

MANSFIELD TOWNSHIP COMMITTEE MEETING

March 12, 2014

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. Misertino, Mr. Watters, Mrs. Kocher, Mayor Tomaszewski

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Mr. Misertino made a motion to approve the minutes from the regular meeting held on February 26, 2014, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: Mr. Clancy

Abstain: None

BILL LIST:

Mr. Watters made a motion to approve the Bill List, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: Mr. Clancy

Abstain: None

CFO REPORT:

Mr. Pandos stated that he received a call from Warren Village Condominium Association for Snow and Ice Removal from the Township there has been an agreement with them since 2010 and they provided the contract and the previous Purchase Order.

Mr. Lavery stated that he would look into this and let Mr. Pandos know.

CLERKS REPORT:

Ms. Hrebenak stated that she had nothing to report.

ENGINEERS REPORT:

Mr. DiSessa stated that we are moving forward with the Diamond Hills Road project and the contracts.

Mr. DiSessa stated that was an enforcement letter that was sent out to all of the Used Clothing bin companies and they have been sending in the applications.

RESOLUTION:

RESOLUTION # 2014-48
LIEN REDEMPTION

TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

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 12th March, 2014 that payment is to be made to the certificate holder as noted:

US Bank-Cust For PRO CAP III, LLC
2 Liberty Place
50 S. 16th Street, Suite 1950
Philadelphia, PA. 19102

Block 1102.08, Lot 04 C015D
Certificate # 2013-07
\$ 326.11

Mr. Watters made a motion to approve the passage of Resolution 2014-48, which was seconded by Mrs. Kocher.

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

RESOLUTION # 2014-49
Return of Premium

TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

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 \$1,000.00 was paid at the time of the sale;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 12th day of March 2014 that the \$1,000.00 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 for PRO CAP III, LLC US Bank, TLGS 2 Liberty Place 50 S. 16 th Street, Suite 1950	Block 1102.08 Lot 04 C015D	2013-07

Philadelphia, PA. 19102

Mr. Misertino made a motion to approve the passage of Resolution 2014-49, which was seconded by Mrs. Kocher.

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

RESOLUTION # 2014-50
REALLOCATION OF FUNDS
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, The Estate of John Walter Jonkoski c/o Frank Jonkoski issued check # 213 in the amount of \$ 300.00 dated 2/10/14 to the Township of Mansfield, County of Warren,

WHEREAS, upon receipt of said check the amount of \$ 300.00 was recorded as a partial tax payment to block 1301 lot 05,

WHEREAS, Check # 213 for \$ 300.00 was in fact an escrow check for Tax Map Update Fees,

THEREFORE, The Certified Tax Collector will make the necessary tax payment adjustment for block 1301 lot 5,

NOW, THEREFORE BE IT RESOLVED, The Mansfield Township Finance Office will issue a \$300.00 check to the Township of Mansfield Escrow Account # 7760061379 for Tax Map Update Fees

Mr. Watters made a motion to approve the passage of Resolution 2014-50, which was seconded by Mrs. Kocher.

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

RESOLUTION # 2014-51
FOR TRANSFER OF FUNDS
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, there are insufficient funds in some of the 2013 budget line items; and

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of appropriation reserve funds before April 1, 2014.

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>
Utility Expenses & Bulk Purchases	\$ 723.09	
Engineering Services O/E	\$ 223.09	
Buildings & Grounds		\$ 500.00
Municipal Court O/E		\$ 223.09
Engineering Services O/E		\$ 223.09

WHEREAS, it is the recommendation of the Township Engineer to award the contract to Top Line Construction, Somerville, NJ 07095, in the amount of \$431,564.92; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations or Capital Ordinance #2013-14; and

WHEREAS, this contract has been awarded to Top Line Construction Corp., through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, et seq; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, that the bid be awarded to: Top Line Construction, in the amount of \$431,564.92.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Mansfield that in accordance with the bid specifications, the contract between Mansfield Township ("Owner") and Top Line Construction Corp., ("Contractor") shall contain:

- Provisions of all labor, material, and equipment necessary to perform all work as indicated on the Drawings and Specified for the Diamond Hill Road Project.
- This contract shall, for all purposes, be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
- Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
- The cost of this contract is not to exceed the total bid amount unless negotiated in advance of service delivery, and the Township Committee approves an amendment revising that figure.
- Billing must be rendered within 30 days of service delivery.
- As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to resolution as Exhibit B.
- The Township may terminate this contract if contractor does not fulfill the services as outlined in the Bid Specification, upon 10 days written notice via certified mail.
- The Contractor shall commence the work not later than 10 calendar days after the owner has given the Notice to Proceed Date to the Contractor in writing.
- The completion time period shall include, but not be limited to, the time necessary to prepare shop drawings, to order, process, and deliver all equipment and materials, to obtain necessary permits and approvals, to perform the proper installation contemplated under this Contract and all else necessary and incidental in connection with the performance of this Contract.
- In accordance with bid specifications, if the Contractor, upon notification by the Township of Mansfield, fails to execute the contract prepared by the Township attorney within 10 days of such notification with the Township of Mansfield, the Township may rescind the award of the bid to the Contractor and award the contract to another bidder, and shall have the right to proceed against the guaranty accompanying the bid.

Mayor Tomaszewski made a motion to approve the passage of Resolution 2014-53, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: Mr. Clancy

Abstain: None

RESOLUTION # 2014-54

TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, The Township of Mansfield paid for litigation services out of the current fund in 2013 (7/30/13) in the amount of \$ 14,207.50 via check # 9655,

WHEREAS, The Recreation Committee is to refund the Township's current fund in said amount,

NOW THEREFORE BE IT RESOLVED, that the Finance Office be authorized to issue a check from the Recreation Committee Trust Account in the amount of \$ 14, 207.50 to the Township's current fund.

Mr. Watters made a motion to approve the passage of Resolution 2014-54, which was seconded by Mrs. Kocher.

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

RESOLUTION # 2014-55
Refund of Registration Fees (Softball Clinic)
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, The Mansfield Township Recreation Committee collected registration fees via credit card payments in the amount of \$10.00 per child for a Softball Clinic,

WHEREAS, The Softball Clinic was canceled,

NOW THEREFORE BE IT RESOLVED, that the Finance Office be authorized to issue refunds against the credit card payments issued for the Softball Clinic.

Mrs. Kocher made a motion to approve the passage of Resolution 2014-55, which was seconded by Mr. Misertino.

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

EXECUTIVE SESSION

Mayor Tomaszewski made a motion to enter into Executive Session at 7:40pm, which was seconded by Mr. Watters.

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

Mr. Misertino made a motion at 8:53 to go back into Regular Session, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski
Nays: None

Absent: None
Abstain: None

ORDINANCE:

First Reading

ORDINANCE 2014-05

AN ORDINANCE TO AMEND CHAPTER III A OF THE CODE OF THE TOWNSHIP OF MANSFIELD BY ADDING
NEW SECTIONS 3 CLINIC SPORTS REGISTRATION FEES AND SCHOLARSHIPS

WHEREAS, the Township Committee of the Township of Mansfield has determined that there should be, within the Township of Mansfield; recreation registration fees.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, that the Code of the Township of Mansfield is hereby amended to include the following provisions regarding recreation registration fees.

Section 1

Chapter IIIA of the Code of the Township of Mansfield is hereby amended to include a new section establishing Clinic Sports Registration Fees:

Chapter IIIA-13. Clinic sports registration fees for participation of children in sports clinics of the Township of Mansfield shall be as follows:

- (a) Spring Beginner Tennis Program
 - i. Ages 5-6 \$26 for Six (6) half (1/2) hour sessions, per child
 - ii. Ages 7-14 \$48 for Six (6) one (1) hour sessions, per child

- (b) Summer Beginner Tennis Program
 - i. Ages 5-6 \$17 per weekly half (1/2) hours session, per child
 - ii. Ages 7-14 \$32 per weekly one (1) hour session, per child

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. Misertino made a motion to introduce Ordinance 2014-05 and requested that the public hearing be advertised to be held on March 26, 2014, which was seconded by Mr. Watters.

