

MANSFIELD TOWNSHIP COMMITTEE MEETING

May 13, 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, Ms. Nerbak, Mayor Jewell

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Mayor Jewell made a motion to approve the minutes of the regular meeting held on April 22, 2009 as corrected, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: Mr. Baldwin

Mr. Baldwin asked a question about the request from Sergeant Newman for there to be a promotional exam given for the police department and whether the Township Committee had done anything in reference to this.

Mayor Jewell stated that nothing had been done with this yet.

Mr. Baldwin made a motion to speak with the Chief about having a Police promotional exam, which was seconded by Ms. Nerbak.

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

Nays: None

Absent: None

Abstain: None

PAYMENT OF BILLS:

Mayor Jewell asked if Tri County signed the changed Contract.

Mr. Coppola stated that they had.

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

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

Nays: None

Absent: None

Abstain: None

CFO REPORT:

Mr. Coppola stated that the Township Committee received a memo from Joanne Fascenelli, Recycling Coordinator about Shredding thru Recycling grant moneys.

Mr. Watters asked if the tonnage goes to the township.

Mr. Coppola stated that he is not sure.

Mr. Baldwin asked which company Mr. Coppola thought would be better to go with.

Mr. Coppola stated that Absolute shredding seemed to be good.

Mr. Baldwin stated that the Township should go for the flat rate.

Mr. Watters stated that we should see what the flat rate would encompass.

Mr. Coppola stated that the prices were done for three or four hours.

Ms. Nerbak stated that the piece and tear is too large and that she would prefer the spaghetti shred.

Mr. Baldwin stated that he would make a motion to go with Absolute Shredding at our old DPW garage and with a limit of four hours, which was seconded by Ms. Nerbak.

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

Nays: None

Absent: None

Abstain: None

Mr. Coppola stated that each Committee member was given a copy of an overtime report. Mr. Coppola also stated that the legal budget is looking like it will be over budget.

Mr. Kobert, Esq. stated that he would like to sit down with Mr. Coppola to discuss the billing.

Mr. Coppola also gave Mr. Cruts a copy of Washington Twp fee schedule for the recreation fields.

CLERKS REPORT:

Ms. Hrebenak stated that the Township Committee needed to decide on a new date for the Land Auction and that the earliest date would be June 6 and also would we like to do the same time.

Mayor Jewell stated that date and time would work for him.

RESOLUTION NO. 2009-55

A RESOLUTION OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES, PURSUANT TO N.J.S.A. 40A:12-13(A) ET SEQ.

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a) authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements;

WHEREAS, the Township of Mansfield is the owner of certain real property not needed for public use and the Township Committee has determined that it is in the best interest of the Township to sell the property in an effort to put it back on the active tax rolls; and

WHEREAS, the Township of Mansfield, prior to the auction, will offer the right of first refusal to contiguous property owners for any properties which are less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements pursuant to N.J.S.A. 40A:12-13.2.

WHEREAS, there shall be no minimum bid, however, the Township reserves the right to reject all bids.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, that the property set forth in the Schedule "A" annexed hereto shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12-12(a). Said public auction shall be conducted on June 6, 2009 at 9:00 am at the Municipal Building, 100 Port Murray Road, Port Murray, New Jersey.

BE IT FURTHER RESOLVED that the subject property shall be offered for public bidding as set forth below and shall be sold pursuant to the further expressed conditions enumerated below:

