

TOWNSHIP OF MANSFIELD COMMITTEE MEETING

November 10, 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. Watters, Mr. Baldwin, Ms. Nerbak, Deputy Mayor Jewell

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Mr. Baldwin stated that he made a minor correction.

Ms. Nerbak stated that she had minor corrections that were made also.

Mr. Baldwin made a motion to approve the minutes from the meeting that was held on October 27, 2010, which was seconded by Ms. Nerbak.

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

Nays: None

Absent: None

Abstain: None

PAYMENT OF BILLS:

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

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

Nays: None

Absent: None

Abstain: None

Deputy Mayor Jewell asked about the detention basin at the park.

Ms. Nerbak stated that she will call Mr. Stoner and have him call Deputy Mayor Jewell.

Deputy Mayor Jewell asked if this bill that is here would be the last bill for Corey Stoner.

Deputy Mayor Jewell made a motion to hold the bill for Harold Pellow which is on page 8 of the bill list, which was seconded by Mr. Watters .

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

Nays: None

Absent: None

Abstain: None

CFO REPORT:

Ms. Harm stated that the Tahoe will be here by mid January and the Crown Vic will be here in the next week or so.

Mr. Watters asked if the equipment install is scheduled.

Ms. Harm stated that as of right now Warnock was giving us a price to do the equipment install.

#### CLERKS REPORT:

Ms. Hrebenak stated that she has raffle licenses for Mansfield PTA and Mansfield Township Fire that she needs a motion to approve.

Mr. Watters made a motion to approve the raffle licenses, which was seconded by Deputy Mayor Jewell.

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

Nays: None

Absent: None

Abstain: None

#### ENGINEERS REPORT:

Mr. DiSessa stated that the HVAC contract is being finalized between Honeywell and the attorney's and should be done in the next week or so.

Mr. DiSessa stated that the New Jersey Direct Install program will be basing their estimate on the bid scope.

Mr. DiSessa stated that the zoning report was given to all committee members.

Mr. DiSessa stated that he spoke with the county in reference to the Hance's Brook Culvert and they feel that they are not responsible to maintain this culvert.

Mr. DiSessa stated that his concern with this is if something happens with the culvert who will be responsible and who will be affected.

Mr. DiSessa stated that he contacted Mr. Donaldson and he will be meeting with Mr. Sliker and Louis Donaldson on Monday to go over what needs to be done.

Deputy Mayor Jewell asked what was going on with Washburn Road.

Mr. DiSessa stated that he has spoken with the State in reference to the work that was done on Washburn Road and they have all of the items that they needed except the old voucher that was sent to the State for the township's payment needs to be redone because the one that was sent in was too old.

#### PUBLIC PORTION:

Donald Proferoch, asked if the mailbox ordinance was reviewed to be correct for the federal standards.

Mr. Proferoch stated that when he was hear previously on September 8 he had asked the Mayor why the municipal tax went up double digits for the last three years and the Mayor replied that it was the cut in state aide.

Deputy Mayor Jewell stated that there were a number of items that caused the budget to go up.

Mr. Proferoch asked the committee questions about the budget and the open space tax and asked if there was a plan for the open space monies and if there was a long term goal.

Mr. Proferoch stated that sheet 43 of the budget says that there is 129 acres preserved so far is there a plan or a target how much longer are we going to continue to collect and not have a plan for open space preservation.

Joan Dimurro, 296 Main Street asked about the land trade between the county and the state over in the Brickyard and what the plans are for the canal way.

Mr. Watters stated that this has not been finalized as of yet.

Mr. Baldwin stated that in previous years there were subdivision plans that were granted with restrictions on building within the canal and only use the canal to put a driveway across to gain access to the property.

Mr. Watters stated that he does not believe that there will be a large portion that will be in Mansfield.

