

**MANSFIELD TOWNSHIP COMMITTEE MEETING**

**February 28, 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: Ms. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin all present

Salute to the flag was done by all.

Mayor Baldwin thanked everyone that has helped him in his time of need after his back surgery, and he explained that he would most likely be leaving at some point through the meeting due to the way that his back was feeling.

**APPROVAL OF MINUTES:**

Mrs. Oakley made a motion to approve the minutes from the Regular Meeting held on January 10, 2007, seconded by Mr. Watters.

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

Mrs. Oakley made a motion to approve the minutes from the Regular Meeting held on January 24, 2007, seconded by Mr. Appleby.

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

**PAYMENT OF BILLS:**

Ms. Nerbak made a motion to approve the payment of the bill list with addendum, seconded by Mrs. Oakley.

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

**CONSENT AGENDA:**

Mrs. Oakley made a motion to approve the consent agenda containing RA 2007-01 and RA 2007-02 both raffle applications for the Mansfield Township PTA, seconded by Mr. Watters.

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

**RESOLUTIONS:**

**RESOLUTION – 2007-32**

**A RESOLUTION GRANTING APPROVAL OF THE PURCHASE OF A DEVELOPMENT EASEMENT ON THE SMITH ESTATE,  
BLOCK 1402 LOT 1.01**

WHEREAS, the tract would encourage the survivability of production agriculture in Mansfield Township, and said tract falls within a predetermined Agriculture Development Area, and pressures from development have significantly heightened the degree of imminence of change of land use from productive agriculture to nonagricultural uses; and

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

The Township Committee hereby grants permission for the purchase of the development easement by the County of Warren under the Farmland Preservation Act as set forth above.

Ms. Nerbak made a motion to approve Resolution 2007-32 for passage, seconded by Ms. Oakley.

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

**Resolution 2007-33**

**RESOLUTION TO AUTHORIZE INCREASE IN DEFERRED SCHOOL TAXES OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY**

WHEREAS, the Division of Local Government Services requires that the Governing Body of any municipality which has Deferred School Taxes must authorize any increase in the deferral of any additional amounts; and

WHEREAS, the Township Committee of the Township of Mansfield has decided that an increase in Deferred School Taxes is in the best interest of the Township at this time;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, that the following Deferred School Taxes be hereby increased for the year ended December 31, 2006 as follows:

	<u>Deferred Regional School Taxes</u>
Amount Deferred 12/31/06	\$1,909,620.4 4
Amount Deferred 12/31/07	\$2,201,620.4 4
Increase in Deferral	\$292,000.00

BE IT FURTHER RESOLVED by the Township Committee of the Township of Mansfield that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Ms. Nerbak made a motion to approve Resolution 2007-33 for passage, seconded by Mr. Watters.

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

**TOWNSHIP OF MANSFIELD  
WARREN COUNTY, NEW JERSEY  
RESOLUTION #2007-34**

**TONNAGE GRANT APPLICATION (2007)**

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS,** It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grant to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS,** The New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS,** The Recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS,** A resolution authorizing this municipality to apply for such tonnage grants for 2007 will memorialize the commitment to this municipality to recycling and to indicate the assent of the Committee of the Township of Mansfield to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS,** Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Mansfield hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and Energy and designates JoAnn Fascenelli, Recycling Coordinator, to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

Ms. Nerbak made a motion to approve Resolution 2007-34 for passage, seconded by Mr. Watters.

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

Nays: None

#### **RESOLUTION 2007-35**

**WHEREAS,** the Township of Mansfield, in the County of Warren, in the State of New Jersey, had cause to cancel the Regular Meeting scheduled for February 14, 2007, due to weather conditions,

**AND WHEREAS,** there were certain matters of public business that were required to be approved at that meeting, in the interest of the employee, vendors, and residents of the Township of Mansfield, and

**WHEREAS,** a verbal roll call vote by telephone was made on the attached matters of business for these items to be approved for payment or passage, being Resolution 2007 -27, 2007-28, 2007-29, 2007-30, 2007-31; the bill list and addendum and such other items as are attached hereto and made a part hereof by reference.