1. Each bid is subject to the rejection or acceptance by the Township Committee which shall occur no later than at its second regular meeting following the auction sale. The Township Committee reserves the right to reject all bids. If no action is taken by the Township Committee by the second regular meeting, then the bid shall be deemed to be rejected.
2. The successful bidder, as indicated by the highest bid, shall be required to deposit 10 percent (10%) of his or her bid with the Township at the time of the auction. This deposit shall be made by either a certified check, money order or cash in an amount equal to at least 10 percent (10%) of the winning bid. All monies so received will be credited toward the total sale price.
3. The deposit made by the purchaser is non-refundable, except where the Township is unable to convey marketable title as indicated in paragraph 13 below. The risk of loss is in the purchaser.
4. Bidders are required to register for the auction by completing the form in Schedule "B" and including a letter or line of credit. All bidders must appear in person at the auction and upon becoming the successful bidder must present identifying credentials in compliance with the auction rules stated below:
 - a. The Designated Official will start with the auction by reading these auction rules.
 - b. Each registered bidder will receive a bidder number. In order to make a bid, a bidder raises their number in the air. The Designated Official will record each bidder's number and bid amount. A bid indication is considered a contractual obligation.
 - c. Bidders may not communicate with each other in any manner.
 - d. The minimum bid increment is One Hundred Dollars(\$100.00) in U.S. Dollars.
 - e. A person bidding on behalf of a corporation, upon becoming the successful bidder, must present a copy of the Certificate of Incorporation and a resolution authorizing that person to bid on behalf of the corporation.
 - f. A person bidding on behalf of a partnership or using a trade name upon becoming the successful bidder, must submit a copy of the Certificate of Trade Name (partnership) and a letter of authorization from the other partner(s).
 - g. No other bidder may submit a bid on behalf of another, except that a husband or wife may bid on behalf of both.
 - h. The winning bid will be decided when the highest bid has no counter bids made after three (3) requests.

5. The successful bidder shall not sell or otherwise transfer title to the premises, or any part thereof, to a non profit or nontaxable organization for a period of five (5) years from the date of closing on the property.
6. The successful bidder(s) shall be required to pay at time of closing of title the cost of legal advertising of the sale of this property which is the subject of this auction plus their proportionate cost of the transcript, if applicable.
7. The successful bidder(s) shall bear the cost of recording the deed(s) and agree that the deed(s) shall be recorded on behalf of the purchaser by the Township Attorney. The successful bidder, prior to closing of title, will not be permitted to assign his or her bid nor any right, title or interest in the property on which the bid was made.
8. The burden is on all successful bidders to obtain any and all variances and/or approvals from the Land Use and Development Ordinance of the Township of Mansfield from the appropriate municipal agency.
9. Title is to close within thirty (30) calendar days of confirmation of the bid by the Township Committee at the Township Attorney's office, unless otherwise extended in the sole discretion of the Township Committee, but if the last day for closing of title falls on a Saturday/Sunday, or legal holiday, then title shall close on the following day. Time is of the essence. **NO POSTPONEMENT OF CLOSING IS PERMITTED UNLESS:**
 - a. The Township's title is unmarketable, in which event the Township shall be allowed a reasonable time to, provide clear title and to close. If the unmarketability of title relates to a valid encumbrance against the property, the Township, after being timely notified of this defect by the purchaser, will endeavor to obtain within a reasonable time after such notification a release or discharge of such lien. If the Township is not successful in this regard, then part of the consideration to be paid by the purchaser for his said property shall be in the form of a certified check payable to the lienor for the amount to be paid for such release of discharge.
 - b. There is a written request, containing the reasons therefore, made by the purchaser within fifteen (15) calendar days after the confirmation of the sale by the Township Committee and the Township Attorney grants a one time postponement which is not to exceed thirty (30) days.
10. All conveyances shall be by deed of bargain and sale from the Township of Mansfield to the successful bidder, to be dated on the date of closing of title.
11. The sale price, as may result from this auction sale, may not be used before any County Board of Taxation, State Tax Court of in any other court of this State to challenge the assessment with respect to the subject property nor may same be used as a comparable sale to challenge assessment with regard to other properties.
12. This sale is also subject to further conditions that if the State of New Jersey or any upland owner has any rights or claim to the land being sold herein by reason of a riparian interest or otherwise, any charges levied or so levied by the State of New Jersey of upland owner for said riparian interest or otherwise are to be borne by the purchaser, in addition to the sale price bid for said property.
13. All successful bidders are required to conduct all desired title searches at their expense prior to the date of closing. If the title to this property shall prove to be unmarketable, the liability of the Township shall be limited to the repayment to the purchaser of the amount of his or her deposit and any portion of the purchase price paid without any further cost, expense, damage or claim. Notice of any alleged defect in title or claim of unmarketability shall be given to the Township in writing no later than thirty (30) calendar days after the date of confirmation of the sale by the

