

## **MANSFIELD TOWNSHIP COMMITTEE MEETING**

**April 11, 2007**

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

Salute to flag was done by all.

### **APPROVAL OF MINUTES:**

Mrs. Oakley made a motion to approve the minutes from the regular meeting of 3/14/2007 as presented, which was seconded by Mr. Appleby.

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

**Nays:** None

### **PAYMENT OF BILLS:**

Ms. Nerbak made a motion to approve the bill list as presented, which was seconded by Mrs. Oakley.

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

**Nays:** None

**Abstain:** Ms. Nerbak from PO #270385

### **ENGINEERS REPORT:**

Mr. Mace explained to the Township Committee that a letter was issued to Mr. Vincent Raza, Route 57 next to Columbia Too, for a violation for not obtaining the proper permits for the work that was being done on his property the violation was for the work that was done that went against our driveway ordinance, Mr. Mace also stated that Soil Conservation has issued a stop work order on that property.

Mr. Mace also asked the Township Committee if he could also start working with the Highlands Council to try to get a waiver for the purposed new post office that Mr. Appleby is hoping to put on the property that he owns where the post office is now located.

Mr. Mace stated that the Wastewater Management Plan is sitting waiting for approvals from the Highlands Commission, before the DEP will approve the Wastewater Management Plan the DEP has issued a letter to the Highlands Commission giving them 30 days for comment on the Wastewater Management Plan for Mansfield Township. Once the Wastewater Management Plan is approved then the approvals will be issued for the Meadows at Mansfield development to begin.

**EXECUTIVE SESSION:**

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12.

WHEREAS, the Township Committee of the Township of Mansfield is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Township Committee of the Township of Mansfield to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- (1) **Matters Required by Law to be Confidential:** Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) **Matters Where the Release of Information Would Impair the Right to Receive Funds:** Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) **Matters Involving Individual Privacy:** Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- (4) **Matters Relating to Collective Bargaining Agreements:** Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) **Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds:** Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

- (6) **Matters Relating to Public Safety and Property:** any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.
- (7) **Matters Relating to Litigation, Negotiations, and the Attorney-Client Privilege:** Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
- (8) **Matters Relating to the Employment Relationship:** Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.
- (9) **Matters relating to the Potential Imposition of a Penalty:** Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Mansfield, assembled in public session on April 11, 2007, that an Executive Session closed to the public shall be held on April 11, 2007 at 7:32 PM in the Mansfield Township Municipal Building, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in the closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Mrs. Oakley made a motion to approve the executive session resolution, which was seconded by Mr. Appleby.

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

Nays: None

Abstain: None

Township Committee returned to the regular meeting at 7:55pm.

Roll Call: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin all present.

**RESOLUTION:**

RESOLUTION 2007-57  
**OVERPAYMENT OF TAXES**  
**Block 1105, Lot 23**

*WHEREAS, the following property has an overpayment for 2006 property taxes;*

*WHEREAS, this overpayment occurred due to a successful tax court judgment;*

*THEREFORE BE IT RESOLVED, by the Committee of the Township of Mansfield this 11th day of April 2007 that the Tax Collector and Finance Officer may refund the following tax amount:*

*Block 1105, Lot 23  
Docket#008753-2006  
Dennis & Jennifer Teets  
8 Flemming Place  
Hackettstown, NJ 07840  
\$954.46*

**Ms. Nerbak made a motion to approve Resolution 2007-57, which was seconded by Mr. Watters.**

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

**Nays: None**

**Abstain: None**

**RESOLUTION 2007-58**  
**TOWNSHIP OF MANSFIELD**  
**WARREN COUNTY, NEW JERSEY**

WHEREAS, there exists a need for the service of a Temporary Township Attorney in the Township of Mansfield for legal services and advice to the Mayor and Township Committee; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:1 1-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, in the County of Warren as follows:

1. The agreement with **Joel Kobert** with the law office of **Courter, Kobert, &**

**Cohen** is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:1 1-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law. A copy of the Agreement is on file for inspection with the Clerk of the Township of Mansfield.

