

MANSFIELD TOWNSHIP COMMITTEE MEETING

March 28, 2012

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. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Mr. Clancy stated that he already had corrections made with Ms. Hrebenak prior to the meeting.

Mr. Clancy made a motion to approve the minutes from the regular meeting held on March 14, 2012, which was seconded by Mr. Watters.

Ayes: Mr. Watters, Mr. Clancy, Mrs. Kocher, Mr. Smith, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

PAYMENT OF BILLS:

Mr. Watters questioned the bill for truck repairs.

Mr. Sliker stated that the truck repairs were for Harry Appleby's truck, which are not covered by a warranty. The truck was not starting and needed to be repaired.

Mr. Watters made a motion to approve the bill list and the addendum assuming that the contracts have been signed, which was seconded by Mr. Smith.

Ayes: Mr. Clancy, Mrs. Kocher, Mr. Smith, Mr. Watters, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Mayor Tomaszewski stated that Tri-County signed the contract and the others will be paid after they sign.

EXECUTIVE SESSION: Personnel matters concerning DPW & Contractual matters concerning the Webmaster

Mayor Tomaszewski a motion to go into Executive Session at 7:38pm, which was seconded by Mr. Watters.

Ayes: Mrs. Kocher, Mr. Smith, Mr. Watters, Mr. Clancy, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Mayor Tomaszewski made a motion to return from Executive Session at 8:25pm, which was seconded by Mr. Watters.

Ayes: Mrs. Kocher, Mr. Smith, Mr. Watters, Mr. Clancy, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Mr. Lavery stated that the committee discussed three matters. The first was a contractual matter dealing with the Webmaster, second were dealing with personnel issues with the DPW, and the third was dealing with personnel issues with the CFO position and no action was taken.

Mayor Tomaszewski made a motion to authorize Mr. Lavery to send out rice notices to the two individuals discussed in executive session, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Mayor Tomaszewski made a motion to make the offer in regards to the CFO position, which was seconded by Mr. Clancy.

Ayes: Mr. Watters, Mr. Clancy, Mrs. Kocher, Mr. Smith, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

FINANCE REPORT:

Mrs. Fascenelli had nothing to report.

CLERKS REPORT:

Ms. McGarity stated that there is a note from the Tax Collector, correspondence #9, in reference to the Bankruptcy Proof of Claim. The Tax Collector would like to know if the committee would like proceed and what the procedure is.

Mr. Watters made a motion to authorize Steven Davis, Tax Collector, to file proofs of claim on behalf of the township, which was seconded by Mrs. Kocher.

Ayes: Mr. Watters, Mr. Clancy, Mrs. Kocher, Mr. Smith, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Ms. McGarity stated that she is in receipt of an application from Mansfield Township Fire Company for Bingo to be held on Tuesday nights from May to November.

Mr. Watters made a motion to approve the Bingo application for Mansfield Township Fire Company, which was seconded by Mayor Tomaszewski.

Ayes: Mrs. Kocher, Mr. Smith, Mr. Watters, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: Mr. Clancy

Ms. McGarity stated that the insurance company has been sent all of the paperwork for the issues that was discussed with the Planning Board on March 19, 2012.

Ms. McGarity stated that the US Department of Agriculture has sent paperwork for the voluntary permanent base acres reduction where we would go from 59.6 acres to 59.2 total base acres farmed.

Ms. McGarity stated that the Clerk's office has received correspondence in reference to the town wide yard sale and asked if there was any intention on having one this year.

Mayor Tomaszewski said yes and should probably be the first weekend in June.

Ms. McGarity stated that the paperwork was received for the Title 39 for Mansfield Commons II, LLC and the police department has reviewed the plan so there will be an ordinance on for the next meeting.

Ms. McGarity stated that the Budget Resolution Introduction needs to be approved after the Resolution for Self Examination of the Budget and the Introduction of the Open Space Ordinance.

ORDINANCE:

First Reading

ORDINANCE 2012-03

AN ORDINANCE TO AMEND ORDINANCE 01-97, ORDINANCE NO. 2002-23, 2009-06, AND ORDINANCE NO. 2010-05 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, and 2010-05 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 \$.02 per \$100.00 of assessed valuation of each annual tax levy commencing with the year tax and budget year 2012. 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.

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was submitted, in writing, at a meeting of the Mayor and Township Committee of the Township of Mansfield, Warren County, New Jersey, held on the 28th day of March, 2012, and will be considered for final passage April 11, 2012 at 8 o'clock in the evening, prevailing time, at the Municipal Building in said Township, at which time and place a public hearing will be held thereon by the governing body, and all persons and citizens in interest shall have an opportunity to be heard concerning the same.