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

Second Reading

Mrs. Smith asked what the terms will be for the Recreation Committee.

Ms. Hrebenak stated that for the first year the members were set up so that they would alternate years and that the three year terms will begin for all next year.

Mrs. Smith asked that the Ordinance have a section that addresses gifts or contributions.

Mr. Lavery stated that this is covered by the statutes.

ORDINANCE 2014-04

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 2-31 TITLED "RECREATION COMMITTEE" TO INCREASE THE NUMBER OF COMMITTEE MEMBERS FROM FIVE (5) TO SEVEN (7)

WHEREAS, it is the desire of the governing body of the Township to provide for the recreational needs of all citizens of the Township; and

WHEREAS, presently the Recreation Committee consists of five (5) members and two additional alternate Members; and

WHEREAS, the governing body believes it is in the best interest of the citizens of Mansfield to eliminate the alternate members positions and increase the number of regular Committee members from five (5) to seven (7); and

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

Section 2-31.2

§2-31.2 Members. The Recreation Committee shall consist of seven (7) public members to be appointed for alternating three year terms. All members shall be residents of Mansfield Township. All such appointments shall be done by Resolution of the Township Committee at an open public meeting on an annual basis. The Mayor may appoint the Chair of the Recreation Committee.

Section 2

This ordinance shall take effect immediately after passage.

Section 3

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 to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Mr. Watters made a motion to approve the passage of Ordinance 2014-04 and requested that the results be advertised, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Tomaszewski

Nays: Mrs. Kocher

Absent: None

Abstain: None

PUBLIC PORTION: (3 minute limit per person)

Mr. Farino asked if anyone had contacted any other towns for their Snow plan, and there were no written plans in a number of towns that he spoke to.

Mrs. Thompson, Route 57, came before the Township Committee and was discussing Route 57 Auto Salvage and Woodland Auto Sales.

Mr. Lavery stated that Mrs. Thompson has hired an attorney and he suggested that the Township Committee not answer any questions.

Connie Adasavage, 208 Snyder Road, asked who it is that handles the attorney relationship and if there are policies and procedures.

Mr. Lavery explained the process for Professional Services contract award.

Mrs. Adasavage asked if the Township Committee could do as the Comptroller had suggested and do a fair and open process in the future.

Mrs. JoAnn Fascenelli asked the Township Committee for approval for a Shredding Event.

Mr. Watters stated that he feels that this is a good idea.

Mrs. Fascenelli stated that the Green Team has been awarded a grant for \$2000 to hold the rain barrel workshop.

Scott Minter, Mount Bethel Road, asked about the three minute rule for public portion and if the Committee will act on this to make a motion to limit the time for comments from the public.

Mr. Watters made a motion to have a limit of three minutes per person for public portion, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mayor Tomaszewski

Nays: Mr. Clancy, Mrs. Kocher

Absent: None

Abstain: None

Mrs. Smith asked about the recreation budget and when it will be presented and if theirs will be an introduction and public hearing like the Township Committee's budget.

Ms. Hrebenak stated that she believed that the Committee would need to approve the Recreation budget, but that the Recreation Committee would not have to do a first and second reading.

COMMITTEE COMMENTS:

Mr. Clancy stated that he was late because his son's basketball team was in the Championship game and he is the coach. Mr. Clancy stated that unfortunately they lost to Washington Twp.

Mrs. Kocher asked about the 2% cap on arbitration for Contractual Employees and if the Township was going to take action.

Mr. Watters made a motion to approve the Gramco contract for the Liberty Court System, which was seconded by Mayor Tomaszewski.

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

Nays: None

Absent: None

Abstain: None

Mr. Watters made a motion to approve the RFP contract for the maintenance of the phone system, which was seconded by Mayor Tomaszewski.

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

Nays: None

Absent: None

Abstain: None

Mayor Tomaszewski made a motion to adjourn at 9:24 pm.