

TOWNSHIP OF MANSFIELD COMMITTEE MEETING

December 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:

Mr. Watters made a motion to approve the minutes of the regular meeting held on November 23, 2010, 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:

Ms. Harm stated that there were questions about the invoice for pants for the police department and the billing was incorrect and was corrected.

Ms. Harm also stated that the bill for Sergeant Newman's overtime is on the bill list for this meeting as requested.

Ms. Harm also stated that there is an explanation of what was done by Barry Isett and Assoc if the township committee would like to approve this we can do this as an addendum.

Mr. Baldwin stated that the answer that was received from Barry Isett's office is unacceptable and he feels that this bill should not be included on the bill list.

Mr. Jewell stated that this price is less than 2% which is nothing for the inspections and he feels that this should be paid.

Mr. Baldwin stated that he felt that we should have an itemized report from them prior to us paying this.

Mr. Vex suggested that the Acting CFO call and let them know that the Township would like more detail.

CLERKS REPORT:

Ms. Hrebenak stated that there is a request from Mr. Stoner for the township committee to accept the project for the Mansfield Park Phase 1A with Bob Viersma and Sons, so a motion is needed for this.

Mr. Watters asked about the detention basin and if this work was in the bid.

Mr. Baldwin stated that this is not part of the bid with Bob Viersma and Sons.

Ms. Nerbak made a motion to accept the project that was done by Bob Viersma and Sons, which was seconded by Mr. Baldwin.

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

Nays: Mr. Watters, Mayor Tomaszewski

Absent: None

Abstain: None

Ms. Nerbak made a motion to approve the payment to the State of New Jersey for the violation from the Division of Fire Safety for the abatement of the fuel tanks, which was seconded by Mr. Jewell.

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

Nays: Mr. Watters, Mayor Tomaszewski

Absent: None

Abstain: None

Mr. Baldwin made a motion to speak with Mr. Sliker and get rid of whichever tanks are not needed, which was seconded by Ms. Nerbak.

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

Nays: None

Absent: None

Abstain: None

Ms. Hrebenak asked the committee if it would be possible for her to register for the Certified Public Administrators class beginning this winter and stated that this was the class that was approved in this year's budget for Mr. Coppola.

Mayor Tomaszewski stated that he felt that if we were going to be sending Mr. Coppola that we should send Mrs. Harm since she is the Acting CFO. Mayor Tomaszewski asked if this class is more for the person that is in the CFO position.

Ms. Hrebenak stated that in most of the local towns the clerk is the person that handles most of the administrative duties and in most of the local towns the CFO is a part time position.

Mr. Baldwin stated that if the township does not have money this is not something that should be done.

CHIEFS REPORT:

Chief Ort stated that the 28-12 was involved in an accident yesterday and the quotes were given to the township committee members.

Chief Ort stated that he has requested that the township committee pass an ordinance for underage drinking on private property.

ENGINEERS REPORT:

Mr. DiSessa stated that he received a letter from the Morris County Engineer that they will be working on the bridge on Newburg Road.

Mr. Watters asked Mr. DiSessa about the Hance's Road bridge.

Mr. DiSessa stated that he has a draft letter that he can show the Township Committee for their approval.

PUBLIC PORTION:

Mr. Profroch, Diamond Hill, stated that he was here two meetings ago and he wanted to go through the items that he had discussed at the meeting.

Mr. Profroch stated that he had questioned about the amount that the township budget has gone up and stated that the difference is that he is speaking in 1000 and we are speaking in 100.

Mr. Profroch stated that he asked if there was an open space plan for the township being that we collect an open space tax and that he went to the open space meeting and that there is no plan in Mansfield. Mr. Profroch asked where is this money going?

Mayor Tomaszewski stated that there is no plan except for the park.

Ms. Nerbak stated that the ordinance reads that tax covers open space, historical preservation, farmland preservation, and recreation.

Mr. Profroch stated that there should be a plan to have this money spent.