Mr. Watters made a motion to approve the passage of Ordinance 2012-03 and requested that the public hearing be advertised for April 11, 2012 at 8:00 PM, which was seconded by Mr. Smith.

Ayes: Mrs. Kocher, Mr. Smith, Mr. Watters, Mr. Clancy, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

LIETENANT'S REPORT:

Mayor Tomaszewski stated that one of the cars is at the 130,000-mile mark and should put the in the purchase order in now so there are no more issues with the car.

Mr. Watters asked if it was going to be a Crown Vic.

Mayor Tomaszewski stated that it will be a 6 cylinder Charger as the NJ State Police use.

The car should be delivered three months from now.

Mayor Tomaszewski made a motion to put the purchase order in now, which was seconded by Mr. Watters.

Ayes: Mr. Clancy, Mrs. Kocher, Mr. Smith, Mr. Watters, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

ENGINEERS REPORT:

Mr. DiSessa stated that NJ DOT 2012 municipal aid projects are in and Mansfield's project did not get approved.

There were seven municipalities that were given money out of the 22 municipalities.

Mr. DiSessa stated that it is very competitive and that Warren County received only about 1.5% out of the total.

Mr. DiSessa stated that the projects are mostly for road improvements and Liberty had the mudslide and are higher on the priority list.

Mr. DiSessa stated that the deadline for next year's cycle should be in August or September.

PUBLIC PORTION:

Ellen Nerbak – 765 Rockport Road

Ms. Nerbak stated that she is here to discuss the Solid Waste Advisory Council and the membership.

Ms. Nerbak stated that every resident and 22 municipalities of Warren County shall have one voting member. The freeholders would adopt a member with no infinite term. She submitted her resignation, which was approved by the freeholders, who have reappointed her as an open member, but not as a representative of Mansfield.

Ms. Nerbak told Mayor Tomaszewski when the meetings are held.

Don Proefrock – 50 Slope Drive

Mr. Proefrock stated that he wanted to know if there was any resolution with the trails in the park.

Mayor Tomaszewski stated that Mr. Sliker is seeking help from the state. The township will hopefully up to 70% from the state.

Mr. Proefrock questioned about the building permit fees and the reimbursements.

Mayor Tomaszewski stated that Ms. Hrebenak was dealing with it and the rates are the same now in fees.

Mr. Proefrock asked if he could come and make comments on the budget at the hearing. He asked if he could mark the budget and go through it with someone if he cannot attend the hearing.

Mayor Tomaszewski said yes.

Glen Wilkinson – 49 Port Murray Road, Recreation Commissioner

Mr. Wilkinson stated there was a letter from Charlie Lee that was sent to Mrs. Kocher.

Mrs. Kocher stated there was a letter regarding the Green Acres tennis courts dated 2004.

Mr. Wilkinson stated that he would like to send a letter to Green Acres about turning the tennis courts into basketball courts. They may come and inspect and is worried that they may have to pay back \$25,000 because the courts are not kept up.

Mr. Lavery stated that he doesn't think that's what the letter was saying. You can go in for a change of use to convert the courts and DEP may not care.

Mr. Lavery stated that Mr. Wilkinson should write a letter to Green Acres and get approval in writing.

Mr. Wilkinson stated that he is concerned that they will come back, inspect the courts, and make them pay the money back.

Mr. Lavery stated that the worst-case scenario is that they would make you have a change of use hearing, but probably won't have to.

Mr. Wilkinson stated that he doesn't have all the money to change the court and is looking for financial help from the town.

Mr. Watters stated that he doesn't know if the town has the money either, but they'd know better after the budget meeting.

Mr. Wilkinson stated that the tennis courts were built in 1982 for \$56,000.

Mr. Lavery stated the inspections are usually to see if the courts are the same as the as-builts.

Mr. Wilkinson stated that good summer programs are possible and could generate revenue for the town.

Ron Engel– 304 Main Street

Mr. Engel stated that he wants to fix what's broken with the fire departments

Mayor Tomaszewski stated that people are concerned how the money is divided and was in place before he got here. He stated that it would be between the fire chiefs and the fire department liaisons, Joe Watters and Brad Smith.

Mrs. Kocher stated that she caught up with Charlie Lee and the original contract was based on needs. At the time, Butler Park agreed to take less because they were doing bingo just like Tri-County had done the fairs, but they don't anymore.

Mrs. Kocher stated that the changes were not taken into account.

