

MANSFIELD TOWNSHIP COMMITTEE MEETING

August 12, 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 flag was done by all.

APPROVAL OF THE MINUTES:

Mayor Jewel made a motion to approve the minutes from July 8, 2009, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: None

Abstain: None

Mr. Baldwin made a motion to approve the minutes from July 22, 2009, which was seconded by Mr. Tomaszewski.

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

Nays: None

Absent: None

Abstain: Mr. Watters

PAYMENT OF BILLS:

Mr. Mace stated that he received a bill for the soil erosion fees for Washburn Road if that could be added to the bill list.

Ms. Nerbak made a motion to approve the bill list, Mr. Baldwin.

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

Nays: None

Absent: None

Abstain: None

CFO REPORT:

Mayor Jewell explained that prior to the meeting this evening there was a meeting with the finance committee and the decision was made to make an emergency appropriation of \$32,000 for legal and there will be another meeting to discuss the police salary.

Mr. Baldwin asked Mr. Coppola about the Wash Bay contract if he was able to have this ready for the contract award.

Mr. Baldwin stated that he was told today that Hackettstown is interested in joining us with the Wash Bay for the next 10 years.

Mr. Coppola stated that each Committee member received a copy of the overtime report and also a copy of the agreement for the mail machine.

Ms. Nerbak made a motion to approve the mayor signing the mail machine contract, which was seconded by Mr. Baldwin

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

Nays: None

Absent: None

Abstain: None

#### CLERKS REPORT:

Ms. Hrebenak stated that the township received an extension to September 28, 2009 for the Initial Assessment Grant Paperwork.

Ms. Hrebenak stated she needed to find out from the Township Committee how many days the personnel will be permitted to go to the League of Municipalities Convention for and if they would like it to be done in writing.

The Township Committee stated that the personnel would be allowed to go to the League of Municipalities Convention for one day and that the requests should be done in writing.

#### ENGINEERS REPORT:

Mr. Mace explained that he will be addressing the appliance property again.

Mr. Mace stated that he needed to speak with the Township Committee in Executive about grant requirements.

#### PUBLIC PORTION:

Bill Hodge, Route 57, stated that he was present because he lives next door to the appliance man and wants something to be done about this, this is his second time here and that he has been to the Board of Health and they fined him about \$100 and nothing is being done.

Ms. Nerbak stated that the Board of Health report states that they have taken him to court and that the fines are pending the clean up.

Mr. Mace explained that he as the zoning officer has taken him to court and that there have been fines of about \$800 and that this time because there has been no clean up the fines will be increasingly higher.

Mr. Glen Todd, Washburn Road, stated that he had issues with the township passing the Comcast Ordinance this evening and asked about the township getting \$30,000 from Comcast and is this a lump sum or is this yearly.

Ms. Nerbak explained that this was a lump sum and then the township receives 2% stipend for usage which is about \$24,000.

Mr. Todd stated that the Township is receiving money but what are the tax payers receiving some of the channels back or some of the other issues being addressed.

Mr. Todd stated that his driveway berm was done good, but why was more pavement not used over the existing apron instead of making such a hump. He also stated that his neighbor is now getting water on their yard which is causing it to eat away. Mr. Todd asked why the pipe above his property that was installed was not installed with an extension so that there could have been more fill put in so there was not a need for all the guard rail and overkill. He also stated that he knows that there are regulations, but this does not look good. Mr. Todd explained that this pipe will fill with sediment and then it will not work properly and there will be a need to spend more money to repair this. Mr. Todd stated that if the Township Committee had any questions for him he was here to answer them.

Mayor Jewell asked if the right of way is 33' is another section of pipe going to require more of an easement.

Mr. Mace stated that another pipe would require another easement.

Mr. Todd stated that this will cause problems down the road and will need to be addressed.

Mr. Mace stated that this is required as a safety standard that needs to be met which required this for the guide rail.

