

## MANSFIELD TOWNSHIP COMMITTEE MEETING

August 26, 2009

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, Mayor Jewell  
Mr. Tomaszewski absent.

Salute to the flag was done by all.

### PRESENTATION:

Mrs. Sharon Cooper, Brown & Brown Insurance Company, presented the Committee with the Claim History and went over the \$7,886 applied to third installment as a return of surplus. The Township has been a Charter Member since 1997 and she went through the claims and the amount of payment that was made.

Mr. Baldwin asked Mrs. Cooper a number of questions about the claims.

Mrs. Cooper stated that she would check on the claims and get back to the committee.

The Township Committee thanked Sharon and Bob for their work and their presentation.

### Approval of the Minutes:

Mayor Jewell made a motion to approve the minutes as corrected, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: Mr. Tomaszewski

Abstain: None

### PAYMENT OF BILLS:

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

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

Nays: None

Absent: Mr. Tomaszewski

Abstain: None

### CFO REPORT:

Mr. Coppola stated that there were a couple of things within the Energy Audit Assessment that could be done sooner than later premium efficiency motors and motion sensors in some areas which the cost would be \$5000 and the payback time would be 25 months. The part that they had looked at the ceiling defusers which was estimated at \$2400 to move them around, but instead of moving all the sensors there could be a wall moved and taken down to save the money.

The Township Committee agreed that it would be more cost efficient to remove the wall.

Mr. Baldwin asked that he come in to look at the walls prior to removing them.

Mr. Coppola went through the energy audit for the HVAC that was included in the audit.

Mr. Coppola stated that a couple of meetings ago he had given the Township Committee a copy of the information for Glacial Energy that gave a savings of 1470.

Mr. Watters made a motion to move to Glacial Energy for our electric from our present Company which was seconded by Mr. Baldwin.

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

Nays: None

Absent: Mr. Tomaszewski

Abstain: None

Mr. Coppola explained the Capitol Ordinance and the Resolution that are on the agenda to the Committee.

#### CLERKS REPORT:

Mr. Baldwin made a motion to approve the signing of the grant for the live fingerprint system, which was seconded by Mr. Watters.

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

Nays: None

Absent: Mr. Tomaszewski

Abstain: None

#### ENGINEERS REPORT:

Mr. Mace explained that he and Kevin Huhn, Esq. have discussed enforcement issues for the zoning issues for the Woodland Auto Sales and the Appliance person and there has been an open violation and they would like to reopen this case.

#### PUBLIC PORTION:

Mr. Todd, Washburn Road, is still presently having a problem with the berm and there are cars getting stuck on the berm.

Mayor Jewell asked if Mr. Mace could have Bill Wismer look at this.

Mr. Mace stated that he would have Mr. Wismer look at this.

Mr. Mace explained the guard rail was on the plans and was installed properly.

Mr. Todd had two questions he has a major problem with the Comcast stuff he would like to have the big people come to meeting to explain and answer his questions. He stated that Mayor Jewell told them they needed to come back and answer his questions at the meeting and that never happened. Mr. Todd stated that when a vote is taken he feels that Mr. Baldwin should not be able to vote because he stated that this

does not apply to him because he has a satellite. Mr. Todd would like to see someone come to the meeting that can do something to help the taxpayers of this town.

Mayor Jewell stated that he felt that there will not be someone else coming out here and there have been more people here than there ever has been.

Mr. Todd stated that he would just like to see something be done even though they have us and we have to go with them. Mr. Todd pleaded with Mayor Jewell to please make someone come in to explain and listen to the problems of the tax payers.

Mr. Todd stated that his second problem is that his driveway is still not done and there was still a problem and Mr. Mace stated that he was out there and there were no problems.

Mr. Todd stated that Mr. Mace stated that at the last meeting said that there was nothing done spiteful.

Mr. Mace stated that the pipe is shown on the plan from December so there was nothing done out of spite.

Mr. Todd stated that there are tax dollars spent for this man and there was nothing done and that this is money wasted and this is wrong.

Mr. Todd stated that if someone would meet with him he would show them how to do things right.

Mr. Mace stated that he would get the driveway taken care of the way that Mr. Todd wants it and after that it would be done.