Mr. Clancy spoke to the Township Committee in reference to the FOP contract negotiations.

RESOLUTION:

2010-105

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 8th day of December 2010 that refund is to be made to the certificate holder as noted:

US Bank Cust. /Sass Muni V dtr

2 Liberty Place
50 South 16th St. - Ste 1950
Philadelphia, PA 19102
Block 801 Lot20
Certificate # 2009-05
\$35,494.23

Mr. Watters made a motion to approve the passage of Resolution 2010-105, which was seconded by Mr. Jewell.

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

2010-106
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 \$20,000.00 was paid at the time of the sale;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 8th day of December 2010 that the \$20,000.00 premium is to be returned to the certificate holder as noted:

<i>CERTIFICATE HOLDER</i>	<i>BLOCK/LOT</i>	<i>CERT #</i>
US Bank Cust. /Sass Muni V dtr 2 Liberty Place 50 South 16 th St. - Ste 1950 Philadelphia, PA 19102	801/20	2009-05

Mr. Watters made a motion to approve the passage of Resolution 2010-106, which was seconded by Mr. Jewell.

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

RESOLUTION # 2010 –107
REFUND OF OUTSIDE EMPLOYMENT OF OFF-DUTY POLICE
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Wal-Mart store # 2503 of Hackettstown, New Jersey deposited \$ 3,900.00 for their Outside

Employment of Off-Duty Police (quasi-public matters) account with The Township of Mansfield, County of Warren,
WHEREAS, there is a balance left of \$ 2,275.00 in their account and,
WHEREAS, the Mansfield Township Police Department was only able to supply 2 police officers and 1 patrol vehicle for a total of \$ 1,625.00,
NOW THEREFORE BE IT RESOLVED, that the Acting Chief Financial Officer be authorized to refund the amount of \$ 2,275.00 to Wal-Mart store # 2503 of Hackettstown, New Jersey.

Mr. Watters made a motion to approve the passage of Resolution 2010-107, which was seconded by Mr. Jewell.

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

RESOLUTION # 2010 –108
REFUND OF RECREATION REGISTRATION
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Jennifer & Dennis Teets issued credit against their credit card on 6/11/10 in the amount of \$65.00 for field hockey registration with the Township of Mansfield, County of Warren,
WHEREAS, their daughter did not participate in field hockey,
NOW THEREFORE BE IT RESOLVED, that the Acting Chief Financial Officer be authorized to refund the amount of \$ 65.00 to Jennifer & Dennis Teets.

Ms. Nerbak made a motion to approve the passage of Resolution 2010-108, which was seconded by Mr. Watters

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

RESOLUTION # 2010 –109
REFUND OF RECREATION REGISTRATION
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Donna & Mark Allen issued credit against their credit card on 5/30/10 in the amount of \$65.00 for cheerleading registration with the Township of Mansfield, County of Warren,
WHEREAS, their daughter did not participate in cheerleading,
NOW THEREFORE BE IT RESOLVED, that the Acting Chief Financial Officer be authorized to refund the amount of \$ 65.00 to Donna & Mark Allen.

Ms. Nerbak made a motion to approve the passage of Resolution 2010-109, which was seconded by Mr.

Watters.

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

Nays: None

Absent: None

Abstain: None

2010-110

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 8th day of December 2010 that refund is to be made to the certificate holder as noted:

US Bank Cust. For Pro Capital LLC
US Bank TLSG
50 South 16th St. - Ste 1950
Philadelphia, PA 19102
Block 202 Lot 18.03
Certificate # 2010-1
\$2,640.37

Mr. Jewell made a motion to approve the passage of Resolution 2010-110, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

2010-111

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 \$2,900.00 was paid at the time of the sale;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 8th

day of December 2010 that the \$2,900.00 premium is to be returned to the certificate holder as noted:

<i>CERTIFICATE HOLDER</i>	<i>BLOCK/LOT</i>	<i>CERT #</i>
US Bank Cust. For Pro Capital LLC US Bank TLSG 50 South 16 th St. - Ste 1950 Philadelphia, PA 19102	202/18.03	2010-1

Ms. Nerbak made a motion to approve the passage of Resolution 2010-111, which was seconded by Mr. Baldwin.