#### EXECUTIVE SESSION:

**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:

- (5) Matters Relating to the Purchase, Lease of Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
  
- (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 August 12, 2009 that an Executive Session closed to the public shall be held on August 12, 2009 at 8:10PM 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 at 8:10pm, 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 at 8:30.

All members present.

Mayor Jewell stated that he needed a motion in regards to the purposed settlement from the litigation Cavannaugh v. Mansfield Township.

Ms. Nerbak made a motion to approve the settlement for the litigation that has been submitted to us by our insurance company and recommended by the townships attorney, which was seconded by Mr. Tomaszewski.

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

Nays: None

Absent: None  
Abstain: Mr. Baldwin, Mayor Jewell

RESOLUTION:

2009-72

*RESOLUTION*

EXTEND GRACE PERIOD  
FOR PAYMENT OF TAX

WHEREAS, the 2009 final and 2010 preliminary tax bills will be mailed out beyond the June 14, 2009 statutory date, NJSA 54:4-64 as a result of a delay in obtaining the Municipal Tax Rate, and;

WHEREAS, the law of 1994 known as A179 requires a minimum of a twenty-five day payment period for either estimated or final tax bills.

NOW THEREFORE BE IT RESOLVED, by the Mansfield Township Committee this 12th day of August 2009, that the grace period allowed for payment of the August 1, 2009 tax quarter be extended to August 31, 2009 and any payment received after said date will be charged interest from the original August 1, 2009 due date.

Mr. Baldwin made a motion to approve the passage of Resolution 2009-72, which was seconded by Mayor Jewell.

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

Nays: None

Absent: None

Abstain: None

2009-73

PLACE TO PLACE TRANSFER -EXTENSION OF PREMISES

WHEREAS, an application has been filed for a place-to-place transfer of Plenary Retail Distribution License, 2116-44-003-005, for the purpose of expanding the premises under license wherein the sale, service, and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

NOW, THEREFORE, BE IT RESOLVED that the Township of Mansfield does hereby approve, effective August 12, 2009, the expansion of the aforesaid Plenary Retail Distribution Licensed premises located at 89 Route 57, Hackettstown to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

Ms. Nerbak made a motion to approve the passage of Resolution 2009-73, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

#### ORDINANCE:

Mayor Jewell introduced Ordinance 2009-14;

2009-14                    AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF NORTHWEST NEW JERSEY, LLC, TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN MANSFIELD TOWNSHIP, WARREN COUNTY, NEW JERSEY

Mr. Baldwin made a motion to Introduce Ordinance 2009-14 and requested that the Public Hearing be advertised for August 26, 2009 at 8pm, which was seconded by Ms. Nerbak.

Mr. Watters stated that he is not pleased that Comcast has still not fulfilled all of there obligations from 1991 with the build out and continue to take away channels.

Mayor Jewell stated that he was so annoyed with the fact that the build out was never completed that he went back and pulled out the paperwork that he had from the initial contract and when reading he saw the clause that there needed to be so many houses per mile.

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

Nays: Mr. Watters

Absent: None

Abstain: None

#### COMMITTEE PERSON COMMENTS:

Mr. Tomaszewski stated that he had nothing to report.

Mr. Tomaszewski made a motion to approve the purchase of the boots for Ptl. Kirchner, which was seconded by Mr. Watters.

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

Nays: None  
Absent: None  
Abstain: Mr. Baldwin

Mayor Jewell asked where we are with the hiring of officers.

Mr. Tomaszewski stated that Detective MacDonough is in the process of going through the short list with investigations and Sgt Emery has the numbers down to about 10 and these numbers will be brought down to about 6 or 7 people we should have some answer by Friday.

Mr. Baldwin asked what is going on with the police promotions.