Mr. Todd thanked Mayor Jewell for his time.

RESOLUTION:

**RESOLUTION**  
**TOWNSHIP OF MANSFIELD**  
**NUMBER 2009-74**

WHEREAS, an emergency has arisen with respect to Legal Services and Costs Other Expenses due to an unanticipated amount of labor issues and litigation and, no adequate provision was made in the 2009 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$32,000.00 and three (3) percent of the total operating appropriations in the budget for 2009 is \$128,996.60 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations) in the budget for 2009.

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for Legal Services Other Expenses in the amount of \$32,000.00.
2. That said emergency appropriation shall be provided for in full in the 2010 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1)

3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services

Ms. Nerbak made a motion to approve the passage of Resolution 2009-74, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: Mr. Tomaszewski

Abstain: None

**2009-75**  
**RESOLUTION**  
**Overpayment of Taxes**  
**Block 1204 Lot 20.01**

**WHEREAS, the following property has an overpayment of 2009 property taxes;**

**WHEREAS, this overpayment occurred due to the homeowner and the mortgage company both paying third quarter taxes;**

**NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 26th day of August 2009 that the Tax Collector and Finance Officer are hereby authorized to refund the following overpayment:**

**Block 1204 Lot 20.01**  
**Philip & Susan Hammel**  
**525 Watters Road**  
**Hackettstown, NJ 07840**  
**\$1500.00**

Ms. Nerbak made a motion to approve the passage of Resolution 2009-75, which was seconded by Mayor Jewell.

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

Nays: None

Absent: Mr. Tomaszewski

Abstain: None

**RESOLUTION 2009-76**

**WHEREAS**, The Township of Mansfield Committee of the Township of Mansfield, County of Warren, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

**WHEREAS**, the Township of Mansfield Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Township of Mansfield Committee has applied for funding to the Governor's Council on alcoholism and Drug Abuse through the County of Warren;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Mansfield, County of Warren, State of New Jersey hereby recognizes the following:

1. The Township of Mansfield Committee does hereby authorize submission of an application for the Mansfield Township Municipal alliance grant for calendar year 2010 in the amount of \$ 7,402.00.
2. The Township of Mansfield Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Ms. Nerbak made a motion to approve the passage of Resolution 2009-76, which was seconded Mr. Baldwin.

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

Nays: None

Absent: Mr. Tomaszewski

Abstain: None

#### **Resolution 2009-77**

### **RESOLUTION TO CANCEL CAPITAL FUND RESERVES OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY**

WHEREAS, there exists reserves on the balance sheet of the Capital Fund; and

WHEREAS, the funds creating these reserves have been investigated and it has been determined that these reserves are no longer needed and should be cancelled;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, that the following reserves in the amount of \$248.45 and the same are hereby canceled to surplus

Reserve for:

Improvements to Public Buildings - \$ .20

Purchase Road Equipment - \$248.25

Mr. Baldwin made a motion to approve the passage of Resolution 2009-77, which was seconded by Mayor Jewell.

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

Nays: None

Absent: Mr. Tomaszewski

Abstain: None

CAPITAL ORDINANCE:

First Reading:

Mayor Jewell introduced the following Capitol Ordinance for first reading:

ORDINANCE NUMBER – CA-09-08

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, WARREN  
COUNTY, NEW JERSEY, APPROPRIATING \$38,887.52 FOR  
IMPROVEMENTS TO PUBLIC BUILDINGS – ADDITION OF A WASH  
BAY

WHEREAS, there is a need to construct a wash bay to meet state stormwater management requirements;

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

1. The amount of \$19,443.76 is hereby appropriated from capital surplus in the general capital fund.
2. The amount of \$19,443.76 is hereby anticipated from the Town of Hackettstown under an interlocal service agreement to share the wash bay.
3. There is no debt incurred by this Ordinance.
4. This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

Mr. Baldwin made a motion to approve the introduction of Capitol Ordinance CA-09-08 and requested that the public hearing be advertised for September 9, 2009 at 8pm, which was seconded by Ms. Nerbak.