Mrs. Kocher stated that they are a required number of people to do bingo from the LGCCC, so Butler Park gave it up.

Rich Bross – 631 Valley Road, Soccer Commissioner

Mr. Bross stated that a travel soccer team wants to use our fields, but they are closed.

Mr. Bross stated that a coach went above him and went to the president and the president approved the team to use the field after voting on it.

Mr. Bross stated that the fields are closed because they are damaged. They need to be seeded.

Mr. Bross stated that since there is no price to rent our fields, this travel team wants to use ours.

Mr. Bross stated that he had Mr. Sliker, Ms. Kocher, and a ref at the field today to look at the fields and said they are unplayable.

Mr. Bross stated that they caused \$1700 worth of damage to the fields.

Mrs. Kocher stated that the fields can only play on fields if they pass inspection. She stated that the fields need to be

seeded and time to grow and is not realistic for the field to be used. Mrs. Kocher came up with an alternative solution with Mr. Sliker and Mr. Hedges being that they could use the football field at Comcast. The field at Kensington would need four months to grow.

Mr. Bross stated that there are two little fields for instructional purposes and they are closed too. He stated that the spring soccer kids are at Comcast.

Mr. Lavery asked where the recreation commission stands with all of this.

Mr. Bross stated that the recreation commission went over his head and approved the usage of the fields.

Mr. Lavery states that the recreation commission controls the fields. The recreation commission may have to delegate the commissioners what to do. If the recreation commission wants to charge for the use of fields, they would have to come to the township committee.

Mr. Lavery stated that he would have to check the recreation ordinance with Ms. Hrebenak to see if there is anything that can be done regarding out of town teams.

Mr. Bross agreed to have them use the soccer fields at Comcast.

Lyle Ouellette, 38 Brookside Avenue

Mr. Ouellette stated that he works for one of the largest landscaping companies. Offered to seed the fields and cut for the entire season costing \$700 in materials.

Mr. Ouellette stated that last fall nobody closed the muddy fields because they didn't want to postpone games and that probably 75% of the kids on the travel team are Mansfield residents.

Mr. Ouellette questioned why it hasn't been fertilized and seeded in the last four years if he has the money in his budget. If Mr. Bross had fixed the fields last fall, they would be able to play on it now.

Mr. Ouellette stated that there was extra training available at extra costs, but was not required to pay for extra training. They ended up paying for half of the kids.

Mr. Ouellette stated the fields shouldn't be used for a whole league going on. They should be seeded now. There's not enough parking at Comcast and would have to park across the street on Port Murray Road and that's not good. Unless you have a real irrigation system, it won't work well. Fertilized now and seeded again in the fall.

Mrs. Kocher stated that it was explained to her that soccer might generate \$21,000, but that doesn't mean it is soccer's money because it all goes into one account.

Mr. Wilkinson – 49 Port Murray Road

Mr. Wilkinson stated that since 1996, it's been recreation's policy that if any travel league primarily made up of Mansfield residents, has the proper insurance, and does not play at the same time a recreation sport plays, they may use the field. Did not go over anybody's head; that's what the policy has been. Asked for roster, 50% Mansfield residents and asked for insurance, which was received.

Scott Cruts- Butler Park

Mr. Cruts stated a suggestion that if the Kensington fields were not usable, to use softball field and has been speeded

for a full size soccer field.

Mr. Wilkinson stated that the grass was cut too low and was burned up.

Mayor Tomaszewski stated that the grass is not good at that field.

Mr. Cruts stated that in the past if a travel team wanted to use the fields, it was up to the soccer commissioner and was never voted on.

Carol Thompson – Route 57

Mrs. Thompson stated that she requested at the last meeting that she requested the township to pass a noise ordinance.

Mayor Tomaszewski stated that we have a disturbing the peace ordinance.

Mrs. Thompson said the attorney would abide by the township's noise ordinance and wants a noise ordinance put in place to include section 13 of our solar ordinance.

Mr. Lavery stated that we have a noise ordinance and a new ordinance will not solve all the problems. The sound levels are set by the state and the township cannot make it more stringent.

Mrs. Thompson wants the noise ordinance amended to include the noise section in the solar ordinance.

Mr. Lavery stated that they can amend it but it still comes down to a nuisance and would be basically the same.

Mr. DiSessa stated that the solar ordinance does address noise and is in the ordinance as part of the requirements including decibel levels. A project approved has to abide to that part of the solar ordinance.

Mrs. Thompson asked what should residents do when the noise starts and what the township will do and who do they call.