- governing body of the Township of Mansfield. Failure to give such notice shall be deemed conclusive evidence that the purchaser accepts title in its then present condition.
14. All prospective purchasers are put on notice that no employee, agent or officer of the Township of Mansfield has authority to waive, modify or amend any of the conditions of sale.
 15. If the successful bidder was the sole or part owner of the property to be sold at the time the Township acquired title by a tax foreclosure, said bidder may not reacquire the property directly or indirectly without complying with the following condition: The successful bidder of any property at this auction, by making such bid, thereby agrees to pay the Township at closing of title the difference, if any, between the total amount of taxes, plus interest and penalties due at the time of the judgment of foreclosure was entered and the amount of the successful bid.
 16. It is conclusively presumed that a bidder prior to taking his or her bid has done the following:
 - a. Checked the exact location, including the correct street address and lot size of the property on the Official Tax Maps that are available at the Assessor's Office.
 - b. Checked the zoning restrictions to ascertain the legal use of the property. This information can be obtained from the Township Zoning Office.
 - c. Made a personal inspection of the property prior to the bidding on a piece of property by contacting the Township Clerk, Monday – Friday, between 9:00 am to 4:00 pm, telephone number (908) 689-6151.
 - d. Responsibility for failure to comply with the above-mentioned conditions and guidelines will be fully assumed by the purchaser.
 17. A failure by the purchaser to fully comply with the terms, conditions, requirements and regulations of sale as herein contained shall be considered, at the option of the Township of Mansfield, as a material breach of the conditions of sale whereupon the Township of Mansfield may declare said contract or purchase terminated and at an end. All monies paid on behalf of the purchase price, by way of deposit or otherwise, may be retained by the Township as its liquidated damages and it may thereafter resell the said property and/or pursue such other and further legal and/or equitable remedies as it may have and the defaulting purchaser shall continue to remain liable for all damages and losses sustained by the Township of Mansfield by reason of any such default.
 18. Any descriptions of the properties published by the Township are intended as a general guide only and may not be accurate. **NO REPRESENTATIONS OF ANY KIND ARE MADE BY THE TOWNSHIP OF MANSFIELD AS TO THE CONDITIONS OF THE PROPERTY, SAID PREMISES AND BUILDINGS ARE BEING SOLD IN THEIR PRESENT CONDITIONS "AS IS"**.
 19. The sale is made subject to such state of facts as an accurate survey may disclose, existing tenancies, rights of persons in possession, easements, conditions, covenants and restrictions and any other encumbrances of title which the Township Committee may impose on any parcel at the time of the sale, including but not limited to, restrictions on the use to be made of such real property, capital improvements of personal property and any conditions of sale as to buildings or structures, or as to the type, size or other specifications of buildings or structures to be constructed thereon, or as to demolition, repair or reconstruction of buildings or structures, and the time within such conditions shall be operative, or any other conditions of sale in like manner and to the same extent as by any other vendor. All properties and buildings are being sold **"AS IS"**.
 20. The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Township of Mansfield.

21. Successful bidders agree to the following conditions:

- a. To pay prorated property taxes for the balance of the current year as of the date of closing.
- b. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.
- c. That the failure to close title as agreed shall forfeit to the Township of Mansfield any and all money deposited with the Township.

22. If any section or provision of this Resolution shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Resolution, except so far as the section of the provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Ms. Nerbak made a motion to approve Resolution 2009-55, which was seconded by Mr. Tomaszewski.

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

Nays: None

Absent: None

Abstain: None

PUBLIC PORTION:

Ellen Costain, 404 Watters Road, as a taxpayer posting agenda and minutes and emailing them out.

Mrs. & Mr. Capers, Roosevelt Ave sent correspondence 05/13/09-03.

Mayor Jewell explained that Mr. and Mrs. Capers are wishing to have a dedication of Roosevelt Ave which is correspondence 05/13/09-03 and that unfortunately Mr. Mace is not present and this house was put in through the board approval which he would have more knowledge on this topic.

Mr. Kobert, Esq. asked if the house was built by variance which would be section 34 or 35 which requires emergency equipment could get through.

