

MANSFIELD TOWNSHIP COMMITTEE MEETING

July 12, 2006

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. Baldwin, Ms. Nerbak, Mr. Appleby, Mayor Watters
Absent: Mrs. Oakley

Salute to Flag was done by all.

APPROVAL OF MINUTES:

Ms. Nerbak made a motion to approve the minutes of the Regular meeting of June 28, 2006, seconded by Mr. Appleby.

Ayes: Mr. Baldwin, Ms. Nerbak, Mr. Appleby, Mayor Watters
Nays: None
Absent: Mrs. Oakley

PAYMENT OF BILLS:

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

Ayes: Mr. Baldwin, Ms. Nerbak, Mr. Appleby, Mayor Watters
Nays: None
Absent: Mrs. Oakley

CONSENT AGENDA:

NJ STATE FIREARMS ASSOC MEMBERSHIP- William Jackson

Ms. Nerbak made a motion to approve the Consent Agenda as presented, seconded by Mr. Baldwin.

Ayes: Mr. Baldwin, Ms. Nerbak, Mayor Watters
Nays: None
Absent: Mrs. Oakley
Abstain: Mr. Appleby

2006-91

**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 26th day of July 2006 that refunds are made to the certificate holder as noted:*

<i>CERTIFICATE HOLDER</i>	<i>BLOCK/LOT</i>	<i>CER T #</i>	<i>AMOUNT</i>
<i>Wachovia Custodian for Phoenix Funding</i>	<i>2604/4</i>	<i>200418</i>	<i>\$5,158.01</i>

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

Nays: None

Absent: Mrs. Oakley

2006-92

RESOLUTION

WHEREAS, the Tax Collector of the Township of Mansfield has advised the Township Committee that the following property has been redeemed by the property owner, within five (5) years of the tax sale, and a premium of \$1500 was paid at the time of sale,

*NOW **THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Mansfield this 26th day of July 2006 that the \$1500 premium is returned to the certificate holder.*

BLOCK	LOT	LIEN HOLDER	CERT#
	2604 4	Wachovia-Cust for Phoenix Funding	200418

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

Nays: None

Absent: Mrs. Oakley

ENGINEER'S REPORT:

Mr. Mace presented the amendments to the Riparian Buffer Ordinance that have been required by NJ DEP, and the Ordinance will now have to contain a map with it to show the areas that are addressed in the Ordinance.

2006-21

Township of Mansfield Zoning Ordinance Revisions
Riparian Corridor Buffer
(Revisions to 2006-06 required to comply with NJDEP comments)

Article 22-2 Definitions is amended to read as follows:

Intermittent Stream- Shall mean surface water drainage channels with definite bed and banks in which there is not a permanent flow of water. Category 1 streams shown as a dashed line on the USGS topographic quadrangle maps or the USDA County Soil Survey Maps of the most recent edition that includes hydrography are included as intermittent streams.

Non-Category 1 (C-2) streams as designated on the zoning map are also included as intermittent streams.

Article 22-4.9c. 1. is amended to read as follows:

- c. Establishment of an RBCZ as an overlay zone.
 1. An RBCZ is established as an overlay to the existing zoning districts. The provisions of the underlying district shall remain in full force except where the provisions of the RBCZ differ from the provisions of the underlying district, in which case the provision that is more restrictive shall apply. These provisions apply land disturbances resulting from or resulting from or related to any activity or use requiring application for any of the following permits or approvals:
 - Building permit; provided, however, that this shall only apply to building permits with an ultimate disturbance of 1 acre or more of land or an accumulative increase of impervious surface by ¼ acre or more.
 - Zoning Variance
 - Conditional Use
 - Subdivision/land development approval

Ms. Nerbak made a motion to introduce Ordinance 2006-21, seconded by Mr. Baldwin and requested that public hearing be advertised for the regular meeting of August 9, 2006.

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

Nays: None

Absent: Mrs. Oakley

Mr. Mace asked if the Township Committee would like to advertise and accept bids for the Recreation Property Driveway at the August 9, 2006 meeting.

Ms. Nerbak made a motion to approve going out to bid for the August 9, 2006 meeting for the Recreation driveway, seconded by Mr. Baldwin.

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

Nays: None

Absent: Mrs. Oakley

Ms. Nerbak and Mr. Baldwin stated that they were not happy with the job that was done on Route 57 for the calming affect and had concerns that the sign that is in front of Tri County Fire House is blocking the sight distance for the Firehouse driveway. Ms. Nerbak asked Mr. Mace to write a letter to the state that mentions all of the Township Committee's concerns.

