

TOWNSHIP OF MANSFIELD COMMITTEE MEETING

September 8, 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:

Ms. Nerbak made a motion to approve the minutes with changes from the regular meeting held on August 11, 2010, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: None

Abstain: None

Mr. Jewell made a motion to approve the minutes from the regular meeting held on August 25, 2010, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: Mr. Baldwin, Ms. Nerbak

PAYMENT OF BILLS:

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

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

Nays: None

Absent: None

Abstain: None

CFO REPORT:

Mr. Coppola stated that there was a memo about the best practices checklist, interlocal agreement for the Shared Service for the Impound Lot and the construction.

CLERKS REPORT:

Ms. Hrebenak stated that the offices have been moved to accommodate the new court coming to Mansfield.

ENGINEERS REPORT:

Mr. DiSessa stated that he had given the committee copies of the zoning report for this month.

Mr. DiSessa stated that the cores have been completed on Washburn Road and the results should be sent to the state within the month.

Mr. DiSessa stated that Wal Mart is planning on opening their new portion in the next couple of weeks and they will be having a grand opening.

Ms. Nerbak stated that Wal Mart was planning on giving money to a number of non profits in Hackettstown and Mr. Baldwin straightened that out and gave the list to the Wal Mart of all of the Non profits in town.

PUBLIC PORTION:

Carol Averal, Hackettstown, to Save our nation congress must pass Glass-Steagull and Shut Down derivatives now. This will put an end to the banking mixing money. Asked the committee to pass a resolution in support of this and send to our congressman.

Don Proefrock, Diamond Hill, agenda was not posted for this meeting, can this be taken care of on the Friday or Monday prior to the meeting.

Mr. Proefrock asked if the tax bills be sent out on time. In the last three years the taxes have gone up 10.77, 18.06, and 14.29 percent.

Mayor Tomaszewski explained that with the State cutting the aide we have been forced to raise the taxes.

RESOLUTION:

RESOLUTION 2010-86

WHEREAS, the Township of Mansfield by resolution previously adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Economic Growth and Tax Relief Reconciliation Act of 2001, the 2005 final regulations issued under the Uniformed Services Employment and Reemployment Rights Act of 1994, the Pension Protection Act of 2006, final Treasury Regulation §1.457-4, the Heroes Earnings Assistance and Relief Tax Act of 2008, and the Worker, Retiree and Employer Recovery Act of 2008 amended sections of the Internal Revenue Code (the "Code") and the rules and/or regulations issued thereunder affecting Section 457 Deferred Compensation Plans (cumulatively referred to as the "Acts and Regulations");

WHEREAS, the Township of Mansfield desires its Plan to conform with the changes in the Code and Treasury regulations brought about by the Acts and Regulations;

WHEREAS, the Township of Mansfield desires to adopt a restated Plan that conforms with the changes in the Code and Treasury regulations resulting from the Acts and Regulations;

WHEREAS, such revised Plan shall supersede the previously adopted Plan;

NOW, THEREFORE BE IT RESOLVED that the Township of Mansfield hereby adopts a revised Plan 76-PD-Lincoln-120709.

BE IT FURTHER RESOLVED that The Lincoln National Life Insurance Company and Lincoln Financial Group, it's agent, has agreed to continue to be the provider of the Deferred Compensation Program for employees and elected officials; and

BE IT FURTHER RESOLVED that the Lincoln National Life Insurance Company and Lincoln Financial Group it's agent, will continue to provide, for the benefit of the participants the Multi-Fund Variable Annuity contract; and

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln National Life Insurance Company and Lincoln Financial Group, it's agent, in the selection of a provider pursuant to N.J.A.C. 5:37 - 5.7.

BE IT FURTHER RESOLVED that the Finance Director or Business Administrator is authorized to execute an Administrative Services Agreement with the Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, (12-SA-Lincoln-072595) and such other agreements as are necessary to implement the Deferred Compensation Program. It is implicitly understood that there is to be no cost or contribution by the Township of Mansfield to the program; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to serve as the "Administrator" of the plan, represent the Township of Mansfield, and execute individual deferred compensation agreements with each said employee; and

BE IT FURTHER RESOLVED by the Township of Mansfield that the Clerk forward a certified true copy of this resolution to the Chief Financial Officer; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at P.O. Box 803; Trenton, NJ 08625-0803.

Mr. Jewell made a motion to approve the passage of Resolution 2010-86, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

2010-87

RESOLUTION
Overpayment of Taxes
Block 203 Lot 15 Qfarm

WHEREAS, the following property has an overpayment of 2010 property taxes;

WHEREAS, this overpayment occurred due an encoding error on a check written for taxes due for the year 2010;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 8th day of September 2010 that the Tax Collector and Finance Officer are hereby authorized to refund the following overpayment:

Block 203 Lot 15 Qfarm
Anna Drago
9 Park Place East
Cranbury, NJ 08512
\$276.68

Mr. Baldwin made a motion to approve the resolution 2010-87, which was seconded by Mr. Watters.

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

RESOLUTION NO. 2010-88

APPOINTMENTS TO CERTAIN MUNICIPAL OFFICES AND POSITIONS FOR THE YEAR 2010:

BE IT RESOLVED, that the following person to the following respective municipal offices and/or positions of the Township of Mansfield:

2nd Deputy Court Administrator Laura Moore

Mr. Baldwin made a motion to approve Resolution 2010-88, which was seconded by Ms. Nerbak.

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

COMMITTEE PERSON COMMENTS:

Mr. Jewell stated that about a month ago he asked and the township committee acted on selling a lot that was undersized and nothing has happened.

Mr. Lavery, Esq. stated that he would check into this.

Mr. Jewell stated that he saw that the County is having an auction and asked if we could do auction the township equipment with them.

Ms. Hrebenak stated that we looked into this previously and if the items do not sell then the county keeps the items.

Mr. Jewell asked what the hours for the DPW are for the winter.

Mr. Tomaszewski stated that he is going to keep the hours 6 to 2:30 for the winter to see how that works out.

Mr. Jewell asked if it is in the contract that these hours can be changed.

Ms. Nerbak agreed that this should not be changed.

Mr. Jewell stated that this is not a decision that Mayor Tomaszewski can decide.

Mr. Lavery stated that this is something that should be changed in the contract.

Mr. Jewell made a motion to start on 7am for the winter hours from now on, which was seconded by Ms. Nerbak.

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

Nays: Mayor Tomaszewski

Absent: None

Abstain: Mr. Watters

Ms. Nerbak stated that the tennis courts are almost completed and is on schedule and will be completed in the next week.

Mr. Baldwin stated that the township do something about the bill for Robert Griffith.

Mr. Coppola stated that this will be on the next bill list.

Five minute break at 8:20

Return from break 8:25.

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

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 September 8, 2010, that an Executive Session closed to the public shall be held on September 8, 2010 at 8:26 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. Watters made a motion to go into Executive Session, which was seconded by Mr. Jewell.

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

Nays: None

Absent: None

Abstain: None

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

Return from Executive Session at 8:44.

Mr. Baldwin made a motion to advertise for the CFO position, which was seconded by Mr. Jewell.

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

Nays: None

Absent: None

Abstain: None

Mr. Baldwin made a motion to adjourn at 8:45.