

MANSFIELD TOWNSHIP COMMITTEE MEETING

April 8, 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.

PAYMENT OF BILLS:

Mr. Watters asked about the armrest kit for the 410 Backhoe is this not under warranty?

Mr. Baldwin stated that this is not under warranty and fell apart.

Mr. Watters asked this is in the cab right.

Mr. Baldwin stated that it was.

Mr. Jewell asked about the bill on page 9 the bill listed on the top of the page.

Mr. Coppola stated that this is a bill from last year that is a contractual bill. This is a capital appropriation.

Mr. Jewell stated that it is in the amount of \$4790.00.

Mrs. Clancy stated that this was for personal protective equipment.

DISCUSSION WITH EMERGENCY SERVICES:

Terry Clancy stated that she was here to explain the bill that was for the Emergency Services being present at the football games. Mrs. Clancy explained that there was a new regulation that there needed to be an ambulance with two EMTs present at all games and that Emergency Services tried to cover all of the games with volunteers and also make sure that there was adequate coverage for the rescue squad if needed for any other emergency, she stated that she had taken two games herself to make sure that there was coverage in both places, but that there were a couple of games that there was no volunteer coverage and the paid staff needed to cover those games and that is why they needed to bill the township.

Mayor Jewell asked why there were only two weekends listed on the bill.

Mrs. Clancy explained that these are the only two weekends that the paid staff needed to cover the games.

The Township Committee thanked Mrs. Clancy for coming and explaining the bill.

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

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

Nays: None
Abstain: None
Absent: None

CFO REPORT:

Mr. Coppola stated that there is a resolution on the agenda for the surplus property auction and that there are a couple of items that the Township Committee will need to make a decision on the date and time of the auction and also the minimum bid required.

Ms. Hrebenak stated that the advertisement needed to be in the paper for 2 consecutive weeks and that the last advertisement needed to be at least 7 days prior to the auction, so any time after April 30th.

The Township Committee decided that the minimum bid would be \$100 and that the auction would be scheduled for May 2, 2009 at 9:00 am and that the Township Attorney did not need to be present at the auction.

RESOLUTION NO. 2009-47

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 May 2, 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 or 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 extend 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 2009-47, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: None

Abstain: None

RICE NOTICE DISCUSSION: (OPEN SESSION)

Harry Appleby Jr.

Mr. Lavery, Esq. explained the RICE notice regulations to the Township Committee and to the public that was present.

Mayor Jewell stated that this was not one of the items that the Township Committee looks forward to doing, but with the present economic times there has already been one person let go from the Road Department about a month ago and with the budget crunch it seems that we will need to let Mr. Appleby go also. This year is a tough year the collection rate is down and there are several bankruptcies in the township and in the last year the township has received \$85,000 less in interest in township accounts the township has cut a good portion of money from the Road Department budget.

Mr. Baldwin stated that there has been about \$100,000 cut out of the budget already for the Road Department and trucks and equipment.

Mayor Jewell stated that it looks like the Township will need to lay Mr. Appleby off.

Ms. Nerbak stated that she would rather see the Township do furloughs and charge the employees for Health Insurance to save this job.

Mr. Baldwin agreed with Ms. Nerbak.

Michael Brodrick, Representative for the Teamsters Local 482, he thinks that he has the support of the entire group to come up with some savings to possibly take this item of layoff off the table.

Mr. Lavery stated that his office has been researching the furlough option and that is an option that is only open with the civil service law which we are not and a couple of other situations which there are not many people here that will fall into that category either.

Mr. Watters stated that if Mr. Broderick is thinking that he can make some concessions that will assist the Township in not losing Mr. Appleby that he would be in favor of that.

Ms. Nerbak and Mr. Tomaszewski agreed with Mr. Watters.

Mayor Jewell asked when the Union would be getting together with the subcommittee.

Mr. Brodrick stated that he would make himself available whenever.

Mr. Baldwin stated that the end of the month is not good for him.

Mr. Brodrick thanked the township committee for their time.

CLERKS REPORT:

Ms. Hrebenak stated that earlier today she received a letter from the Chief that stated that the State of New Jersey a model policy regarding the banning of people from sports events and the Chief believes that this is something that the Township Committee should consider, because there have been problems and recently there was a problem at an event with two parents and the coach.