Mr. and Mrs. Capers stated that they did.

Mr. Kobert stated that if you received that variance the burden of road maintenance would be yours.

Mr. Capers stated that the road cost them \$23,000 to be put in.

Mr. Kobert stated that the house was built there knowing the condition of the roadway, so the burden was theirs.

Mrs. Capers stated that the road is dangerous and the township should take over the road.

Mr. Kobert stated that Mrs. Capers should get a copy of the Resolution from the Zoning Board to Ms. Hrebenak and then everyone could get together to discuss this topic.

Mr. Cruts stated that he went up on the trail and it is looking like it will not be completed in the time span allotted the projected finish date is set for July 4th.

RESOLUTION:

Resolution 2009-53

RESOLUTION TO CANCEL CAPITAL FUND RESERVES OF THE TOWNSHIP OF MANSFIELD,
COUNTY OF WARREN, STATE OF NEW JERSEY

WHEREAS, there exists reserves on the balance sheet of the Capital Fund; and

WHEREAS, the funds creating these reserves have been investigated and it has been determined that these reserves are no longer needed and should be cancelled;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, that the following reserves in the amount of \$53,454.94 be and the same are hereby canceled to surplus

Reserve for:

Recreation Fields - \$50,431.70
Purchase of Emergency Equipment. - \$3,003.00
Improvements to Computers Vehicle - \$20.24

Mr. Baldwin made a motion to approve the passage of Resolution 2009-53, which was seconded by Ms. Nerbak

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

Nays: None

Absent: None

Abstain: None

RESOLUTION OF THE TOWNSHIP OF MANSFIELD
SUPPORTING THE CLICK IT OR TICKET MOBILIZATION
OF MAY 18-MAY 31, 2009
2009-54

WHEREAS, there was 592 motor vehicle fatalities in New Jersey in 2009; 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 18 to May 31, 2009 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 91.75% to 100%; 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 both locally and nationally from May 18 to May 31, 2009, pledges to increase awareness of the mobilization and the benefits of seat belt use 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.

Ms. Nerbak made a motion to approve the passage of Resolution 2009-54, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: None

Abstain: None

ENGINEERS REPORT:

Mr. Mace was not present, but sent a letter to the Township Committee that requested that they decide which DOT grants to apply for.

Mr. Baldwin made a motion to have the engineer apply for the same grants as last year which were Blau Road and Hazen Road, which was seconded by Mayor Jewell.

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

Nays: None

Absent: None

Abstain: None

Mayor Jewell stated that the second thing the engineer requested of the Township Committee was that due to the fact that the Township needed to wait for the supplemental moneys for the Washburn Road project the dates need to be changed on the contract and this needs to be done by motion.

Mr. Baldwin made a motion to have the dates changed to June 30, 2009, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

ORDINANCE:

First Reading

Mayor Jewell introduced Ordinance 2009-09;

ORDINANCE 2009-09

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 \$63,927.05 be and the same are hereby canceled to Capital Surplus

- Ordinance 03-07
Acq. Land DPW - \$49,000.00
- Ordinance 08-03
Police Equipment - \$43.09
- Ordinance 08-02
Recreation Equipment - \$7,425.00
- Ordinance 08-05
Recreation Shed - \$7,458.96

Ms. Nerbak made a motion to approve the introduction of Ordinance 2009-09 and requested that the public hearing be advertised for May 27, 2009, which was seconded by Mr. Baldwin.

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

Second Reading

Mayor Jewell opened the floor for public comment and stated that the reason that this is being done is because the Chief of Mansfield Township Fire Company can insure the fire truck for a cheaper amount which will save the township money;

O:2009-08

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES, PURSUANT TO N.J.S.A. 40A:12-13(b)(1).

