

## TOWNSHIP OF MANSFIELD COMMITTEE MEETING

November 23, 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. Baldwin made a motion to approve the minutes from the regular meeting held on November 10, 2010, which was seconded by Mr. Jewell.

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

Nays: None

Absent: None

Abstain: Mayor Tomaszewski

### PAYMENT OF BILLS:

Mr. Jewell stated that there were copies on the dias from Harold Pellow and Assoc and Warren County Soil Conservation and he feels that we should now pay the \$8,807 to Harold Pellow and Associates that was held from the last meeting added to the bill list, which was seconded by Ms. Nerbak.

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

Nays: Mr. Watters, Mayor Tomaszewski

Absent: None

Abstain: None

Mayor Tomaszewski stated that there is a bill for Frank Buccini purchase order 100157 and questioned the amount of the bill and the pricing.

Mayor Tomaszewski asked questions about the bills for the Class A pants for Gilbert and Mathews and the difference in price for the two.

Mayor Tomaszewski asked about the white gloves that were purchased.

Mrs. Fascanelli stated that there were 13 pair of gloves that were purchased.

Mr. Watters asked why there is a bill on the bill list for Ms. Hrebenak purchasing pocket watches.

Ms. Hrebenak stated that they were for the officers that are retiring.

Mr. Watters asked why there is a fee on the bill list for the police and fire retirement system.

Mrs. Fascanelli stated that the bills were late from the previous year and the beginning of the year were also done

late so there is interest that is charged.

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

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

Nays: None

Absent: None

Abstain: None

#### CFO REPORT:

Mrs. Fascanelli stated that there have been budget requests coming in and that a request was sent out to the department heads to clean up old invoices from this year so there is a clean transition into next year.

Mrs. Fascanelli stated that there is also an outstanding bill for Barry Isett and Associates for the Washburn Road project.

Mr. Baldwin stated that a letter should be sent to Barry Isett requesting an itemized bill, which was seconded by Mr. Jewell.

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

Nays: None

Absent: None

Abstain: None

#### CLERKS REPORT:

Ms. Hrebenak stated that last Tuesday there was a meeting here with DOT about the Route 57 Bridge repairs and possible

#### ENGINEERS REPORT:

Mr. DiSessa stated that the Committee was given a letter to detail the Direct Install work that will be completed which does not include the outdoor lighting fixtures. Mr. DiSessa stated that he recommends that the township move forward with this program being that it is a cost of about 1/3 of what the public bid is.

Mr. Baldwin made a motion to join the NJ Direct Install with HT Lyons, which was seconded by Ms. Nerbak.

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

Nays: None

Absent: None

Abstain: None

#### RESOLUTION:

Mr. Paul Tarlowe, 40 Brookside Ave, spoke to the township committee in reference to the Musconetcong River Advisory Council.

**Township of Mansfield  
Resolution 2010-101**

**RESOLUTION**

**WHEREAS**, the Township Of Mansfield is located on the Musconetcong River downstream of Lake Hopatcong; and

**WHEREAS**, the Musconetcong River is a valuable natural resource which enhances the cultural, recreational and economic opportunities of the municipality and these opportunities are directly affected; and

**WHEREAS**, the Musconetcong River Management Council, whose mission is to implement the Musconetcong River Management Plan in accordance with the National Wild and Scenic Rivers guidelines, has serious concerns regarding the impact of the proposed changes to the Lake Hopatcong Water Level Management Plan (LHWLMP); and

**WHEREAS**, the legal and historic minimum passing flow in the Musconetcong River as established at the Headwaters of the River (the Lake Hopatcong dam) has been a minimum flow of 12 cubic feet per second (cfs); and

**WHEREAS**, the State of New Jersey Department of Environmental Protection (NJDEP) has been reviewing the Lake Hopatcong Water Level Management Plan (LHWLMP) and has convened a Citizens Advisory Committee (CAC) to assist in the review; and

**WHEREAS**, said LHWLMP has a direct impact on the flow of the water in the Musconetcong River and said Plan requires 12 cfs outflow to the river at minimum; and