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

2010-112

RESOLUTION
Cancellation of Taxes
Block 601.01 Lot 20

WHEREAS, the following property has outstanding property taxes for 2010;

WHEREAS, this outstanding amount occurred due to the State of New Jersey purchasing the property and the exempt classification being omitted in the 2010 tax duplicate;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 8th day of December 2010 that the Tax Collector is hereby authorized to cancel the following taxes:

Block 601.01 Lot 20
RJDD LLC to State of New Jersey
Hilltop Road
2010 - \$60.62

Mr. Baldwin made a motion to approve Resolution 2010-112, which was seconded by Ms. Nerbak.

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

2010-113

RESOLUTION
Overpayment of Taxes

WHEREAS, the following properties have an overpayment of 2010 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 8th day of December 2010 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>
202	4	Wyckoff, Brian E. & Tracy L.	\$1,657.18
301	20	Buzec, Michele & Cameron, Scott	\$327.00
501	4	Locasto, Christopher	\$250.00
1201	22/QFarm	Brinkerhoff Enterprises, Inc	\$3,731.33
1402	1.02	Highland Farm Estates, LLC	\$463.24
1805	8	Elrod, Jefre Jr. & Meaghan	\$1,841.57
1904	5	Steven Tarshis, Atty At Law	\$1,884.77
3001	1.04	Jimenez, Raul A. & Gwyn H.	\$871.62

Ms. Nerbak made a motion to approve the passage of Resolution 2010-113, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

RESOLUTION # 2010 – 114

A RESOLUTION AUTHORIZING THE CANCELLATION OF THE PATF I ACCOUNT TRUST FUND
BALANCE OF THE TOWNSHIP OF MANSFIELD COUNTY OF WARREN, STATE OF NEW JERSEY

BE IT RESOLVED, by the Mayor and Township Committee of the Township of Mansfield, County of Warren, New Jersey, as follows:

WHEREAS, the Township of Mansfield established a PATF I Account for the disbursement of expenses for Mansfield Public Assistance Trust Fund I and had an October 2010 month end balance of \$ 783.52; and WHEREAS, the Township of Mansfield consolidated with the County of Warren on January 1, 1998; and WHEREAS, the State of New Jersey received a check in the amount of \$ 9,869.00, which was mailed on December 17, 1998; and

WHEREAS, the Acting Chief Financial Officer of the Township of Mansfield has advised it is no longer necessary to maintain this balance and has received written approval dated November 24, 2010 from the

State of New Jersey, Department of Human Services, Division of Family Development to transfer the balance of \$ 783.52 out of the PATF I Account, and into the Mansfield Township Current Fund. NOW, THEREFORE BE IT RESOLVED, the Acting Chief Financial Officer of the Township of Mansfield is by this Resolution authorized and directed to cancel the PATF I Account trust balance which is to be transferred to the Mansfield Township Current Fund.

Mr. Jewell made a motion to approve the passage of Resolution 2010-114, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

2010-115

RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 –Proposed Construction of Mansfield Township Community Park-Phase 1A

WHEREAS, the Township Committee of the Township of Mansfield in the County of Warren, State of New Jersey, has on May 25, 2010, authorized the awarding of a contract to

Bob Viersma & Sons, Inc.	\$278,782.50
PO Box 224	
Allamuchy, NJ 07820	

WHEREAS, there is a need for Change Order No. 1 as a result of additional excavation and grading of subgrade originally to be completed by the Township Road Department, which will cover Item #2 as listed on the August 9, 2010 Bob Viersma & Sons' proposal in the amount of \$11,130.00, resulting in a new contract total of \$278,782.50; and

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed the certification of the Acting Chief Financial Officer and is satisfied that said certification is in proper form;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, in the County of Warren, State of New Jersey, does hereby authorize the issuance of Change Order No. 2 to the contract with Bob Viersma & Sons, Inc.; and

BE IT FURTHER RESOLVED that the Township Mayor be and he is authorized to sign said Change Order on behalf of the Township.