RESOLUTIONS:

**TOWNSHIP OF MANSFIELD
RESOLUTION NO. 2006-77**

WHEREAS, Officers Patrick Kirchner and Glenn Hydock responded to a domestic violence call on May 23, 2006; and

WHEREAS, the victim and her son, as well as the Domestic Violence Response Team, reported the officers courteousness, professionalism and kindness went above and beyond the call of duty; and

WHEREAS, the officers made the victim and her son feel very comfortable and cared for under very difficult circumstances;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, Warren County, New Jersey, that the officers be commended for the outstanding service they provided to members of the public in great need.

Ms. Nerbak made a motion to approve Resolution 2006-77, seconded by Mr. Baldwin.

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

Nays: None

Absent: Mrs. Oakley

Mayor Watters and the Township Committee congratulated Officer Hydock and thanked him for all of his hard work.

2006-78

**RESOLUTION REQUESTING TO REMAIN UNDER THE JURISDICTION OF COAH ON
AFFORDABLE HOUSING AND COMMITTING TO PETITION WITH A THIRD ROUND
AFFORDABLE HOUSING PLAN FOR TOWNSHIP OF MANSFIELD, WARREN COUNTY**

WHEREAS, Township of Mansfield petitioned COAH on Affordable Housing (COAH) for substantive certification of a second round Housing Element and Fair Share Plan on March 8, 2000; and

WHEREAS, Township of Mansfield was granted substantive certification of its second round Housing Element and Fair Share Plan by COAH on August 2, 2000; which is valid until August 2, 2006; and

WHEREAS, COAH adopted N.J.A.C. 5:94 et seq. and N.J.A.C. 5:95 et seq., which went into effect on December 20, 2004; and

WHEREAS, COAH adopted amendments to N.J.A.C. 5:94 et seq. and N.J.A.C. 5:95 et seq., which went into effect on May 15, 2006; and

WHEREAS, pursuant to N.J.A.C. 5:95-15.3, a municipality that has received second round substantive certification that expires subsequent to December 20, 2005 and seeks to remain under the jurisdiction of COAH for the municipality's third round fair share obligation, shall be required to submit a resolution to COAH from the governing body no later than July 14, 2006, that commits to file or petition for third round substantive certification in accordance with N.J.A.C. 5:94 et seq. and N.J.A.C. 5:95 et seq. by the earlier of the expiration date of its second round substantive certification or May 15, 2007; and

WHEREAS, the amendments adopted by COAH to N.J.A.C. 5:94 et seq. and N.J.A.C. 5:95 et seq. in no way affect the protection granted to municipalities for the period of second round substantive certification, which period of second round substantive certification remains in effect for the original period granted.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Mansfield, in the County of Warren, State of New Jersey, that the Township of Mansfield hereby requests to remain under the jurisdiction of COAH pursuant N.J.A.C. 5:95-15.3 for the third round period of substantive certification; and

BE IT FURTHER RESOLVED that the Township of Mansfield hereby commits to address its third round fair share obligation by filing or petitioning COAH for review and certification of a newly adopted housing element and fair share plan in accordance with N.J.A.C. 5:95 et seq. by August 2, 2006

Ms. Nerbak made a motion to approve resolution 2006-78, seconded by Mr. Baldwin.

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

Nays: None

Absent: Mrs. Oakley

2006-80

PLACE TO PLACE TRANSFER -EXTENSION OF PREMISES

WHEREAS, an application has been filed for a place-to-place transfer of Plenary Retail Consumption License with Broad Package Privilege, 2116-33-009-007, for the purpose of expanding the premises under license wherein the sale, service, and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

NOW, THEREFORE, BE IT RESOLVED that the Township of Mansfield does hereby approve, effective July 12, 2006, the expansion of the aforesaid Plenary Retail Consumption Licensed premises located at 1916 Route 57, Hackettstown to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

Ms. Nerbak made a motion to approve Resolution 2006-80 after the engineer's review of the property and the approved site plan, seconded by Mr. Appleby.

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

Nays: None

Absent: Mrs. Oakley

PUBLIC PORTION:

Mrs. Theresa Duarte, 2 Hemlock Court, thanked the Township Committee for coming out and looking at the water situation on her property and stated that she was glad that this problem will be getting resolved.

Chuck Hazen, 22 Hazen Road, stated that when the paving work was done on Hazen Road his driveway was affected and that there is now a large hump at the bottom of his driveway that causes cars to scrape bottom.

Mr. Mace stated that he would go out and check the driveway and would see what could be done.

Mr. Lee asked that Mr. Mace, Mr. Hazen, and the paving contractor meet and discuss a remedy for the driveway.

