

MANSFIELD TOWNSHIP COMMITTEE MEETING

December 17, 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. 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 with corrections from the regular meeting held on November 24, 2009, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: Mr. Watters

Abstain: None

PAYMENT OF BILLS:

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

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

Nays: None

Absent: Mr. Watters

Abstain: None

CFO REPORT:

Mr. Coppola stated that with the updated bill list there is an overtime report and with the transfer resolution the amount that will be transferred for police overtime will be about \$6000 and that should cover the overtime for December.

Mayor Jewell asked Mr. Coppola about the COAH account and what date we have until to use the money prior to the money being forfeited.

Mr. Coppola stated that he believes that what they said was that if we don't get a certified plan that we will then forfeit the money.

Mayor Jewell stated that this was not the way that he understood it. He believes that there was a three or four year time frame to use the money or they would take the money.

Mr. Coppola stated that he would check and see what the timeframe was and also stated that the last project that we had was in 2008. Mr. Coppola stated that on that same topic we did a resolution to cancel the small cities account and move that to the Mandatory Fee Account but that the transfer was never made because he wanted to speak to the Township Committee about whether they still wanted to move that

money with the possibility of forfeiture. Mr. Coppola stated that the Committee may want to leave the money in the separate account.

Mr. Kobert, Esq. asked where it was that the money would be left.

Mr. Coppola stated that there were two separate accounts one with moneys from a Small Cities Grant which was used as a revolving loan program for residents and the other was the Mandatory Fee account which is the money that is generated from the COAH fees that are charged which would be for renovations or new low or moderate homes whichever is in the plan.

Mayor Jewell stated that the money would be better to be kept in a separate account to used for improvements to homes that need the assistance.

CLERKS REPORT:

Ms. Hrebenak stated that the updated contract was received for the Auditor and that the total is for the same price as the previous year which was \$18,300.

Mr. Kobert, Esq. asked how long this firm has been the auditor for the township.

Mr. Coppola stated that he has been here since November 2003 and they were the auditors at that point.

Mr. Kobert asked if this was something that has ever been put out for proposals.

Ms. Hrebenak stated that she has no knowledge of that happening.

Ms. Nerbak stated that she is familiar with the prior auditor and that she is satisfied with our present auditor and the rest of the township committee agreed that they are pleased with the auditor.

Mayor Jewell stated that he was very impressed with Tom Ferry when he, Andrew, and Tom went to the state to present the budget.

Mr. Baldwin made a motion to approve the contract for auditors, which was seconded by Mr. Tomaszewski.

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

Nays: None

Absent: Mr. Watters

Abstain: None

Ms. Hrebenak stated that she also received three copies of the Multi Power permit application for power line rights of way for the vegetation and structural maintenance.

PUBLIC PORTION:

No comment from the public.

RESOLUTION:

**2009-92
RESOLUTION
Cancellation of Taxes on Foreclosed Properties**

WHEREAS, the following properties have outstanding property taxes for 2009;

WHEREAS, this outstanding amount occurred due to the township's successful foreclosure action in 2009;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 17th day of December 2009 that the Tax Collector is hereby authorized to cancel the following taxes on properties that are now assessed to the Township of Mansfield:

Block	Lot	Property Address	Amount to Cancel
1401	8	Route 57	\$455.33
2708	4	Adams St.	\$136.90
2708	16	Clinton Av.	\$148.80
2708	17	Clinton Av.	\$148.80
2708	20	Jefferson St.	\$68.45
2709	9	Adams St.	\$136.90
2711	7	Colston Av.	\$68.45
2711	8	Colston Av.	\$32.74
2711	15	Clinton Av.	\$136.90
2713	1	Jackson St.	\$601.15
2713	4	Jackson St.	\$86.30
2713	5	Oak St.	\$101.18
2713	6	Oak St.	\$136.90
2715	1	Clinton Av.	\$163.68
2715	2	Clinton Av.	\$226.18
2718	2	Park Row	\$122.02
2718	5	Anderson Rd.	\$273.79
2718	7	Anderson Rd.	<u>\$1,386.82</u>
		Total	\$4,431.29

Mr. Baldwin made a motion to approve the passage of Resolution 2009-92, which was seconded by Ms. Nerbak.