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

Nays: None

Absent: Mr. Tomaszewski

Abstain: None

ORDINANCE:

First Reading:

Mayor Jewell introduced the following Ordinance for First Reading:

**ORDINANCE 2009-15**

**ORDINANCE TO CANCEL CAPITAL ORDINANCES OF THE TOWNSHIP OF MANSFIELD,  
COUNTY OF WARREN, STATE OF NEW JERSEY**

**WHEREAS**, the Township of Mansfield did adopt the following Ordinances; and

**WHEREAS**, all purchases and agreements have been completed and there remains unexpended balances of \$21,915.66; and

**BE IT ORDAINED** by the Township Committee of the Township of Mansfield, that the unexpended balances of such ordinances be cancelled as follows:

Cancellation of fully funded improvement authorizations by the Capital Improvement Fund are cancelled back to the Capital Improvement Fund. Cancellation of other funded improvements are cancelled to General Capital Fund Balance. Unfunded improvement authorizations are cancelled against Deferred Charges to Future Taxation – Unfunded.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, that the following ordinances in the amounts of \$21,915.66 be and the same are hereby canceled to Capital Surplus

Ordinance 2003-07 Acquisition of Land DPW - \$21,127.66  
Ordinance 2007-08 Computer Equipment - \$788.00

Mr. Baldwin made a motion to approve the introduction of Ordinance 2009-15 and requested that the public hearing be advertised for September 9, 2009 at 8pm, which was seconded by Mr. Watters.

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

Nays: None

Absent: Mr. Tomaszewski

Abstain: None

**ORDINANCE 2009-16**

**TOWNSHIP OF MANSFIELD  
WARREN COUNTY, NEW JERSEY**

**ORDINANCE AUTHORIZING THE PRIVATE SALE OF CERTAIN LAND OWNED BY THE TOWNSHIP  
OF MANSFIELD, WARREN COUNTY, NEW JERSEY KNOWN AS BLOCK 2810 LOTS 15 & 16**

**WHEREAS**, the following property owned by the Township of Mansfield is not needed for public purposes;

Block 2810 Lot 15 &16

and

**WHEREAS**, Muriel E. Manning, a contiguous owner of property to Block 2810 Lots 15 & 16 has offered the assessed value of said property, \$3,400, to purchase the same; and

WHEREAS, all other contiguous owners have been offered the same price and have shown no interest in purchasing the same;

WHEREAS, it is in the best interest of the Township of Mansfield to sell this property at private sale to Muriel E. Manning;

Whereas, pursuant to N.J.S.A. 40A:12-13.2, the Township has offered contiguous property owners the right of first refusal for the sale of real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Mayor and Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, as follows:

1. Block 2810 Lot 15 & 16 on the Tax Map of the Township of Mansfield is not needed for public purposes.
2. The Mayor and Clerk of the Township of Mansfield, in consideration of and receipt of the sum of \$3,400.00 to be paid in hand by Muriel E. Manning, shall and are hereby authorized to convey title and execute such further documents deemed necessary by the Municipal Attorney to satisfactorily transfer Block 2810 Lot 15 & 16 as depicted on the Tax Map of the Township of Mansfield, said property to be conveyed subject to existing encumbrances, liens, zoning regulations, easements, other restrictions, such facts as an accurate survey would reveal and any present assessments for the construction of improvements benefiting said property.
3. This Ordinance shall become effective immediately upon publication as required by law.

Ms. Nerbak made a motion to approve the introduction of Ordinance 2009-16 and requested that the public hearing be advertised for September 9, 2009 at 8pm, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: Mr. Tomaszewski

Abstain: None

Ms. Campbell asked for a motion to approve the settlement with the Insurance Company for the litigation with Mr. Cavanaugh.

Ms. Nerbak made a motion to approve the settlement, which was seconded by Mr. Watters.

Ayes: Mr. Watters, Ms. Nerbak

Nays: Mr. Baldwin

Absent: Mr. Tomaszewski

Abstain: Mayor Jewell

COMMITTEE PERSON COMMENTS:

Mr. Watters stated that the Board from Warren Hills and they gave Mr. Merluzzi a 4% increase which put him at \$187,700 which is a two year contract and the second year has not been clarified.