RESOLUTION:

**TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY**  
RESOLUTION # 2010-98

**TITLE: INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount,  
**SECTION 1,**

**NOW, THEREFORE BE IT RESOLVED** that the Township of Mansfield, County of Warren, hereby requests the Director of the Division of Local Government Services to approve the increase of \$ 1,603.86 for an item of revenue in the budget of the year 2010 as follows:

Miscellaneous Revenues –  
Revenue Offset with Appropriations – Body Armor Grant  
Total with increase to be \$ 1,603.86

**SECTION 2,**

**BE IT FURTHER RESOLVED** that a like sum of \$ 1,603.86 be and the same is hereby appropriated under the caption of:

General Appropriations –  
Public & Private Programs Offset by Revenues – Body Armor Grant  
State/Federal Share       \$ 1,603.86  
Non State Share               \$  
Total with increase to be \$ 1,603.86

**FURTHER RESOLVED** that two certified copies of this resolution with a copy of the appropriate documentation be forwarded to the Division of Local Government Services.

Ms. Nerbak made a motion to approve the passage of Resolution 2010-98, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: None

Abstain: None

RESOLUTION # 2010-99  
 BUDGET TRANSFER  
 TOWNSHIP OF MANSFIELD  
 WARREN COUNTY, STATE OF NEW JERSEY

**WHEREAS**, there are insufficient funds in some of the 2010 budget line items; and  
**WHEREAS**, N.J.S.A. 40A:4-58 permits the transfer of funds from accounts with a surplus to cover such demands,  
**NOW, THEREFORE, BE IT RESOLVED** (not less than two-thirds of all members thereof affirmatively concurring) that the Acting Chief Financial Officer of Mansfield Township, County of Warren, State of New Jersey, is hereby authorized to make the following transfers in accordance with the provision of this Resolution:

<b>Account:</b>	<b>CURRENT FUND</b>	<b>To:</b>
	<b>From:</b>	
General Administration OE	\$ 800.00	
Mayor & Council OE	\$ 550.00	
Municipal Clerk OE	\$ 150.00	
Data Processing OE	\$ 1,560.00	
Revenue Administration OE	\$ 2,410.00	
Tax Assessment Administration OE	\$ 2,600.00	
Engineering OE	\$ 800.00	
Planning Board OE	\$ 775.00	
Liability Insurance	\$ 3,800.00	
Employee Group Insurance OE	\$ 2,000.00	
Office of Emergency Management OE	\$ 925.00	
Public Safety/Fire Dept. OE	\$ 713.00	
Streets & Roads S/W	\$ 16,200.00	
Streets & Roads OE	\$ 3,090.00	
Buildings & Grounds OE	\$ 8,000.00	
Municipal Court S/W	\$ 10,500.00	
Municipal Court OE	\$ 2,000.00	
Solid Waste Collection S/W		\$ 523.00
Utility Expenses & Bulk Purchases OE		
(Electric)		\$ 18,000.00
(Telephone)		\$ 3,500.00
(Natural Gas)		\$ 800.00
(Fuel)		\$ 20,000.00
(Fuel Diesel)		\$ 5,000.00
(Fuel Oil)		\$ 1,000.00
Police S/W		\$ 8,050.00
<b>TOTALS</b>	<b>\$56,873.00</b>	<b>\$56,873.00</b>

Ms. Nerbak made a motion to approve the passage of Resolution 2010-99, which was seconded by Mr. Jewell.

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

WHEREAS, the re-imposition of the Constitutional Glass-Steagall principles that separate commercial from speculative banking, and the shutdown of the hundreds of trillions of dollar derivatives casino—both measures which have been strongly promoted and supported by leading economist Lyndon LaRouche – are the indispensable, and inseparable, first steps for saving the U.S. economy from imminent disintegration, and creating the basis for the launching of a real economic recovery program based on massive infrastructure projects; and

WHEREAS, the leadership of the U.S. Congress, under the direction of President Barack Obama, has sabotaged the inclusion of the Cantwell-McCain Glass Steagall amendment into the so-called vulnerable to the ongoing relatively immediate threat of a general, and even total blowout of the world financial system, as such is anticipated by the current freeze-up of bank lending, and the 1000 point “flash” drop in the U.S. stock market; and