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

Nays: None

Absent: Mr. Watters

Abstain: None

2009-93
RESOLUTION
LIEN REDEMPTION

WHEREAS, the Tax Collector of the Township of Mansfield has advised the Committee that the following property has been redeemed and the money due thereon paid to the Township of Mansfield Tax Collector;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 17th day of December 2009 that refund is to be made to the certificate holder as noted:

Robert Rothman
411 Grand Avenue
Englewood, NJ 07631
Block 1702 Lot 2.02
Certificate # 2009-14
\$11,433.22

Ms. Nerbak made a motion to approve the passage of Resolution 2009-93, which was seconded by Mr. Baldwin.

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

2009-94
RESOLUTION
Return of Premium

WHEREAS, the Tax Collector of the Township of Mansfield has advised the Committee that the following property has been redeemed within five (5) years of the tax sale, and a premium of \$2,500.00 was paid at the time of the sale;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 17th day of December 2009 that the \$2,500.00 premium is to be returned to the certificate holder as noted:

CERTIFICATE HOLDER	BLOCK/LOT	CERT #
Robert Rothman 411 Grand Avenue Englewood, NJ 07631	1702/2.02	2009-14

Mr. Baldwin made a motion to approve the passage of Resolution 2009-94, which was seconded by Mr. Tomaszewski.

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

Abstain: None

**2009-95
RESOLUTION
Overpayment of Taxes**

WHEREAS, the following properties have an overpayment of 2009 property taxes;

WHEREAS, any overpayment in excess of \$5.00 must be refunded;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 17th day of December 2009 that the Tax Collector and Finance Officer are hereby authorized to refund the following overpayments:

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Amount</u>
601.01	17QFARM	Klimko, Randy Scott	\$75.78
601.02	41	Hicks, Michael & Theresa	\$3,155.75
601.02	41QFARM	Hicks, Michael & Theresa	\$42.30
703.01	5.01	Access Media Inc.	\$2,787.28
802	4.03	Delaney, Keith & Hughes, Sheryl	\$1,873.89
1105	30	Conte, Glenn J. & Patricia A.	\$2,385.44
1105.06	6	Watt, Gordon & Laura	\$3,177.00
1105.08	2	Galletto, Francisco & Damary	\$19.41
1906	3	Ort, Joseph R. & Darlene A	\$1,836.97
2102	1.02	Heymann, Jeffrey M. & Denise E.	\$2,419.29

Ms. Nerbak made a motion to approve the passage of Resolution 2009-95, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: Mr. Watters

Abstain: None

RESOLUTION- No. 2009-96

FOR TRANSFER OF FUNDS

WHEREAS, there are insufficient funds in some of the 2009 budget line items; and

WHEREAS, it is permissible to transfer current appropriation funds after Nov. 1, 2009.

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

From:

To:

Insurance OE	1,146.75	Buildings & Grounds OE	560.00
Finance OE	127.44	Fire Hydrants OE	1,672.20
PEOSHA	800.00	Police OE	5,400.00
Hepatitis B Shots	360.00	Elections OE	266.85
Environmental Commission	405.00	Police S &W	12,000.00
Emergency Management OE	1,160.30	Recreation S&W	145.00
Fire Prevention OE	2,129.00	Social Security	11,363.00
Tax Collection OE	1,018.54	Court S&W	3,977.00
Engineering OE	400.00		
Finance S&W	599.00		
Data Processing OE	2,292.27		
Administration OE	3,097.75		
Public Works S&W	4,567.00		
Buildings & Grounds S&W	1,096.00		
Employee Group Insurance	15,675.00		
Water Testing	110.00		
Natural Gas	400.00		
Total	35,384.05	Total	35,384.05

Ms. Nerbak made a motion to approve the passage of Resolution 2009-96, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: Mr. Watters

Abstain: None

COMMITTEE PERSON COMMENTS:

Mr. Watters came into the meeting at 6:25pm.

Ms. Nerbak had no comment.

Mr. Baldwin stated that Mr. Sliker told him that Mr. Tate was brought to the doctor today with sawdust in his eye and that he is unsure how long he will be out.

Ms. Hrebenak stated that Mr. Tate will be out for two days.

Mr. Baldwin asked Mr. Kobert, Esq. about the property over on Cherry Tree Bend Road that the property owners are using a sump pump and putting water into the gutter and the water is going down the road and across the road and freezes and stated that we had come up with a temporary way of fixing it to retain this into the ground. Prior to asking them to change what they are doing do they have a right to get rid of their water this way.

Mr. Kobert stated that they do not have a right to do this, no one can route the water from their home onto someone else's property.

Mr. Baldwin stated that he would address this with Brent.

Mr. Tomaszewski stated that on Sunday about 9:45 the roads got icy and there was a five car accident and one of the cars was one of the townships police cars and Officer Conklin was injured.