Ms. Nerbak made a motion to approve the passage of Resolution 2010-115, which was seconded by Mr. Baldwin.

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

Nays: Mr. Watters, Mayor Tomaszewski

Absent: None
Abstain: None

RESOLUTION NO. 2010-116

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:

Part Time Snow Plow Driver- Andy Parks \$17.00 per Hour

Mr. Watters made a motion to approve the passage of Resolution 2010-116, which was seconded by Mr. Tomaszewski.

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

RESOLUTION # 2010-117

**RESOLUTION SUPPORTING THE ADOPTION OF THE
WARREN HERITAGE BYWAY CORRIDOR MANAGEMENT PLAN**

WHEREAS, the Township of Franklin, Township of Greenwich, Town of Hackettstown, Township of Mansfield, Borough of Washington, and Township of Washington previously passed resolutions supporting the concept of a scenic byway for the length of Route 57 traversing these municipalities and the submission of a Nomination Application to the New Jersey Department of Transportation's New Jersey Scenic Byway Program, and;

WHEREAS, the New Jersey Department of Transportation designated the length of Route 57 traversing these municipalities as a New Jersey State Scenic Byway, to be called the Warren Heritage Byway, on February 4, 2009, in response to the submission of the Nomination Application, and;

WHEREAS, the New Jersey Scenic Byway Program requires that a Corridor Management Plan be completed within five years of the designation of any New Jersey State Scenic Byway in order to maintain this designation, and;

WHEREAS, a Study Committee consisting of representatives of the Township of Franklin, Township of Greenwich, Town of Hackettstown, Township of Mansfield, Borough of Washington, Township of Washington, and Warren County, in addition to other stakeholders, have completed the Warren Heritage Byway Corridor Management Plan for the length of Route 57 traversing these municipalities, and;

WHEREAS, the benefits of implementing the recommendations of Warren Heritage Byway Corridor Management Plan include:

- An increased public appreciation of the unique character of this roadway;
- An enhanced driving and community visitation experience that is derived from the conservation and interpretation of valuable intrinsic resources, joint marketing to increase economic development, access to recreational amenities, and other roadway improvements to support byway travelers, and;
- The ability to apply for federal funds through the National Scenic Byway Program that can be used to implement the recommendations of the Corridor Management Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Mansfield adopts the Warren Heritage Byway Corridor Management Plan as a tool for voluntarily preserving the intrinsic natural, scenic, recreational, historic, cultural, and archaeological resources along this roadway, and;

BE IT FURTHER RESOLVED, that the Township of Mansfield will continue to work together with the members of the Study Committee and any other stakeholders to establish and serve as part of a permanent body to carry out the recommendations of the Warren Heritage Byway Corridor Management Plan to achieve the benefits of such collaboration.

Ms. Nerbak made a motion to approve the passage of Resolution 2010-117, which was seconded by Mr. Baldwin.

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

Mrs. Karen Williamson, Heritage Conservancy, was present and thanked the committee for adopting the resolution and for their support. Mrs. Williamson also thanked Ms. Nerbak and Mr. Baldwin for all of their assistance with this project.