Ms. Nerbak stated that she believed that the Recreation Commission already has a policy for this.

Ms. Hrebenak stated that this would cover all events not just the events that the Recreation Commission dealt with.

Mr. Baldwin asked why doesn't the Township Committee adopt whatever policy it is that the Recreation Commission is using and that way everyone is covered.

Ms. Nerbak stated that she would find out from the Recreation Commission and get back to the Township Committee.

Ms. Hrebenak stated that she received a copy of the Advanced Traffic Impact Study for the Route 57 project if there is anyone that would like to view it, it will be in my office.

Ms. Hrebenak explained that there was an upcoming meeting of the Route 57 Scenic Byway Corridor and they have requested that the Township Committee appoint one person to represent the township.

Mr. Baldwin stated that he would be the representative for the township, but that he would not be able to make the next meeting on April 18 because Senator Karrow would be here for the hometown meeting.

Ms. Hrebenak stated that she would let them know and would forward any information that is received to Mr. Baldwin.

Ms. Hrebenak also stated that she has a contract for the purchase of 57 Jackson Street that needs to be signed by the Mayor. The purchase will be from the State of New Jersey Housing and Urban Development for \$1 and then turn the property over to a non-profit organization for them to revitalize the home and turn it into low or moderate income housing to assist the Township in fulfilling the COAH obligation.

Mr. Baldwin made a motion to approve Mayor Jewell's signature on the contract, which was seconded by Mr. Watters.

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

Ms. Hrebenak stated that she also has a raffle application for St. Mary's Church the raffle will be held at the Comfort Inn on April 25th at 8:00pm.

Ms. Nerbak asked if everything was in order for this application.

Ms. Hrebenak stated that it was.

Ms. Nerbak made a motion to approve the Raffle Application for St. Mary's Church, which was seconded by Mr. Jewell.

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

Ms. Hrebenak stated that PAIC is suggesting that we adopted the Tort Claim form which is covered by Resolution 2009-46 and that they are also requiring that the Township to extend the Anti Harassment training to all volunteer organizations which includes fire departments, EMS, and any other volunteer or board that is appointed or supported by the township and this obligation needs to be fulfilled by May 1st, 2010.

Ms. Hrebenak stated that she has a DVD from the insurance company and that she would make copies and distribute it.

Ms. Nerbak stated that it will be taken care of.

Mr. Baldwin stated that we can send them the DVD with a sign in sheet that would need to be returned.

Mr. Lavery, Esq. agreed that this would fill the obligation.

Ms. Hrebenak also stated that Mr. Kobert, Esq. had asked that the Township Committee discuss the Comcast agreement.

Mr. Baldwin felt that there should be more involved in the agreement, so he would like to wait for Mr. Kobert, Esq.

ENGINEERS REPORT:

Mr. Mace stated that the State has granted the Township \$150,000 for the repairs to Washburn Road, so the Township Committee could award the project tonight.

Mr. Baldwin made a motion to award the project to Tilcon, which was seconded by Mr. Watters.

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

Mr. Baldwin stated that the DPW will be doing some clearing for this project to help keep the costs down.

Mr. Watters asked when the project will be starting.

Mr. Mace stated that it would probably begin around the middle of the month.

Mayor Jewell asked if the part of the bridge that is turned over on Washburn could be removed also.

Mr. Mace stated that it would be taken care of.

Mr. Mace stated that as a part of the new SIPPI permit they are requiring a bunch of ordinances, which will be forwarded to Mr. Kobert's office, one being if parking lots are being repaved that we will have to have them get a permit and require them to conform with the new stormwater requirements.

Mayor Jewell asked when the applications need to be in for bikeways.

Mr. Mace stated that the deadline will probably be in a couple months.

PUBLIC PORTION:

Chris Fournier, Mansfield Township Fire Company #1 Chief, asked that the options that Tri County was offered as far as not having to opt into the Township Auto Insurance will this information be given to all of the other fire companies and also there is currently a 1955 Ward LeFrance on the township's insurance that is costing the township about \$1400 per year for auto insurance and the truck is an antique that doesn't get taken out of the firehouse frequently, so is there anyway that the Fire Company could take over the truck and then they would be able to get some kind of antique insurance and QQ plates.