Ms. Hrebenak stated that Patrolman Conklin will be out at this point until December 25, 2009 and he went to the workers comp doctor today and was sent to the hospital for more testing.

Mr. Tomaszewski stated that he is having trouble getting his email through the township webmail.

Ms. Hrebenak stated that she would see what needed to be done to help him to access his email.

Ms. Nerbak stated that Patrolman Conklin was out of the car and jumped back in the car so that he did not get hit by the oncoming car.

Mr. Tomaszewski stated that at the time of the crash he was in the car.

Ms. Nerbak stated that it was a good thing that Patrolman Conklin had the foresight to get back into the car or the accident could have been a lot worse and he could have been hit by the car and that she thought that this was commendable that he was able to protect himself.

Mr. Watters stated that he had questions about items that were included in the minutes which were the Audit agreement.

Mr. Coppola stated that this was taken care of and that the price will be the same as last year.

Mr. Watters asked about the foreclosures and the property that Mr. Sigfreid is interested in.

Ms. Hrebenak stated that at the meeting he was told to submit a letter of interest and that the property is not an undersized lot and that he would need to purchase the property at an auction.

Mr. Watters asked if the letter was sent to the junk yard about the trailers.

Ms. Hrebenak stated that the Township Committee had asked for Ms. Campbell, Esq. from Mr. Kobert's office to send out the letter for this.

Mayor Jewell stated that we have discussed Woodland Auto Sales previously and the fact that they are still not in compliance and that we are going to have to meet with them about their junk yard license not being issued due to none compliance and at this time there is a truck out in the front with Christmas lights on it and the are supposed to be taking everything in at night behind the fence.

Mayor Jewell asked when the renewals go out for the junk yards.

Ms. Hrebenak stated that the letters have been sent out and that we have not received any back yet.

Mr. Kobert stated that when the application is received send out a letter for a preliminary hearing for the issuance of the license.

Mr. Tomaszewski asked about the fan that runs constantly and why it can not be shut off.

Ms. Hrebenak stated that this is what circulates the air for the heat and the air conditioning and that this is how the building was set up when it was built.

Mr. Baldwin stated that he has been repeatedly stated that there should be money set aside each year to replace the heating system.

Mayor Jewell stated that this is part of what the suggestions were from the energy audit and what we are planning to go out to bond for to perform all of the items that were included in the energy audit.

Mr. Baldwin stated that Mr. Sliker had received information about the work that needs to be done, but that he is waiting to get the ok to get a price to get an estimate to do the work to make the system work right.

Mr. Baldwin stated that it is his understanding that the plans for this building were done many years prior to the building being built.

Ms. Nerbak stated that the township received a very low interest loan that needed to be acted on immediately so the plan had to be used so that construction could be started so that the loan could be received and that if the plans were sent in to be revised it would have taken too long and the township would not have been able to get the loan.

Mr. Coppola stated that the loan was a one and a half percent loan.

Mayor Jewell stated that the finance committee met and that they discussed the capitol improvements and that the other discussion was about the state inspections that take place for the life safety hazards.

Mr. Baldwin explained that we would get our own buildings inspected for no fee if we went into a shared service with Hackettstown to perform our own inspections for the life safety hazards.

Ms. Nerbak stated that we should look into this.

Mayor Jewell stated that if this is not going to cost the township a lot of money for offices and uniforms then this should be looked into.

Ms. Nerbak asked if there was any discussion on the fees for all of the licenses.

Ms. Hrebenak stated that in each committee member's packet there was a copy of Hackettstown's Autocab license and that she had received a call from the Hackettstown Clerk asking that the township look over the ordinance and consider amending the township's ordinance to match theirs so that there will not be people getting their license through someone in our township and operating in Hackettstown since there is not a requirement for background checks and our fees are extremely cheap for the license.

Mr. Kobert stated that this is something that could be done next year.

Mayor Jewell stated that he has an old note from Mr. Coppola in reference to the developer's agreements and has the planning board addressed this.

Mr. Kobert stated that this is something that would be handled by the township committee.

Mr. Coppola asked what the final decision was about the zoning fees were for \$5 residential and \$10 for commercial.

Mayor Jewell stated that he thinks that an increase would be good at \$5 for residential and \$10 for commercial.

Mr. Watters made a motion for Mr. Kobert to ask Assemblyman DiMao to address the payroll companies not having a requirement to be bonded for when things happen as they did with our previous payroll company, which was seconded by Mr. Tomaszewski.