PAYMENT OF BILLS:

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

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

ORDINANCE:

First Reading:

ORDINANCE 2010-24
 TOWNSHIP OF MANSFIELD
 COUNTY OF WARREN
 STATE OF NEW JERSEY

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 10, BUILDING AND HOUSING; PERMITS SUBSECTION 10-1.6(d). BUILDING SUBCODE FEE TO INCLUDE RETAINING WALLS, ROOFING, AND

SIDING FEES

WHEREAS, Mansfield Township desires to adjust the fee charged for retaining walls, roofing, and siding fees.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey that Chapter 10, Building and Housing; Section 10-1.6(d) be amended, revised and supplemented to read as follows:

Section 1:

Retaining walls:

Small walls 550 square feet or less:	\$125 per wall
Large walls 551 square feet or greater:	\$225 per wall

Roofing:

Residential roof:	\$125
Commercial roof:	\$225

Siding:

Residential siding:	\$125
Commercial siding:	\$225

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

Mr. Baldwin made a motion to approve the introduction of Ordinance 2010-24 and requested that the public hearing be advertised for December 22, 2010 at 8:00pm, which was seconded by Ms. Nerbak.

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

Nays: None

Absent: None

Abstain: None

ORDINANCE 2010-25

AN ORDINANCE TO REPEAL CHAPTER 3 SECTION 4.1 "INTOXICATION" OF THE CODE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY

BE IT ORDAINED BY THE MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD:

Section 1. The following section of the Code of the Township of Mansfield are hereby REPEALED:

Section 2. This Ordinance shall take effect immediately upon publication as provided by law.

Mr. Watters made a motion to approve the introduction of Ordinance 2010-25 and requested that the public hearing be advertised for December 22, 2010, which was seconded by Mayor Tomaszewski.

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

Nays: None

Absent: None

Abstain: None

Second Reading:

Mayor Tomaszewski opened the floor for public comment on ordinance 2010-19;

Mr. Profroch, 50 Slope Drive, instead of reading set back of at least 8" if we could change that to set back between 6 to 8".

The Township Committee discussed the change and thanked Mr. Profroch, but decided not to change the wording.

Mayor Tomaszewski closed the public portion.

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.

Ms. Nerbak made a motion to approve the passage of Ordinance 2010-19 and requested that the results be advertised, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: None

Abstain: None

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.

Mr. Jewell made a motion to approve the passage of Ordinance 2010-22 and requested that the results be advertised, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: None

Abstain: None

O:2010-23

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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. Watters made a motion to approve the passage of Ordinance 2010-23 and requested that the results be advertised, which was seconded by Mayor Tomaszewski.

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

Nays: None

Absent: None

Abstain: Mr. Baldwin

Executive Session Personnel, collective bargaining, contracts.

Mayor Tomaszewski made a motion to go into executive session at 8:44 after five minute break, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

Return from Executive Session at 9:53pm.

Mr. Watters 50/50, Mayor Tomaszewski

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

Nays: None

Absent: None

Abstain: None

COMMITTEE PERSON COMMENTS:

Mr. Jewell stated that there was something in the open space minutes that Mayor Tomaszewski would be calling the realtor to see if the township could acquire the Mount Bethel Church.

Mayor Tomaszewski stated that he was looking into this.

Mr. Jewell stated that in 2010 the DPW took the clothing allowance out and the guys should get the money so that the DPW looks ok to represent the town and are not all dirty.

Mr. Watters asked if Mayor Tomaszewski wanted to do anything with school house.

Mayor Tomaszewski made a motion to take the responsibility for the Karrville Schoolhouse to the Open Space Committee, which was seconded by Ms. Nerbak.

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

Nays: None

Absent: None

Abstain: None

Mayor Tomaszewski went over the DPW Supervisor's report of the last two weeks activities for the DPW.

Ms. Nerbak stated that she is looking over the open space minutes and Mr. Todd stated that the recreation numbers are down and at the Recreation meeting the other night all of the Recreation reports show the participation is up and all of the sports are meeting their expectations.

Mr. Baldwin stated that he will not be in attendance at the next meeting and he has been active with the township for forty years and there some people that have been delightful to work with and others were have not. Mr. Baldwin wished everyone good luck.

Ms. Nerbak thanked Mr. Baldwin for all of his efforts and hard work to save the township money.

Mr. Baldwin made a motion to adjourn at 10:01, which was carried by all.