation point so the proposals look good.

Mr. Coppola also stated that he has not heard back from the Mayor of Hackettstown, but that he had previously stated that he liked Patriot Consulting being that he had worked with them before.

Mr. Baldwin agreed that he liked Patriot.

Mr. Baldwin made a motion to move forward with Patriot Consulting if the SHARE grant is received for the Police Feasibility Study, which was seconded by Mayor Jewell.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Mayor Jewell

Nays: None

Absent: Ms. Nerbak

Abstain: None

Mayor Jewell explained that this is for a study to be performed for a joint police force and that we are applying for a grant from the State to have this performed.

CLERKS REPORT:

Ms. Hrebenak stated that the DPW put up the signs for Oxford Court.

Ms. Hrebenak also stated that we received the paperwork for the deed of easement to Warren County that will need to be signed by myself and the mayor that was originally done in 2001 and the township has been waiting since 2001 for the County to give the township any compensation and it looks as though the funding will be coming in the amount of \$131,873.72.

Ms. Hrebenak stated that maps were received from Warren County for the Census Boundaries for Designated areas of the township.

ENGINEERS REPORT:

Mr. Mace explained that the zoning office will be citing the appliance salesman on Route 57 because he still has not complied with the court ruling.

Mr. Mace stated that the Township Committee will need to approve him sending a letter to Tilcon requesting a thirty day extension for the Washburn Road contract because we still have not heard from the State about the discretionary aide.

Mr. Baldwin made a motion to approve Mr. Mace sending a request to Tilcon for a thirty day extension, which was seconded by Mr. Jewell.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Mayor Jewell

Nays: None

Absent: Ms. Nerbak

Abstain: None

Mr. Mace also asked the Township Committee if at the second meeting in April he could take some time to present to the Township Committee the requirements for Stormwater Management.

The Township Committee agreed that would be possible.

PUBLIC PORTION:

Mayor Jewell asked if there were any comments from the public, seeing as there were none the public portion was closed.

RESOLUTION:

Resolution 2009-41

RESOLUTION AUTHORIZING ASSIGNMENT OF DEVELOPMENT EASEMENT TO THE WARREN COUNTY
BOARD OF CHOSEN FREEHOLDERS

WHEREAS, the Township of Mansfield acquired a development easement on Premises from George A. Baldwin, in compliance with the terms of the Agriculture retention and Development Act, N.J.S.A. 4:1 C-1 1 et seq., P.L. 1983, c. 32 and N.J.A.C. 2:76; and

WHEREAS, pursuant to Paragraph 22 of said Deed of Easement and subsequent Corrective Deed of Easement, the Township of Mansfield secured all of the nonagricultural development rights and development credits appurtenant to the lands and Premises set forth in said Deeds; and

WHEREAS, the Township of Mansfield entered into an agreement to assign said Deed of Easement to the County of Warren; and

WHEREAS, the County of Warren applied to the State Agricultural Development Committee (SADC) to enroll said Deed of Easement in the State of New Jersey Agricultural Retention and Development Program; and

WHEREAS, The SADC granted final approval of the Warren County Board of Chosen Freeholder's application for a cost share grant for the purchase of the development easement on the Premises;

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

The Mayor and Clerk of the Township of Mansfield are authorized to execute the Assignment of Deed of Easement and any other documents necessary to consummate the transaction with the Warren County Board of Chosen Freeholders on advice of the Mansfield Township Attorney.

Mr. Watters made a motion to approve the passage of Resolution 2009-41, which was seconded by Mr. Tomaszewski.

Ayes: Mr. Tomaszewski, Mr. Watters, Mayor Jewell

Nays: None

Absent: Ms. Nerbak

Abstain: Mr. Baldwin

ORDINANCE:

Mr. Watters stated that he felt that the \$100 fee is too high for the taxi license and that he would like to have the fee be \$50. Mr. Watters also stated that at this point Hackettstown does not charge a fee for this license.

Mr. Kobert, Esq. stated that if we make this change it is considered a significant change and that we would have to reintroduce the ordinance tonight with the new fee and have a public hearing at the next meeting.

The Township Committee discussed the change and all agreed that they would like to have the fee for \$50.00.

First Reading

ORDINANCE 2009-04

AN AMENDMENT TO AN ORDINANCE ENTITLED AN ORDINANCE LICENSING AUTOCABS, LIMOUSINES, AND LIVERY SERVICES OPERATED WITHIN THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY

WHEREAS, the Township Committee has determined that an amendment needs to be made on a previously adopted Ordinance which is numbered Ordinance 99-20 to clarify the fee schedule for the license,
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.

Section 4 Fee Schedule

The nonrefundable fees to be paid for said license, shall be as follows: Fifty Dollars (\$50.00) for each autocab or limousine per annum.

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.