Mr. Tomaszewski stated that the FOP can't pay for the test due to a conflict of interest for the police promotions. Mr. Tomaszewski stated that the safest way to proceed would be all people that are interested should go to the Chief and he should interview them and then the Township Committee should interview them and that he is not sure that the Township can afford to incur the cost of the written test since there is not even enough money to get the department through November from what Mr. Coppola said. Mr. Tomaszewski stated that he feels that the best idea is to do an oral interview with Chief Ort and the Township Committee to follow past practices.

Ms. Hrebenak stated that at the previous meeting the Committee had asked for her to research the past practice for the police promotions and that there was never a formal letter that was handed out, but that she had spoken to the Chief and Sgt Emery and they had explained that each portion of the previous test was given a percentage value and that there was a formal written policy SOP that the police department goes by and that she could give each of the Committee members a copy of it.

Mr. Baldwin stated that the Township Committee should as a whole decide how the promotions are going to be done.

Mr. Baldwin asked if there was a request for people to apply for the promotions.

Mr. Tomaszewski stated that there was a request for resumes sent out by email from the Chief about a month ago.

Mr. Baldwin stated that the Township Committee never decided to do that and this is something that the whole Committee should be deciding on.

Mayor Jewell stated that the resumes were for the interview process.

Ms. Nerbak stated that Chief Esposito was the one who helped with the last promotion process, so we could contact him.

Ms. Hrebenak stated that a good portion of the previous test points were from the written exam.

Mr. Tomaszewski stated that if we are going to proceed with only doing the oral interview that the interviews should be open to all of the officers.

The Township Committee all agreed with this.

Mr. Baldwin stated that we should work it out to have the Chief interview and decide on the top four or five or to have the Chief, himself and Mr. Tomaszewski do this together to decide on the top four or five to come before the Township Committee. Mr. Baldwin asked how many positions we are looking to fill.

Mr. Tomaszewski stated that there are two at this point and one shortly thereafter.

Mayor Jewell asked Ms. Hrebenak to give the Township Committee a copy of the SOP and also asked how much the testing was going to cost.

Ms. Hrebenak stated that the testing was about \$3500.

Mayor Jewell stated that this was with the Chiefs Association and at that price we really should do the test.

Mr. Tomaszewski stated that the test is a good idea because there is no bias.

Ms. Nerbak stated that there was no bias with the last promotion process and that there was a point process that the Chief calculated the longevity and came up with points for that and calculated all of the other points for the test and the oral interviews and that is how the promotions were done.

Ms. Hrebenak stated that she would see what she could find.

Mr. Watters stated that there is a meeting August 28<sup>th</sup> with Warren Hills Board of Education.

Mr. Watters also stated that the Township Committee will be meeting with the Planning Board on the 18<sup>th</sup> to go over the Highlands Planning Documents.

Ms. Nerbak stated that she went to the Route 57 Byway meeting and that they are in the process of coming up with a plan and the next meeting is September 30<sup>th</sup>.

Mr. Baldwin stated that Mr. Sliker's nephew passed away from cancer on the spinal cord and he feels that we should send something to Brent in remembrance of his nephew.

Mr. Baldwin stated that Mrs. Harris is being commended with how she handles things with court by Superior Court.

Mayor Jewell stated that Mr. Baldwin was the person that was handling the police study and that he would be handling it from this point and apologized to Mr. Tomaszewski.

Mr. Baldwin made a motion to go into the shared service with the County of Warren for the Public Works equipment and personnel, which was seconded Mr. Tomaszewski.



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

Nays: None

Absent: None

Abstain: None

Mayor Jewell asked about the letter that was received about the police negotiations.

Mr. Tomaszewski stated that he would talk to the FOP representative and Mr. Vex, Esq. to schedule a time for beginning the negotiations with the Police Department.

Mr. Baldwin asked Mr. Tomaszewski to let him know when the arrangements are made for the negotiations with the Police so that he can be available and Mr. Tomaszewski agreed.

Mr. Baldwin motion to adjourn 9:00 which was carried by all.