Mr. Lavery explained that they will have to abide by both ordinances because they can't pick and choose which one to follow regardless if the attorney stated that he would follow just the noise ordinance. Solar facility has to follow the ordinances.

Mr. Lavery stated that residents can call the County Board of Health and they will come out with the decibel meter to see if they are in violation. If the ordinance is amended to contain decibel levels, then anytime a person has a noise complaint someone will have to go out with a decibel meter. The police can also issue a summons for causing a nuisance.

RESOLUTION:

RESOLUTION 2012-39

TAX SEARCH OFFICER

BE IT RESOLVED, that Steven Davis, be the official Tax Search Officer for the Township of Mansfield for 2012.

Mr. Clancy made a motion to approve the passage of Resolution 2012-39, which was seconded by Mrs. Kocher.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

RESOLUTION No. 2012-40

FOR TRANSFER OF FUNDS

WHEREAS, there are insufficient funds in some of the 2011 budget line items; and

WHEREAS, it is permissible to transfer appropriation reserve funds before April 1, 2012.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield that the following transfers be made:

From:	To:		
Legal OE	General Admin. OE	\$	700.
\$15,360.	Audit OE	\$	9,380.
	Environmental OE	\$	220.
	Land Use OE	\$	760.
	Police OE	\$	1,000.
	Utility OE	\$	3,300.
Total	Total	\$15,360.	

Mr. Watters made a motion to approve the passage of Resolution 2012-40, which was seconded by Mr. Clancy.

Ayes: Mr. Clancy, Mr. Watters, Mrs. Kocher, Mr. Smith, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

RESOLUTION # 2012 -41

TO AUTHORIZE AND APPROVE SALARIES AND WAGES FOR CERTAIN EMPLOYEES

WHEREAS, Ordinance # 2012-02 established the salaries and wages for the employees of the Township of Mansfield, County of Warren,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Warren that the following named employees shall be compensated for the year 2012, unless otherwise noted, in the amount as designated below:

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u>
Steven Davis	Certified Tax Collector	\$20,000.00
Steven Davis	Tax Search Officer	\$ 1,000.00

Mr. Watters made a motion to approve the passage of Resolution 2012-41, which was seconded by Mr. Clancy.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski
 Nays: None
 Absent: None
 Abstain: None

RESOLUTION 2012-42

**SELF-EXAMINATION OF BUDGET RESOLUTION
*[as required by DCA]***

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Mansfield has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2008 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Mansfield that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Mr. Clancy made a motion to approve the passage of Resolution 2012-42, which was seconded by Mr. Smith.

Ayes: Mr. Clancy, Mrs. Kocher, Mr. Smith, Mr. Watters, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

ORDINANCE:

Second Reading

ORDINANCE # 2012-02

AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE SALARIES AND WAGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MANSFIELD AND THE METHOD OF PAYMENT OF SUCH SALARIES AND WAGES

Tax Collector	\$18,000	-	\$22,000
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Mr. Clancy made a motion to approve the passage of Ordinance 2012-02, which was seconded by Mrs. Kocher.

Ayes: Mr. Watters, Mr. Clancy, Mrs. Kocher, Mr. Smith, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

COMMITTEE PERSON COMMENTS:

Mrs. Kocher stated that she received a packet from the tax collector regarding foreclosures and this attorney referenced in the packet can take the properties off our list.

Mrs. Kocher stated that she would like Mr. Lavery to take a look at the packet.

Mr. Clancy had nothing to report.

Mr. Smith had nothing to report.

Mr. Watters had nothing to report

Mayor Tomaszewski stated that the police department has been doing a good job. Mayor Tomaszewski stated that there were two saws stolen from the DPW garage, a chop saw and a chain saw. The police department was processing the person responsible and they caught the individual who broke into the Food Mart on Route 57 and did a fine job.

Mrs. Kocher asked what will be done in regards to the cleaning. Mrs. Kocher stated that it would be for two cleanings a week for \$745 a month.

Mr. Smith stated that they would have flexibility to change the days to accommodate court days.

Mr. Smith made a motion to take the cleaning service for \$745 a month, Heits Building Service, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Mayor Tomaszewski stated that he would like to put together a subcommittee to work with Maser Consulting in regards to COAH and asked if Mr. Clancy and Mrs. Kocher would like to do it.

Mr. Watters stated Mr. Layton probably just wants someone to speak with that can go to the committee with what type of progress his is making.

Mr. Clancy and Mrs. Kocher agreed to work with Mr. Layton.

Mr. Watters made a motion to adjourn at 9:50 pm.