Mr. Baldwin stated that he was unsure if this could be done.

Mr. Fournier also stated that the 1976 Dodge Power Wagon that is listed as the fire companies has been turned over to the DPW.

Mr. Watters asked if there was anything that the Township could do to lower the insurance for this truck.

Ms. Hrebenak stated that she did not think that the same option were open to the township as to the fire company.

Mr. Lavery stated that he could research this and get back to the Committee.

Mayor Jewell stated that we could look into it.

Ms. Nerbak suggested that for the next contact a workshop should be set up between the Township Committee and the four Fire Companies.

Ms. Nerbak stated that she is very pleased with the job that Ms. Todd and her partner are doing with the softball program and that they had a clinic on Friday and that it went well.

RESOLUTION:

2009-45
RESOLUTION
Cancellation of Taxes
Block 601.01 Lot 20

WHEREAS, the following property has outstanding property taxes for 2008;

WHEREAS, this outstanding amount occurred due to the State of New Jersey purchasing the property and the exempt classification being omitted in the 2008 tax duplicate;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 8th day of April 2009 that the Tax Collector is hereby authorized to cancel the following taxes:

Block 601.01 Lot 20
State of New Jersey, DEP
Hilltop Road
2008 - \$57.50

Mr. Baldwin made a motion to approve Resolution 2009-45, which was seconded by Ms. Nerbak.

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

RESOLUTION 2009-46

WHEREAS, the Public Alliance Insurance Coverage Fund is authorized by statute to provide insurance coverage for local units of government who are desirous of same;

WHEREAS, the Township of Mansfield is a member of the Public Alliance Insurance coverage Fund;

WHEREAS, N.J.S.A. 59:8-6 authorized public entities to require information in addition to that specified in N.J.S.A. 59:8-4 for the proper investigation and/or resolution of such claims; and

WHEREAS, the Public Alliance Insurance Coverage Fund has recommended that each of the participating public entities adopt and approve a Notice of Tort claim form in the form attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Mansfield that:

1. The Township of Mansfield hereby adopts and approves the attached Notice of Claim form pursuant to N.J.S.A. 59:8-6;
2. Nothing in this resolution shall be construed as invalidating any Notice of Claim form authorized by the Township of Mansfield and/or the Public Alliance Insurance Coverage Fund prior to the implementation of this resolution.

Mr. Watters made a motion to approve Resolution 2009-46, which was seconded by Mr. Tomaszewski.

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

Resolution 2009-48
Resolution of The Township of Mansfield
Making Application to the Local Finance Board for
a Reduced Pension Contribution
Pursuant to N.J.S.A 43:15A-24(c) and/or
N.J.S.A. 43:16A-15(9)

WHEREAS, the Township Committee of the Township of Mansfield in the County of Warren desires to make application to the Local Finance Board for its approval of a reduced pension contribution pursuant for its Police and Fire Retirement System contribution pursuant to N.J.S.A. 43:15A-24(c) and its Public Employee Retirement System contribution pursuant to N.J.S.A. 43:16A-15(9) for certain normal and accrued liability contributions in the amount of:

- Police and Fire Retirement System in the amount of \$ 110,724
- Public Employee Retirement System in the amount of \$ 31,684; and,

WHEREAS, the Township of Mansfield has made certain determinations concerning this application as required by statute and has completed the required Attachment that documents said determinations; and,

WHEREAS, the Township Committee determined that it needs to pay the reduced contribution and said determination is in the public interest; and,

1. the inability of the Township of Mansfield to meet the cap without jeopardizing public safety, health, and welfare or jeopardizing the fiscal stability or

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

Section 1. The reduced pension contribution Attachment, as attached hereto, is incorporated by reference into this Resolution as if contained fully within.

Section 2. The reduced pension contribution for PFRS in the amount of \$ 110,724 and/or PERS in the amount of \$ 31,684, pursuant to N.J.S.A. 43:15A-24(c) and/or N.J.S.A. 43:16A-15(9) et. seq. have been confirmed by the Chief Financial Officer and are the amounts deemed by the governing body for application to the Local Finance Board and as allowed by the New Jersey Division of Pension and Benefits.