WHEREAS, that same Congressional leadership, under pressure from the Obama Administration and Wall St., has similarly removed any effective action in respect to the trading of derivatives from the so-called reform bill, giving the major Wall St. banks expanded authority over the decimated U.S. economy,

THEREFORE, be it resolved that the Township of Mansfield demands that Congress immediately act to restore FDR’s Glass-Steagall legislation, and to adopt measures which will lead to the total shutdown of the cancerous derivatives market, by the immediate application of an exact renewal of President Franklin D. Roosevelt’s precisely stated, and intended Glass-Steagall legislation, without which both the United States itself, and the planet in general, could not avoid an already prevalent process of a global general collapse of, and among the nations of, all of the planet’s continents.

Ms. Nerbak made a motion to approve the passage of Resolution 2010-100, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: None

Abstain: None

ORDINANCE:

First Reading

Deputy Mayor Jewell introduced Ordinance 2010-19 by title only as follows;

#### **ORDINANCE 2010-19**

**AN ORDINANCE TO CREATE A NEW CHAPTER OF THE TOWNSHIP CODE REGARDING PLACEMENT OF MAILBOXES, GARBAGE/RECYCLING CONTAINERS, BASKETBALL EQUIPMENT AND YARD DAMAGE BY MUNICIPAL EQUIPMENT DURING STORM OPERATIONS ON TOWNSHIP-OWNED RIGHTS-OF-WAY NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Mansfield, County of Warren, New Jersey, as follows:

**Section 1.** The intent of this Ordinance is to require that all mailboxes placed upon Township-owned right-of-way be placed in such a manner that allows for efficient snow and/or ice removal from and maintenance of the rights-of-way. It is the further intent of this Ordinance to require that all garbage/recycling containers, basketball equipment, including, but not limited to, posts, backboards and rims, are located a safe distance from Township-owned roads and rights-of-way so as to allow for the efficient snow/or ice removal from and maintenance of the rights-of-way and a procedure for yard damage due to the removal of snow from the street.

**Section 2.** Any mailbox placed upon a Township-owned right-of-way shall be installed at a height of 41 to 45 inches from the road surface to inside floor of the mailbox or point of mail entry (locked designs) and shall be set back at least 8 inches from front face of curb or road edge to the mailbox door.

**Section 3.** For any mailbox located in a Township-owned right-of-way, the Township of Mansfield will make repairs to or replace mailboxes and/or post damaged due to snow and/or ice removal and/or maintenance operations only under the following circumstances:

- A. Physical damage caused by actual contact with Township-owned and operated equipment, which damage and contact can be proven and documented by the owner;
- B. The mailbox and/or post is of standard design and placed in conformance with this Ordinance, and
- C. The existing installation, mailbox, and mailbox post were in good condition and repair prior to the alleged event causing damage.

Nothing in this Section or in this Ordinance shall be construed in any way to waive any or all defenses available to the Township under Title 59 of the New Jersey Statutes.

**Section 4.** The Township shall not be liable and shall not repair or replace mailboxes or posts located in Township rights-of-way where the Township determines that:

- A. The mailbox was not of standard design and/or not placed in conformance with this Ordinance; or
- B. The mailbox, post, and installation were not in good condition and repair, or
- C. The mailbox and/or post were damaged due to plowed snow and/or ice.

**Section 5.** In the event that actual physical contact with Township-owned equipment damages a mailbox installed in accordance with Ordinance, the Township will install a new, green-treated post and/or standard black mailbox. If the property owner desires a non-standard mailbox, the Township will reimburse the property owner up to \$50 towards replacement costs. If any damage exceeds \$50, the property owner shall be responsible for any costs above the \$50 approved reimbursement by the Township for materials only; no reimbursement for labor shall be given.

**Section 6.** The Township shall have no obligation to ensure that during snow and/or ice removal operations, snow and/or ice is plowed in such a manner as to permit access to any mailbox. It shall be the obligation of the owner of such mailbox to remove any necessary snow and/or ice to permit postal service access to the mailbox.

