

MANSFIELD TOWNSHIP COMMITTEE MEETING

March 24, 2010

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

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Mr. Jewell corrected page nine 2/3 of the page down there was a tie vote for introduction of an ordinance and it should be recorded that the introduction of the ordinance motion failed and also on the bottom of the page there are the words second reading needs to be moved to the next page because that should be at the end of Ordinance 2010-04.

Ms. Hrebenak stated that this was the second reading for Ordinance 2010-04.

Ms. Nerbak stated that this ordinance was passed and the second reading is in the right place.

Mr. Jewell made a motion to approve the minutes from the regular meeting held on March 10, 2010 as corrected, which was seconded by Mr. Watters.

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

PAYMENT OF BILLS:

Mr. Watters asked about the bill from the telecommunication company for the changes that were made is this not covered under the contract.

Mr. Coppola stated that this is not covered by the contract.

Mr. Watters stated that truck #4 is not the F450 as Mr. Baldwin had stated it is the 1997 LS8000 and asked if this is the old fire truck.

Mr. Jewell stated that the old fire truck is the 1979.

Mr. Baldwin stated that the old fire truck had bent push rods.

Mr. Jewell stated that the 1997 is the one that had problems with the wheels and the tires.

Mr. Baldwin stated that he would have to ask Mr. Coppola what the bill says.

Mr. Jewell stated that this was for the big truck from the bill.

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

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

Nays: None

Absent: None

Abstain: Mr. Baldwin

CFO REPORT:

Mr. Coppola stated that he had handed out terminal leave practices memo to all committee members.

Mr. Coppola stated that the Mayor from Washington Township called and asked if there could be two shared courts with two towns each. The Court Administrator checked with the Administrative Office of the Courts and they said that this could not be done.

Mr. Coppola stated that Washington Boro received a phone call from Senator Dougherty's office and he had contacted Legislative Services and the Administrative Office of the Courts and that they will be taking another look at the agreement.

CLERKS REPORT:

Ms. Hrebenak stated that the committee members were all given a copy of the Taxi Ordinance from Hackettstown again and that we should really change our ordinance to be more like theirs.

Mr. Kobert stated that he would like to look the ordinance over and we could introduce it at the next meeting.

Ms. Hrebenak also stated that there have been a number of calls inquiring how the township is going to proceed with the Fire prevention and Insurance.

Mr. Kobert stated that we should discuss this in executive session.

ENGINEERS REPORT:

Mr. DiSessa stated that the tax map revisions have been completed and they will be distributed next week.

Mr. DiSessa asked how the committee wanted to proceed with the detention basin by the McGarry's property which they had sent a letter about.

Mr. Kobert, Esq. stated that Mr. DiSessa should get a report to the Township Committee and then we can decide whether this needs to be done in executive session or if it can be done in regular session.

Discussion with Fire Chiefs:

Mayor Tomaszewski stated that with all of the budget cuts that the Township has encountered it has been necessary to make cuts in all of the different departments and unfortunately the fire companies have been cut and there is also a situation with Chief's vehicles being used for personal use and that is why I made the decision to cut the unleaded fuel for the fire departments.

Chief Fournier, Mansfield Township Fire Company, asked why their budget was cut so much more than the others at 10% and the others were cut 5%.

Mr. Watters stated that the answer is the same as the last time.

Chief Heurich, Mount Bethel Fire Company, stated that the township can not keep cutting the budget for the volunteer fire departments and that they were cut 17% last year and 5% this year.

Ms. Nerbak stated that she does feel for the fire companies, but the township is going through cuts also.

Chief Kocher, Butler Park Fire Company, stated that he had 3 new members that he turned down because there is no money to buy them gear and sent them to another township.

Chief Burdge, Tri County Fire Company, stated that the Chiefs vehicle does not leave the firehouse except for fire business and he understands the budget cut.

Chief Kocher, Butler Park Fire Company, stated that by having the Chief's vehicle money is saved because they can get to the scene prior to the other four fire companies are dispatched out.

Chief Fournier, Mansfield Township Fire, stated that Chief Burdge is correct that the companies should not be grouped together and that he does take the Chief's vehicle home which his company has allowed him to do.

Mr. Wester, Mansfield township fire, asked if they would be able to get regular gas for the small machinery or should this be left the way that it is and the machines will not be used at fires and they will not be able to help the taxpayers when there is a fire.

Ms. Nerbak stated that for the record she was not involved with the gas decision and she believes that the fire companies are doing a great job.

Mr. Baldwin stated that he has stayed quiet this whole time because he is a member of one of the companies and that he does not agree with all of this, but will be remaining quite.

Mr. Wester stated that free help should not be turned away.

Chief Burdge asked if there was going to be more money taken out for maintenance.

Ms. Nerbak stated that all of the companies will be cut by \$300 for the maintenance of the air compressor.

Mr. Charlie Smith, Tri County Fire, stated that all of the companies have specialized tools and they are not given any extra to maintain their equipment and all of the companies use these items.

Mr. Jewell asked when the last Line Officers meeting.

Chief Burdge asked why this was important and stated that he felt that they would be better off to meet with each company and discuss the budget with each one separately.

Mr. Kobert, Esq. stated that the fire companies are going to need to make some hard decisions and possibly combine departments to save money.

Mr. Burdge stated that the departments would use all of their budget money to join the departments just in lawyer fees.

Mr. Kobert stated that he would donate his services if the departments all agreed to do this.

Mrs. Heurich asked what the difference is between merging departments and becoming a fire district.

Kenneth Stieh, asked if the attorneys comment be put on record.

PUBLIC PORTION:

No comments.