**WHEREAS**, the most recent meeting of the CAC was held on September 13, 2010; and

**WHEREAS**, subsequent to the CAC meeting held on September 13, 2010, the NJDEP took unilateral action, without notice to the members of the CAC or to downstream users, to reduce the outflow of the Lake Hopatcong dam to the Musconetcong River below the minimum passing flow, said action, not based upon any declared emergency; and

**WHEREAS**, despite heavy rains on September 30, 2010, that brought the lake to nearly full levels, the NJDEP maintained the restricted outflow of the lake under the mandated 12 cfs until October 14, 2010; and

**WHEREAS**, subsequent to the most recent meeting of the CAC the NJDEP unilaterally amended the draft LHWLMP previously distributed to CAC without input from the CAC; and

**WHEREAS**, said proposal includes no provision for notification to or consideration of downstream stakeholders on the Musconetcong River; and

**NOW, THEREFORE BE IT RESOLVED** that the Township Of Mansfield call upon the NJDEP to:

- withhold or withdraw the draft plan from public comment until such time as the CAC can reconvene to consider the amendments unilaterally added by NJDEP;
- suspend or withdraw any portion of the draft LHWLMP that allows for the restriction of the minimum passing flow of 12 cfs, until such time as a full Environmental Impact Analysis can be conducted on the impact of the reduced flow on:
  - The ecology and biology of the Musconetcong River (particularly on the stretch between Lake Hopatcong and Lake Musconetcong);

- The ability of the Musconetcong River to assimilate the discharges from the Musconetcong Sewerage Authority at the reduced flow;
- The impact upon Lake Musconetcong of the reduced flow in the river, particularly as it relates to weed growth in the lake and the rare and endangered plant species found in the lake; and

Mr. Baldwin made a motion to approve resolution 2010-101, which was seconded by Ms. Nerbak.

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

RESOLUTION # 2010 –102  
 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:

**CURRENT FUND**

<u>Account:</u>	<u>From:</u>	<u>To:</u>
Financial Administration OE	\$ 12.66	
Revenue Administration OE	\$ 54.75	
Tax Assessment Administration OE	\$ 40.00	
Economic Development Agencies OE	\$ 5.00	
Historical Sites Office OE	\$ 55.00	
Planning Board OE	\$ 50.00	
Municipal Court OE	\$ 444.35	
Police Fire & Retirement System		\$ 661.76
<b>TOTALS</b>	<b>\$ 661.76</b>	<b>\$ 661.76</b>

Mr. Watters made a motion to approve resolution 2010-102, which was seconded by Mr. Jewell.

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

2010-103  
**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 \$42,000.00 was paid at the time of the sale;

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Mansfield this 23rd day of November 2010 that the \$42,000.00 premium is to be returned to the certificate holder as noted:

<b><i>CERTIFICATE HOLDER</i></b>	<b><i>BLOCK/LOT</i></b>	<b><i>CERT #</i></b>
US Bank Cust. For CCTS Capital LLC 2 Liberty Place 50 South 16 <sup>th</sup> St.- Ste 1950 Philadelphia, PA 19102	1105/11.07	2010-6

Mr. Jewell made a motion to approve resolution 2010-103, which was seconded by Mr. Watters.

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

2010-104

## **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 23rd day of November 2010 that refund is to be made to the certificate holder as noted:

US Bank Cust. For CCTS Capital LLC  
2 Liberty Place  
50 South 16<sup>th</sup> St.- Ste 1950  
Philadelphia, PA 19102  
Block 1105 Lot11.07  
Certificate # 2010-6  
\$164,085.08

Mr. Watters made a motion to approve resolution 2010-104, which was seconded by Mayor Tomaszewski.

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

**ORDINANCE:**

**First Reading:**

Mayor Tomaszewski introduced Ordinance 2010-22 by title only as follows;

**O:2010-22**

**AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES, PURSUANT TO N.J.S.A. 40A:12-13(b)(1).**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(b)(1) authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use by private sale to any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey; and

**WHEREAS**, the Township of Mansfield is the owner of a 1995 Freight FL-80 Fire Truck not needed for public use and the Township Committee has determined that it is in the best interest of the Township to sell the property for a nominal sum because of the high cost of insuring the same; and

**WHEREAS**, Butler Park Fire Company has expressed an interest to the Township of Mansfield, of purchasing the Fire Truck for a nominal sum; and

**WHEREAS**, there is a decided benefit to the taxpayers of the Township of Mansfield, for the Fire Truck to be transferred to Butler Park Fire Company for its use.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY**, as follows:

**Section 1**

The Township's 1995 Freight FL-80 Fire Truck shall be sold at private sale to Butler Park Fire Company for nominal consideration pursuant to N.J.S.A. 40A:12-13(b)(1). The Mayor and Township Administration are hereby authorized to finalize and execute the attached Vehicle Sales Agreement and take such other reasonable steps that may be necessary to implement this sale.