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(b)(1) authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use by private sale to any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey; and

WHEREAS, the Township of Mansfield is the owner of a 1955 Ward LeFrance Fire Truck not needed for public use and the Township Committee has determined that it is in the best interest of the Township to sell the property for a nominal sum because of the high cost of insuring the same; and

WHEREAS, Fire Company No. 1 has expressed an interest to the Township of Mansfield, of purchasing the Fire Truck for a nominal sum; and

WHEREAS, there is a decided benefit to the taxpayers of the Township of Mansfield, for the Fire Truck to be transferred to Fire Company No. 1 for its use.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, as follows:

Section 1

The Township's 1955 Ward LeFrance Fire Truck shall be sold at private sale to Mansfield Fire Company No. 1 for nominal consideration pursuant to N.J.S.A. 40A:12-13(b)(1). The Mayor and Township Administration are hereby authorized to finalize and execute the attached Vehicle Sales Agreement and take such other reasonable steps that may be necessary to implement this sale.

Section 2

This ordinance shall take effect immediately after passage.

Section 3

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

Mr. Baldwin made a motion to approve Ordinance 2009-08 and asked that the results be advertised, which was seconded by Ms. Nerbak.

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

Nays: None

Absent: None

Abstain: None

COMMITTEE PERSON COMMENTS:

Mayor Jewell made a proclamation

P R O C L A M A T I O N

WHEREAS, Myasthenia Gravis is a neuromuscular disease striking children and adults, affecting control of voluntary muscles and afflicting several hundred of our fellow New Jerseyans; and

WHEREAS, the symptoms of this disorder include, but are not limited to, difficulty moving, breathing, swallowing, speaking and seeing; and

WHEREAS, the Myasthenia Gravis Foundation, Inc. is a non-profit organization founded, “to facilitate the timely diagnosis and optimal care of individuals affected by myasthenia gravis and closely related disorders, and to improve their lives through programs of patient services, public information, medical research professional education, advocacy, and patient care”; and

WHEREAS, Myasthenia Gravis is the most common neuromuscular disorder affecting the residents of New Jersey; and

WHEREAS, it is fitting to recognize the many physicians who demonstrate an untiring effort to treat this disease and search for a cure;

NOW, THEREFORE, I, Robert Jewell, Mayor of the Township of Mansfield, do hereby proclaim June 2008 as **MYASTHENIA GRAVIS AWARENESS MONTH** in the Township of Mansfield.

Ms. Nerbak had nothing to report.

Mr. Baldwin stated that there was a Shared Service meeting and there was a gentleman that was there from the telephone company and the township has already implemented and also someone offering to sell electric to the township and they will be reviewing the township's bills.

Mr. Baldwin also stated that he attended a NJ Transit meeting and there will no longer be a railroad going from Hackettstown to Phillipsburg and that there is no money for them to do anything.

Mr. Baldwin also attended a Scenic Byway meeting and he explained that he did not want anything taken away from the property owners along Route 57.

Mr. Tomaszewski stated that he had nothing to report.

Mr. Watters stated that Cherry Tree Bend will be closing on May 18, 2009 for about 8 weeks.

Ms. Nerbak made a motion to support Assemblyman John DiMaio with his opposition to Governor Corzine's raiding of the EMT Training Fund and explained the letter from Assemblyman DiMaio, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: None

Abstain: 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:

- (8) **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 13, 2009, that an Executive Session closed to the public shall be held on May 13, 2009 at 8:23PM 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 8:23 pm, which was seconded by Mr. Watters.

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

Nays: None
Absent: None
Abstain: None

Return from Executive 8:50.

Mr. Watters stated that the fuel report for the police department is still showing zero on the report.

Mr. Tomaszewski stated that he spoke with one of the officers and that this is something that is generated as soon as they start their shift, so if they are in the building and do not use one of the cars then the report remains at zero.

Ms. Nerbak stated that this report is generated from the police program so it is all inclusive whether they are in the cars or not.

Mr. Tomaszewski stated that he asked the chief to have the report turned the other way and to give space for an explanation.

Mr. Coppola asked what the Township Committee would like to do about the Police Overtime Budget would they like to do a budget amendment or move money from somewhere else.

Ms. Nerbak stated that we should just take the money out of the office supplies budget.

Mr. Baldwin stated that Mr. Coppola should move \$60, 000 from OE to Overtime.

Mr. Watters stated that Greenwich was told that we took the Stimulus Package.

Mr. Baldwin made a motion to adjourn at 8:56.