**Section 7.** In no event shall the Township of Mansfield be responsible for damage to a mailbox when such damage is caused by snow or ice thrown during snow and/or ice removal operations.

**Section 8.** All garbage and/or recycling containers, including, but not limited to, hard-sided reusable containers, cans, boxes, bags and the like used for the purpose of curbside collection of said materials shall not be located in the street and shall be placed in such a manner that allows for efficient snow and/or ice removal from and maintenance of the rights-of-way at least 3 feet from the edge of a Township-owned roadway. In the event that during snow and/or ice removal operations actually physical contact with Township-owned equipment damages a container or displaces garbage or recyclables contained in such a container located in the street or placed in the township rights-of-way the property owner shall be responsible and no reimbursement shall be owed by the township to replace. A property owner shall be responsible for any damage incurred to Township equipment due to the failure to locate any garbage/recycling container in accordance with this ordinance.

**Sections 9.** All basketball equipment, including, but not limited to, posts, backboards and rims, shall be located at least 10 feet from the edge of a Township-owned roadway. In no event shall any basketball equipment be located in a Township-owned right-of-way. A property owner shall be responsible for any damage incurred to Township equipment due to the failure to locate any basketball equipment in accordance with this ordinance.

**Section 10.** Property owner who do not identify the edge of the roadway with a marking device (Example: metal posts with a reflector on the top, wooden stakes with reflective paint on the top of other device made to delineate edge of pavement placed at regular intervals along the edge of roadway that will be visible to the snowplow operator.) This device should be a minimum of 36" tall and be set back from the edge of pavement in such a way as to not obstruct the removal of snow from the street or to obstruct traffic in any way. Property owners who DO NOT identify the edge of the roadway with a marking device the Township of Mansfield will not be responsible for any damage to these properties. Property owners who have properly delineated the edge of roadway with a marking device in accordance with this ordinance as mentioned above the Department of Public Works within a reasonable amount of time following the end of a snow event will pick up any snowplow damaged yard material that remains. In the spring the Department of Public Works will restore the area damaged by placing new topsoil and reseeding the affected area and/or return the damaged area, as close as possible, back to the original condition.

**Section 11.** This Ordinance shall be effective after adoption by the Township Committee and publication and/or posting as provided by law.

**Section 12.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to

the extent of the inconsistency only.

**Section 13.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is for any reason declared to be unconstitutional or invalid by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.

**Section 14.** This Ordinance shall take effect upon notice, publication and adoption as required by law.

Mr. Baldwin made a motion to approve the introduction of Ordinance 2010-19 and requested that the public hearing be advertised for December 8, 2010 at 8pm, which was seconded by Deputy Mayor Jewell.

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

Nays: None

Absent: None

Abstain: None

Deputy Mayor Jewell introduced Ordinance 2010-20 by title only as follows;

### **ORDINANCE 2010-20**

#### **AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXX OF THE LAND USE ADMINISTRATION AND PROCEDURES**

**WHEREAS**, the Township Committee of the Township of Mansfield has determined to amend Land Use Administration and Procedures Chapter XXX, Section 30-5.5 to add: Planning Board Attorney and Engineer shall be compensated at the rate set by the Planning Board. The Planning Board Attorney and Engineer shall charge the applicant's escrow for all time spent on an application including time spent during the public hearing of the application. The Planning Board Attorney and Engineer shall not be compensated on a retainer or flat fee basis for meeting attendance in addition to the hourly billings.

**WHEREAS**, the Township Committee of the Township of Mansfield has determined to amend Land Use Administration and Procedures Chapter XXX, Section 30-5.6 to add: Experts shall be compensated at the rate set by the Planning Board. The Experts shall bill the applicant's escrow for all time spent on the applicant's application including time spent during the public hearing of the application. The Experts shall not be compensated on a retainer or a flat fee basis for meeting attendance in addition to the hourly billings.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, that the Land Use Administration and Procedures of the Township of Mansfield is hereby amended as follows:

#### **Section 1**

Chapter XXX, Section 30-5.5 is hereby amended as follows: Planning Board Attorney and Engineer shall be compensated at the rate set by the Planning Board. The Planning Board Attorney and Engineer shall bill the applicant's escrow for all time spent on the applicant's application including time spent on the public hearing of the application. Under no circumstances will the Planning Board Attorney be compensated on a retainer or compensated with a flat fee for meeting attendance in addition to the hourly billings.