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

Ms. Hrebenak stated that the Reorganization Binders are ready and that they will be given to each committee member prior to them leaving tonight.

Mr. Kobert stated that at this point we need a motion to go into executive session to discuss personnel, litigation, and contractual issues.

Executive Session: Mr. Baldwin made a motion to enter into executive session at 6:45pm, which was seconded by Ms. Nerbak.

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

Return from executive session at 6:51pm.

All members present.

PRESENTATION:

Recreation Commission

Mr. Corey Stoner and Mr. Cruts were present before the Township Committee.

Mr. Cruts explained that the Recreation Commission had come before the Township Committee in August asking to use the money that was left over from the trail at the park to repair the tennis courts. At this point the Recreation Commission would like to take the money and create fields up at the park instead of fixing the tennis courts.

Mr. Corey Stoner explained to the township committee the status of the park at this point and the original estimated price was around \$400,000 and the amount that was paid was paid out for this was \$130,000 in total and that the money could be used to put in a small gravel access drive and a parking lot and a large softball field with the backstops and fences and a path around the field that would tie into the current trail.

Mr. Stoner explained that Mr. Baldwin has spoken to Mr. Sliker and Mr. Stoner also spoke to Mr. Sliker and they went over the items that the DPW could handle performing the work. Mr. Stoner explained to the township committee the savings that the township would see with the DPW doing the work on this project.

Mr. Kobert asked what the soft costs would be for engineering.

Mr. Stoner stated that the costs are included except the cost of inspections which would be about \$15,000.

Ms. Nerbak stated that the price would still be under \$300,000 or less.

Ms. Nerbak stated that she likes this because it is visible and it will get people excited for the park.

Mr. Cruts stated that the Recreation Commission is in the process of getting approval from Green Acres for the change from tennis courts to basketball courts and there seems to be positive feedback that this would be something that would be ok.

Ms. Nerbak made a motion to reallocate \$300,000 the money that was leftover from the path to do the Phase 1A at the park, which was seconded by Mr. Baldwin.

Mr. Kobert asked what the exact number for this project is so that the minutes reflect what the number is.

Ms. Nerbak stated that the number would be \$290,000 by the estimate that is being given by Mr. Stoner.

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

Nays: Mr. Tomaszewski, Mr. Watters

Absent: None

Abstain: None

Ms. Nerbak thanked everyone for their support and stated that she really is excited to move forward with this project.

Mr. Kobert stated that at this point we need a motion to go into executive session to discuss personnel, litigation, and contractual issues.

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12.

WHEREAS, the Township Committee of the Township of Mansfield is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Township Committee of the Township of Mansfield to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- (4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

- (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.
- (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 December 17, 2009, that an Executive Session closed to the public shall be held on December 17, 2009 at 7:20 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.

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

Nayes: None

Absent: None

Abstain: None

Return from Executive Session at 8:06 pm.

All members present.

Mr. Baldwin stated that the fuel tanks need to be removed by a certified person.

Mayor Jewell asked why they can not be removed and sold at auction.

Mr. Watters asked why the township could not just remove these tanks without having a certified person remove them.

Ms. Nerbak made a motion to close the building at 1:00pm on Christmas Eve and 3:00 pm on New Years Eve, which was seconded by Mr. Watters.

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

Nayes: None

Absent: None

Abstain: None

Public Portion

Mr. Todd, Washburn Road, stated that there should be an ordinance to take care of people snow plowing into the road.

Mr. Baldwin stated that there is an ordinance and that they would speak to the police about the ordinance.

Mr. Todd, Washburn Road, asked what the hours are for the police department during the day.

Ms. Hrebenak stated that the police department office is open from 8:30 to 4:30 and there is a lunch from 12 to 1 if the police secretary is not out of the office using her time.

Mr. Todd stated that he was in the day before Thanksgiving with a situation with the County and at 11:45 and there were no officers around and the lights were out and the doors were locked.

Ms. Hrebenak stated that it is very possible that she was using her time and that the officers are not in the office during there shifts they are out on the road and that there is a phone located outside of the police door that can be used to call dispatch to have an officer come back to the office.

Mr. Todd stated that dispatch needed to be called from the County office to have an officer come back to the building to assist the county with there situation.

Ms. Hrebenak also stated that if the phone was not working could have also come upstairs and we will dispatch the officers back.

Mr. Tomaszewski asked Mr. Todd to put his complaint in writing.

Mr. Baldwin made a motion to adjourn 8:15 pm.