ORDINANCES:

PUBLIC HEARING & SECOND READING

Ms. Nerbak presented Ordinance 2006-18 for public hearing, seeing that there was no public comment the public hearing was closed.

ORDINANCE NO. 2006-18

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE SALARIES AND COMPENSATION FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MANSFIELD AND THE METHOD OF PAYMENT OF SUCH SALARIES AND COMPENSATION.

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

The salaries per annum of rates of compensation of the following officers and employees of the Township of Mansfield are determined for the period below to be as follows:

Construction Assistant	\$28,000.00 July 1 to Dec. 31
Police Secretary	\$28,000.00 July 1 to Dec 31

This Ordinance shall take effect immediately upon publication as provided by Law.

Ms. Nerbak made a motion to approve the passage of Ordinance 2006-18, seconded by Mr. Appleby.

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

Nays: None

Absent: Mrs. Oakley

Mayor Watters presented Ordinance 2006-19 for public hearing, seeing that there was no comment from the public, the public hearing was closed.

ORDINANCE 2006-19
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 2701 LOT 13.01

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

Block 2701 Lot 13.01

and

WHEREAS, Diane Tyson, a contiguous owner of property to Block 2701 Lot 13.01 has offered the assessed value of said property, \$2300.00, 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 Diane Tyson;

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 2701 Lot 13.01 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 \$2,300.00 to be paid in hand by Diane Tyson, shall and are hereby authorized to convey title and execute such further documents deemed necessary by the Municipal Attorney to satisfactorily transfer Block 2701 Lot 13.01 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.

Mr. Baldwin made a motion to approve the passage of Ordinance 2006-19, seconded by Mr. Appleby.

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

Nays: None

Absent: Mrs. Oakley

Mr. Baldwin presented Ordinance 2006-20 for Public hearing, seeing that there was no comment from the public, the public hearing was closed.

ORDINANCE 2006-20
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 2712
LOT 5 and LOT 6**

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

Block 2712 Lot 5 and Lot 6

and

WHEREAS, Orson Kirk, a contiguous owner of property to Block 2712 Lot 5 and 6 has offered the assessed value of said property, \$4,600.00 as to Lot 5 and \$6,900.00 as to Lot 6, 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 Orson Kirk;

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 2712 Lot 5 and Block 2712 Lot 6 on the Tax Map of the Township of Mansfield are not needed for public purposes.
2. The Mayor and Clerk of the Township of Mansfield, in consideration of and receipt of, the sum of \$11,500.00, to be paid in hand by Orson Kirk, shall and are hereby authorized to convey title and execute such further documents deemed necessary by the Municipal Attorney, to satisfactorily transfer Block 2712 Lot 5 and Block 2712 Lot 6 as depicted on the Tax Map of the Township of Mansfield. The property to be conveyed shall be 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.

Mr. Baldwin made a motion to approve the passage of Ordinance 2006-20, seconded by Mr. Appleby.

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

Nays: None

Absent: Mrs. Oakley

ADMINISTRATOR REPORT:

Mr. Lee asked the Mayor and Township Committee for advanced approval for Mr. Coppola to pay the active and retired health benefits, not to exceed \$35,000.

Ms. Nerbak made a motion to approve the payment of the active and retired health benefits, seconded by Mr. Baldwin.

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

Nays: None

Absent: Mrs. Oakley

Mr. Lee stated that as of the half way mark in the year the township has only expended about 45%, according to Mr. Coppola.

COMMITTEE PERSON COMMENTS:

Mr. Baldwin made a motion to approve Andrew Coppola's request to attend the NJ League Convention, seconded by Ms. Nerbak.

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

Nays: None

Absent: Mrs. Oakley

Mr. Baldwin made a motion to approve the payment of Mr. Mace's monthly installment payments, seconded by Mr. Appleby.

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

Nays: None

Absent: Mrs. Oakley

Ms. Nerbak stated that the Warren County League of Municipalities met last week at Kinneman's Pub and that the guest speaker was Noel McGuire, and Marcia Karrow was also at the meeting to answer any questions that people had.

Ms. Nerbak stated that the Warren County League of Municipalities meeting is tentatively scheduled for the 3rd Thursday in October at Adam Todd.

Ms. Nerbak stated that the Recreation Commission would be meeting with the Engineer to discuss the recreation property plans next Tuesday, all are welcome.

Ms. Nerbak express that the garage sale was great, and she thought the the Saturday hours should be changed to earlier hours.

Mr. Baldwin stated that a Shared Services meeting is planned for this Saturday, and at this point there are a lot of ideas that are being explored for Shared services

Mr. Baldwin made a motion to adjourn at 8:21pm, which was carried by all.

Respectfully Submitted,

Dena Hrebenak
Deputy Clerk