#### **Section 2**

Chapter XXX, Section 30-5.6 entitled "Experts and Staff" is hereby amended as follows: Experts and Staff shall be

compensated at the rate set by the Planning Board. The Experts and Staff shall bill the applicant's escrow for all time spent on the applicant's application including time spent on the public hearing of the application. Under no circumstances will the Experts and Staff be compensated on a retainer or compensated with a flat fee for meeting attendance in addition to the hourly billings.

### **Section 3**

This ordinance shall take effect immediately after passage.

### **Section 4**

Any ordinance that is inconsistent with the foregoing shall be deemed repealed by this ordinance.

### **Section 5**

If any section, subsection, paragraph, phrase or sentence of these amendments to the Township Code is, for any reason, declared to be unconstitutional or invalid, such section, subsection, paragraph, phrase or sentence shall be deemed severable.

Deputy Mayor Jewell made a motion to introduce Ordinance 2010-20 and requested that the public hearing be advertised for the December 8, 2010 meeting at 8pm, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

Second Reading:

Deputy Mayor Jewell presented Ordinance 2010-18 and opened the public comment period, seeing as there were no comments the public comment period was closed.

## **ORDINANCE 2010-18**

### **AN ORDINANCE TO AMEND THE GENERAL CODE OF THE TOWNSHIP OF MANSFIELD, CHAPTER 2, ARTICLE 35 – OPEN SPACE, FARMLAND PRESERVATION, CONSERVATION, HISTORICAL, AND RECREATION ADVISORY COMMITTEE**

BE IT ORDAINED by the Mayor and Township Committee of the Township of Mansfield:

Section 2-35.3 Membership shall be amended as follows:

- a. The Committee shall be comprised of seven (7) members appointed on a staggered term basis, three (3) three year terms, two (2) two year terms, two (2) one year terms, by the Mayor and Township Committee

**Section Two:** This Ordinance shall take effect upon the publication of notice of final adoption as provided by law.



Ms. Nerbak made a motion to adopt Ordinance 2010-18 and requested that the results be advertised, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: None

Abstain: None

#### COMMITTEE PERSON COMMENTS:

Ms. Nerbak stated that the Route 57 Byway met and there were some minor changes to the draft and they will be getting that info to us before December and the name will be Warren Heritage Scenic Byway.

Ms. Nerbak stated that there are no restrictions that will be put on and it really is a good plan.

Mr. Baldwin stated that there are a number of these already and with this plan in place there will be grants available for different items.

Mr. Baldwin made a point from day one that there will be no restrictions on the residents thru that byway.

Mr. Baldwin stated that the request that was given out to the committee members by Rebecca Harm in reference to time for herself and Joanne Fascanelli being carried into the next year. Mr. Baldwin stated that he does not agree with this because in previous years others have been turned down.

Mr. Watters stated that at this point we should leave things the same.

Mr. Watters asked a question in regards to the towing ordinance.

Deputy Mayor Jewell stated that there have been meetings with the FOP for negotiations and everything should be ironed out for the next meeting.

Mr. Baldwin stated that he understood that there were RICE notices issued and the members of the Township Committee were not informed that they were being issued.

Mr. Baldwin asked what the procedure is for issuing the RICE notices because in previous years the whole committee has been involved in the decision.

Mr. Baldwin feels that the committee members are all elected and this is something that should be discussed with the whole committee.

Ms. Nerbak stated that a letter was received from Joann Fascanelli indicating that Alpine Ave was completely cleaned up.

Mr. Baldwin made a motion to adjourn at 8:44pm, which was carried by all.