**Section 2**

This ordinance shall take effect immediately after passage.

**Section 3**

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

Ms. Nerbak made a motion to approve Ordinance 2010-22 and requested that the public hearing be held on December 8, 2010 and be advertised as such, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

Mayor Tomaszewski introduced Ordinance 2010-23 by title only as follows:

**O:2010-23**

**AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES, PURSUANT TO N.J.S.A. 40A:12-13(b)(1).**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(b)(1) authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use by private sale to any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey; and

**WHEREAS**, the Township of Mansfield is the owner of a 1994 Spartan Fire Truck not needed for public use and the Township Committee has determined that it is in the best interest of the Township to sell the property for a nominal sum because of the high cost of insuring the same; and

**WHEREAS**, Tri County Fire Company has expressed an interest to the Township of Mansfield, of purchasing the Fire Truck for a nominal sum; and

**WHEREAS**, there is a decided benefit to the taxpayers of the Township of Mansfield, for the Fire Truck to be transferred to Tri County Fire Company for its use.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY**, as follows:

**Section 1**

The Township's 1994 Spartan Fire Truck shall be sold at private sale to Tri County Fire Company for nominal consideration pursuant to N.J.S.A. 40A:12-13(b)(1). The Mayor and Township Administration are hereby authorized to finalize and execute the attached Vehicle Sales Agreement and take such other reasonable steps that may be necessary to implement this sale.

**Section 2**

This ordinance shall take effect immediately after passage.

**Section 3**

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

Mr. Jewell made a motion to approve Ordinance 2010-23 and requested that the public hearing be held

on December 8, 2010 and be advertised as such, which was seconded by Ms. Nerbak.

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

Nays: None

Absent: None

Abstain: None

PUBLIC PORTION:

Mr. Harry Pool, Main Street Port Murray, requested that the Township Committee consider naming some facility or location in the township in memory of Fredrick Perry.

Donald Mayberry asked that the township committee think of doing something for Mr. Perry.

Ms. Nerbak stated that she felt that this is a good idea.

Mr. Watters agreed that this would be a good idea.

Mr. Baldwin asked if the bridge going onto Main Street had a name and felt that this would be a good place to have his name.

COMMITTEE PERSON COMMENTS:

Ms. Nerbak stated that she has two things, each of the township committee have received a copy of the Route 57 Byway Plan and requested that the committee members review the plan so that if we are all in agreement the resolution could be passed by the township committee. Ms. Nerbak also stated that she met with Scott and John Walsh Charter Partners in reference to them being our Risk Managers and he believes that he can reduce the fees that are charged by the risk managers.

Mayor Tomaszewski asked the township committee about the bill for Sergeant Newman to testify in New York City for the Homicide Unit, which was seconded by Ms. Nerbak.

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

Nays: None

Absent: None

Abstain: Mr. Watters

Mayor Tomaszewski went through the report from the DPW and the work that has been completed this month.

Mr. Watters asked about the Police Vehicle and where it is being equipped and when we should get it.

Mayor Tomaszewski stated that Warnock is installing the equipment and we should have the vehicle sometime next week.

Mr. Baldwin made a motion to adjourn into executive at 8:48

Mayor Tomaszewski made a motion to take a five minute break.

Return from Executive Session at 9:16



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

Mr. Watters made a motion to stay with the State of New Jersey DCA- Fire Safety for Fire Inspections, which was seconded by Mayor Tomaszewski.

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

Nays: Ms. Nerbak

Absent: None

Abstain: None

Mr. Baldwin made a motion to adjourn at 9:17 pm, which was carried by all.