Section 3. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Township of Mansfield are hereby authorized to submit such application and to represent the Township of Mansfield in matters pertaining thereto.

Section 4. The Certification of the Chief Financial Officer of the Township of Mansfield is incorporated into this Resolution as a certification of the truth and accuracy of the facts submitted in the application for pension deferral.

Section 5. The Clerk of the Township of Mansfield is hereby directed to file a copy of this reduced pension contribution resolution as part of the application with the Local Finance Board.

Section 6. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by law .

Ms. Nerbak made a motion to approve the passage of Resolution 2009-48, which was seconded by Mr. Baldwin.

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

Nays: Mr. Tomaszewski, Mr. Watters

Absent: None

Abstain: None

ORDINANCE:

First Reading

Mayor Jewell introduced Ordinance 2009-06:

ORDINANCE 2009-06

AN ORDINANCE TO AMEND ORDINANCE 01-97 AND
ORDINANCE NO. 2002-23 OF THE TOWNSHIP OF
MANSFIELD, WARREN COUNTY, NEW JERSEY,
ESTABLISHING AN OPEN SPACE TRUST FUND

BE IT ORDAINED by the Mayor and Township Committee of the Township of Mansfield, County of Warren, New Jersey:

1. Ordinance No. 01-97 and No. 2002-23 creating an Open Space Trust Fund, is hereby amended to read as follows:

SECTION 3. FUNDING.

The Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund shall be funded through the dedication to the fund of an amount of \$.02 per \$100.00 of assessed valuation of each annual tax levy commencing with the year tax and budget year 2009. The Fund shall also be permitted to accept donations and testamentary bequests. The accumulated receipts and deposits within the Fund may be utilized for the purposes set forth in Section 1 and Section 2 herein. Any and all interest accruing shall be retained in and used for the same purposes as established in accordance with Section 1 and Section 2 herein.

2. All ordinances inconsistent with the foregoing, shall be deemed repealed by this Ordinance.

This Ordinance shall take effect immediately upon publication as provided by Law.

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was submitted, in writing, at a meeting of the Mayor and Township Committee of the Township of Mansfield, Warren County, New Jersey, held on the 8th day of April, 2009, and will be considered for final passage April 22, 2009 at 8 o'clock in the evening, prevailing time, at the Municipal Building in said Township, at which time and place a public hearing will be held thereon by the governing body, and all persons and citizens in interest shall have an opportunity to be heard concerning the same.

Mr. Watters made a motion to approve the introduction of Ordinance 2009-06 and requested that the public hearing be set for April 22, 2009 at 8:00 and that it be advertised, which was seconded by Mr. Tomaszewski.

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

Nays: Ms. Nerbak

Absent: None

Abstain: None

COMMITTEE PERSON COMMENTS:

Mr. Tomaszewski had nothing to report.

Mr. Baldwin made a motion to approve the tax assessor's request to change to Micro Systems for the assessors program to save more money than we do presently with Vital, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

Ms. Nerbak had nothing to report.

Mayor Jewell stated that there was a budget workshop last week and the budget is being fine tuned and it looks like the Township will need to take the Pension Defferal to stay under the 4% Cap.

Ms. Nerbak stated that the Township received the Clean Communities Grant of \$13,113.69.

Mr. Baldwin made a motion to apply for the COPS Grant, which was seconded by Ms. Nerbak.

Ayes: Mr. Baldwin, Ms. Nerbak

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

Absent: None

Abstain: None

Mr. Jewell stated that Correspondence #21 from Doug Wright on Komar Road he has a vacant land owner and the buildings are in bad shape maybe we should have the Building Inspector look into this.

Mrs. Oakley asked about the house that is on Rockport Road that the porch is falling down.

Mayor Jewell stated that we would address the vacant property on Komar Road first.

Ms. Hrebenak stated that she would speak with the Building Inspector.

Mayor Jewell made a motion to take a ten minute break at 8:40 pm.

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 April 8, 2009, that an Executive Session closed to the public shall be held on April 8, 2009 at 8:50 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.

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

Nays: None

Absent: None

Abstain: None

Return from Executive Session.

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

Mr. Baldwin made a motion to adjourn at 9:18 pm.