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 March 24, 2010, that an Executive Session closed to the public shall be held on March 24, 2010 at 8:34PM 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. Watters made a motion to go into Executive Session, which was seconded Mr. Jewell.

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

Return from Executive Session 9:16.

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

Mr. Jewell asked how it was resolved for the Chiefs sick time.

Mr. Kobert asked Mr. Coppola what happened with the Chiefs sick time.

Mr. Coppola stated that the error was in a one week period with 300 hours and it was a mistake on the Chiefs part.

Mr. Coppola asked if the chief's sick time should be paid.

Mr. Kobert stated that he should be paid.

Mr. Coppola stated that he has a requisition from the Chief for a toll for a dollar should this be paid he is only asking because Mayor Tomaszewski had said that this should not be paid.

Mr. Kobert stated that this should be paid.

Mr. Coppola asked what the township committee wanted to do because Tri County and the rescue squad had submitted vouchers what does the committee want to pay.

Mr. Kobert suggested that the township pay the same as the fourth and first quarters and then if there is a revision it can be cut from the third quarter.

RESOLUTION:

Township Committee
100 Port Murray Road
Port Murray, NJ 07865

RESOLUTION #2010-37

WHEREAS, the Multi-Jurisdictional Flood Mitigation Plan for Municipalities in the Non-tidal, New Jersey portion of the Delaware River Basin has been prepared in accordance with FEMA requirements at 44 C.F.R. 201.6; and,

WHEREAS, *Township Of Mansfield*, has participated in the preparation of the multijurisdictional Plan; and,

WHEREAS, *Township Of Mansfield*, is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, *Township Of Mansfield*, has reviewed the Plan and affirms that the Plan will be updated no less than every five years.

NOW THEREFORE, BE IT RESOLVED by *Township of Mansfield*, that *Township of Mansfield*, adopts the Multi-Jurisdictional Flood Mitigation Plan for Municipalities in the Non-tidal, New Jersey portion of the Delaware River Basin and resolves to execute the actions in the Plan.

Mr. Jewell made a motion to approve the passage of Resolution 2010-37, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

2010-38

RESOLUTION SUPPORTING THE ESTABLISHMENT OF THE ROUTE 57 SCENIC BYWAY COMMITTEE WITH WARREN COUNTY AS THE LEAD AGENCY

WHEREAS, much of State Highway 57 in Warren County has been designated as Route 57 Scenic Byway by the Federal Highway Administration (FHWA), and

WHEREAS, a Study Committee established under the auspices of the New Jersey Department of Transportation (DOT) has been working diligently to institute the required committee structure to oversee the Byway, and

WHEREAS, that committee has recommended a structure that is based on a government entity as lead agency,

THEREFORE BE IT RESOLVED by the Township of Mansfield as follows:

The Township of Mansfield hereby supports the establishment of the Route 57 Scenic Byway Committee with the County of Warren as the lead agency.

Mr. Baldwin made a motion to approve the passage of Resolution 2010-38, which was seconded by Ms. Nerbak.

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

Nays: Mr. Watters, Mayor Tomaszewski

Absent: None

Abstain: None

ORDINANCE

First Reading

Mayor Tomaszewski introduced Ordinance 2010-05:

ORDINANCE 2010-05

AN ORDINANCE TO AMEND ORDINANCE 01-97, ORDINANCE NO. 2002-23, AND ORDINANCE NO. 2009-06 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, No. 2002-23, No. 2009-06 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 \$.03 per \$100.00 of assessed valuation with \$.01 being used for Recreation purposes of each annual tax levy commencing with the year tax and budget year 2010. 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.

Ms. Nerbak made a motion to introduce Ordinance 2010-05 and requested that the public hearing be held on April 14, 2010 at 8pm and be advertised as such, which was seconded by Mr. Jewell.

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

Nays: Mr. Watters, Mayor Tomaszewski

Absent: None

Abstain: None

COMMITTEE PERSON COMMENTS:

Mr. Jewell asked about the Fire Prevention bureau.

Ms. Nerbak made a motion to approve going through with the proposal that was suggested by the Chief Financial Officer for the Fire Prevention Bureau, which was seconded by Mr. Jewell.

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

Nays: None

Absent: None

Abstain: None

Ms. Nerbak asked if we were going to go forward with the sound system.

Mr. Jewell made a motion to approve going forward with the new sound system from Gramco, which was seconded by Mr. Baldwin.

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

Nays: None
Absent: None
Abstain: None

Ms. Nerbak stated that a letter was received from Joann Fascenelli stated that the money from the clean up should be used to clean up Alpine Ave.

Ms. Nerbak made a motion to go through with the cancelling of the town wide clean up and to go forward with the cleanup of the township property on Alpine Ave, which was seconded by Mr. Baldwin.

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

Ms. Nerbak also stated that Mrs. Fascenelli wrote in her letter that the dumpster up at the old DPW garage is very costly and that people are dumping into the dumpster and that we should have the dumpster removed.

Mr. Baldwin stated that this dumpster is for when the DPW picks up items that are dropped on the side of the road and that it is needed.

Mr. Baldwin stated that he will have it moved so that it is not accessible to the public by the new garage.

Mr. Jewell stated that we should either move the dumpster or block the dumpster so that no one can use it other than the DPW for this type of clean up.

Mr. Baldwin stated that he would speak with Mr. Sliker to have it moved.

Ms. Nerbak and Mr. Jewell agreed.

Mr. Baldwin stated that there was a sink hole on Brantwood that took 50 yards of concrete to fill and was in our right of way.

Mr. Baldwin made a motion to adjourn at 9:37.