2. A notice of this action shall be printed once in the Star-Gazette  
**Ms. Nerbak made a motion to approve Resolution 2007-58, which was seconded by Mr. Watters.**

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

**Nays: None**

**Abstain: Mrs. Oakley**

**Mayor Baldwin invited Mr. Kobert to sit with the Township Committee on the dais.**

#### **RESOLUTION NO. 2007-59**

#### **RESOLUTION OPPOSING A-1**

WHEREAS, Assembly bill A-1 is intended to limit property tax increases through a 4% cap on property taxes and state funding for property tax bill reductions; and

WHEREAS, under the bill expenditures for debt service are exempt from the cap on property tax increases but there are no exemptions for capital expenditures or deferred charges, which provides a means to decrease debt authorized but not issued without borrowing; and

WHEREAS, there is a corresponding decrease in exemptions when there is a decrease in debt services; and

WHEREAS, the above provides disincentive for good long-term capital planning; and

WHEREAS, the bill does not stipulate when payments to municipalities for the amounts deducted from property tax bills be made; and

WHEREAS, municipalities will still have to pay counties and school districts their portion of the tax levy on a quarterly basis potentially causing cash flow difficulties for municipalities,

NOW THEREFORE, BE IT RESOLVED, by the governing body of the Township of Mansfield, that the Township of Mansfield urges our State Legislators to address these issues through further legislation or a repeal of Assembly Bill No. 1;

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Senator Leonard Lance, Assemblyman Michael J. Doherty, Assemblywoman Marcia A. Karrow, the sponsors of A-1, the New Jersey League of Municipalities, and the Office of the Governor.

**Ms. Nerbak made a motion to approve Resolution 2007-59, which was seconded by Mr. Watters.**

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

**Nays: None**

**Abstain: None**

**Public Hearing: Mansfield Township Fire Truck Lease 2007 Pierce/GMC Mini Pumper**

Chris Fournier, Chief of Mansfield Township Fire Company, was present for the public hearing for the sale/lease of the new fire truck. Replacement for the current brush truck that is now 30 years old, that was refurbished by the insurance company last year the road plates were replaced. The new truck will be a much better truck more capabilities and will enable more daytime response because of the size of the truck. Manpower requirements are much smaller during the day and a smaller truck would help that.

Mayor Baldwin requested that Chief Fournier explain the truck.

Chief Fournier explained that the truck was a Pierce/GMC 5500 chassis 750 gallon pump per minute, 200 gallons of water, 30 gallons of foam which is double the capacity of foam.

Deputy Mayor Watters asked if the truck was four wheel drive.

Chief Fournier stated that the truck was four wheel drive, diesel, 4 door.

Mrs. Oakley asked what is a brush truck.

Chief Fournier stated that the truck enables them to get off road and is a smaller truck.

Robert Jewell, resident, questioned that this truck was quite expensive and wanted to know if this truck would be needed with the Forest Fire Service being in the area.

Chief Fournier stated that for a brush fire the fire companies are dispatched first, and that this would enable them to cover that type of fire.

Mayor Baldwin asked if there were any other questions from the public seeing there were no more comments. Mayor Baldwin closed the public portion.

#### **COMMITTEE PERSON COMMENTS:**

**Ms. Nerbak made a motion to rescind Resolution 2007-31 Appointment of a Deputy Mayor for Civil Unions, which was seconded by Mrs. Oakley.**

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

**Nays: None**

**Abstain: None**

**Ms. Nerbak reminded the Township Committee that the School Board and Budget elections are next week.**

**Ms. Nerbak also stated the League of Municipalities will be giving a class on Ethics if anyone is interested.**

**Ms. Nerbak stated that the Mansfield Little League has invited the Township Committee to the Opening Day game and the Township Committee decided that Mr. Appleby will be going to the game.**

**Mr. Baldwin stated that there will be an auction held at the Municipal Building on Saturday at 12 pm.**

**Mr. Watters stated that the 21<sup>st</sup> of April household hazardous waste and computer parts may be brought to the Municipal Garage to be brought to the County for their Household Hazardous Waste and Electronics cleanup.**

**Mrs. Oakley made a motion to allow Mayor Baldwin to sign a letter opposing the Highlands Construction Moratorium to be sent to the Highlands Council similar to the letter that was submitted by White Township.**

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

**Nays: None**

**Abstain: None**

**Mr. Watters made a motion to adjourn at 8:24, which was seconded by Mr. Appleby and carried by all.**

**Respectfully Submitted,**

**Dena Hrebenak  
Acting Clerk**