Ms. Nerbak stated that the recreation commission met last evening and they are having some issues with the parents at the Comcast field they are not stopping at the end of Brickyard Road and they are not parking correctly they would like to have a stop sign be installed at the end of Brickyard Road.

Mr. Cruts stated that he was up there this evening and one of the residents complained and Officer Browns came up and explained that the parents would be ticketed if they were not parked correctly and off of the road.

Mr. Baldwin stated that Mr. Sliker is away and asked Mr. Cruts to get in touch with him to tell him where they would like the stop sign placed.

Ms. Nerbak stated that the tennis courts are in bad shape and need to be redone and since there is a tennis court in the plans for the park and they would like to put a basketball court in where the tennis courts are currently located and they would like to use the money that is left over from the trails to repair.

Ms. Nerbak stated that if the Township Committee is interested the Recreation Commission will contact Green Acres.

Ms. Nerbak went to the Economic Development Meeting this morning with Mr. Alper stated that there is a solar company that is looking for 600 acres for the Brownfields and Dave Dech is going to be looking for properties and Ms. Nerbak is going to be looking for properties to give a list to Dave Dech.

Mr. Baldwin stated that the agricultural people are steering away from this because on preserved land you can not make money like this.

Ms. Nerbak stated that Warren County Regional Chamber of Commerce is looking for business owners for the awards.

Mr. Baldwin stated that there was a seminar on August 24, 2009 for Warren County OEM about Flood damages and Mr. Griffith attended this meeting to keep us up to speed.

Mr. Baldwin stated that the Road Department is interested in meeting to discuss the new contract.

Mr. Baldwin stated that Mrs. Fascanelli will be giving a report at the next meeting about the shredding event.

Ms. Nerbak thought that it worked out well.

Mr. Cruts wanted to give the Township Committee a report on the trail and the trail is 2 months overdue and the engineer is getting annoyed with the Contractor at the speed that things are being done. Mr. Cruts stated that Mrs. Margolin was going to be setting up a meeting with Mr. Conover and Mr. Stoner and Ms. Nerbak will be attending and he would like to extend an invitation to Mr. Baldwin.

Mr. Baldwin stated that as a contractor he understands that this rain is putting Mr. Conover behind.

Mr. Cruts stated that he understood that, but he is only sending one guy up to the path to work.

Mayor Jewell asked what percentage of the trail is done.

Mr. Cruts stated that there was nothing completed fully.

Mayor Jewell stated that he had nothing for Committee Reports and asked if anyone would like to go over any correspondence.

Mayor Jewell asked if the Township Committee has decided how they would to handle the police promotions.

Ms. Nerbak stated that she felt that the Township Committee should go through with the testing and find the money for the testing.

Mr. Baldwin asked if Ms. Nerbak thought that the Committee should follow the SOP that was received from the Chief of Police.

Mayor Jewell stated that he felt that what Mr. Baldwin stated that Mr. Baldwin Chief Ort and Mr. Tomaszewski should interview and get the number to five and then send the five for the test and then from there the Committee would interview and there would be percentages.

Ms. Nerbak asked that at the initial interview there should be categories and that should be how the scores should be given.

Mayor Jewell made a motion that Chief Ort, Mr. Baldwin, and Mr. Tomaszewski interview all applicants for the promotions for police sergeants and then come up with 5 people to be interviewed and tested.

Mayor Jewell read a previous letter that was received from Mr. Vex about the police promotions and the different ways to go about the promotions.

Mr. Baldwin stated from that he gathers that either all or none take the test.

Ms. Nerbak wants the all of the officers eligible to take the test.

Mr. Watters agreed that all officers should take the test.

Mayor Jewell made a motion to authorize giving the written test to all of the officers that apply and the Chief and the two subcommittee members doing an oral test and then the oral test being given by the Township Committee with each section being given a percentage of credit, which was seconded by Ms. Nerbak.

Ayes: Ms. Nerbak, Mayor Jewell

Nays: Mr. Watters

Absent: Mr. Tomaszewski

Abstain: Mr. Baldwin

Mr. Watters stated that the first part of the test should be run by Mr. Vex, Esq. prior to doing anything.

Mr. Baldwin made a motion to adjourn at 9:45, which was carried by all.