Mr. Baldwin made a motion to reintroduce Ordinance 2009-04 with the fee changed to \$50.00 and requested that the public hearing be advertised for March 25, 2008 at 8:00 pm, which was seconded by Mr. Watters.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Mayor Jewell
Nays: None
Absent: Ms. Nerbak
Abstain: None

Mayor Jewell introduced Ordinance 2009-05;

ORDINANCE 2009-05

AN ORDINANCE TO AMEND CHAPTER III OF THE CODE OF THE TOWNSHIP OF MANSFIELD BY ADDING NEW SECTION 3 CLINIC SPORTS REGISTRATION FEES AND SCHOLARSHIPS

WHEREAS, the Township Committee of the Township of Mansfield has determined that there should be, within the Township of Mansfield, recreation registration fees.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, that the Code of the Township of Mansfield is hereby amended to include the following provisions regarding recreation registration fees:

Section 1

Chapter IIIA of the Code of the Township of Mansfield is hereby amended to include a new section establishing Clinic Sports Registration Fees:

- (d) Softball Clinic
 - i. \$25.00 for each player enrolled in one of Mansfield's Softball league programs

Section 2

Chapter IIIA of the Code of the Township of Mansfield is hereby amended to include a new section establishing Scholarships:

Chapter IIIA-14. Sports registration scholarships for participation of children in sports programs of the Township of Mansfield, shall be as follows:

- (a) Fees will be waived upon written notice of award of a need-based scholarship from the Recreation Commission.
- (b) Prior to any waiver of a fee, there shall be a written application by the applicant and a vote by the majority of a quorum present granting the waiver. The decision shall be memorialized in the minutes of the Recreation Committee.

Section 3

This ordinance shall take effect immediately after passage.

Section 4

Any ordinance that is inconsistent with the foregoing shall be deemed repealed by this ordinance.

Mr. Baldwin made a motion to approve the introduction of Ordinance 2009-05 and requested that the public hearing be advertised for March 25, 2009 at 8:00pm, which was seconded by Mr. Watters.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Mayor Jewell
Nays: None
Absent: Ms. Nerbak
Abstain: None

EXECUTIVE SESSION: INFORMAL HEARING FOR WASHINGTON COLLISION

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 March 11, 2009 that an Executive Session closed to the public shall be held on March 11, 2009 at _____PM 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.

Return from Executive Session at 9:25pm.

Roll Call: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Mayor Jewell
Ms. Nerbak absent.

Mr. Tomaszewski made a motion to approve the towing application for Washington Collision, which was seconded by Mr. Watters.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Mayor Jewell
Nays: None
Absent: Ms. Nerbak
Abstain: None

Mr. Baldwin made a motion to take a five minute break at 9:30pm which was seconded by Mayor Jewell.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Mayor Jewell
Nays: None
Absent: Ms. Nerbak
Abstain: None

Return from 5 minute break at 9:35.

Roll Call: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Mayor Jewell
Ms. Nerbak absent.

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 March 11, 2009, that an Executive Session closed to the public shall be held on March 11, 2009 at ____PM 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 go into Executive Session, which was seconded by Mr. Watters

Roll Call: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Mayor Jewell
Ms. Nerbak absent.

COMMITTEE PERSON COMMENTS:

Mr. Baldwin made a motion to adopt the Township of Mansfield Layoff Plan that was prepared by Mr. Howard Vex, Esq., which was seconded by Mr. Watters.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Mayor Jewell
Nays: None

Absent: Ms. Nerbak

Abstain: None

Mayor Jewell stated that he had received a letter from Heritage Conservancy in reference to the Scenic Byway that requested representation from Mansfield Township and also to use the Municipal Building for a meeting on September 30, 2009 at 7:00 pm.

Mr. Baldwin stated that he had gone to the previous meetings and that he would attend this one and open the building.

Mr. Tomaszewski stated that the police gas pump was being reset and that the Police Chief had spoken to all of the officers and explained to them that they cannot reset the pump while it is pumping. Mr. Tomaszewski also explained that the meeting that officers received overtime for was a meeting that is held once a year for the setting up of the squads. Mr. Tomaszewski also explained that he told the Chief that if there is a non emergent situation for animal control there is no need to call him out prior to the morning.

Mayor Jewell asked Mr. Coppola where we were last year with Police Overtime.

Mr. Coppola stated that the police overtime last year for the entire year \$90,000 and at this time we are at \$41,000.

Mr. Tomaszewski asked if the Township Committee if we will be budgeting for a new police car.

The Township Committee agreed that it will not be a good idea to put in the budget this year.

Mr. Tomaszewski stated that he would speak to Chief Ort and that possibly the Chief's car will go back into rotation and explain to him that there will be no patrol replacement.

Mr. Baldwin made a motion to adjourn at 10:09pm, which was carried by all.