**BE IT RESOLVED,** that the this Resolution shall serve as a reaffirmation of the verbal roll call vote taken by telephone by the Acting Clerk, on such emergent matters as required a vote without meeting, and that the items attached were approved for payment or passage as of the 14<sup>th</sup> day of February, 2007.

Ms. Nerbak made a motion to approve Resolution 2007-35 for passage, seconded by Mrs. Oakley.

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

Nays: None

#### **RESOLUTION 2007-36**

**RESOLUTION APPOINTING ACTING CONSTRUCTION OFFICE CODE OFFICIALS FOR A PERIOD OF SIXTY (60) DAYS  
PURSUANT TO NJAC 5:23-4.4(a) 6.**

Whereas, the 4 year statutory term of the Construction and Building Subcode Official expired on February 24, 2007; and

Whereas, proper notice was given to the Construction and Building Subcode Official on November 10, 2006, that his appointment would not be renewed in accordance with the provisions of NJAC 5:23-4.4; and

Whereas, a previously negotiated agreement for shared services with the Township of Washington, Warren County, New Jersey has not as yet been approved as to form and content; and

Whereas, the Township of Mansfield is permitted under the provisions of NJAC 5:23-4.4 (a)6 to appoint an acting construction official or subcode official any time the absence of such official would impede orderly administration of the Uniform Construction Code and other duties mandated by the municipality; and

Whereas, the Township of Mansfield is previously scheduled building and other subcode inspections outstanding, pending, and to become due prior to the anticipated approval of the shared services agreement with the Township of Washington, Warren County, New Jersey, by the Division of Codes and Standards of the New Jersey Department of Community Affairs;

**NOW THEREFORE, IT IS HEREBY RESOLVED:**

1. Pursuant to NJAC 5:23-4.4 et seq., the Mayor and Township Committee of the Township of Mansfield, Warren County, New Jersey hereby appoint the following individuals to the position set forth opposite their names to serve in an acting capacity for a period of 60 days beginning March 1, 2007, and continuing thereafter until the sixtieth day or prior thereto in the event the shared services agreement with the Township of Washington is approved by the Department of Community Affairs, Division of Codes and Standards.  

CHRIS ROSE	ACTING CONSTRUCTION OFFICIAL
License #004819	
DENNIS ALLEN	ACTING BUILDING SUBCODE
License #008950	
GEORGE MCGRATH	ACTING FIRE SUBCODE
License #006825	
3. All other subcode officials of the Township of Mansfield shall remain in office until such further notice is or may be required regarding their appointments.
4. This Resolution shall be effective immediately.

Ms. Nerbak made a motion to approve Resolution 2007-36 for passage, seconded by Mrs. Oakley.

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

**RESOLUTION 2007-37**

**RESOLUTION APPOINTING INDIVIDUALS AUTHORIZED TO ISSUE CERTIFICATE OF SMOKE DETECTOR AND CARBON MONOXIDE ALARM COMPLIANCE PURSUANT TO NJAC 5:70-2.3 WITHIN THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY**

BE IT RESOLVED BY THE MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY that the following individuals shall be authorized and empowered on behalf of the Township of Mansfield, Warren County, New Jersey to issue CSDCMAC Certificates evidencing compliance with NJAC 5:70-4.19:

Brian Olsen  
Glen McGuinness  
Charles Smith  
Dave Burdge  
Robert Griffith  
Chris Fournier  
Jay Wester  
Tom Maxwell  
Paul Sansavere  
Jeff Diebel  
John Zellars

This Resolution shall be effective immediately.

Ms. Nerbak made a motion to approve the passage of Resolution 2007-37, seconded by Mrs. Oakley.

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

TOWNSHIP OF MANSFIELD  
COUNTY OF WARREN

2007-38

A RESOLUTION to authorize participation in the New Jersey State Health Benefits Program Act of the State of New Jersey for Domestic Partnership Coverage in accordance with Chapter 246, P.L. 2003

BE IT RESOLVED:

1. The Township of Mansfield, 051300, a participating employer in the State Health Benefits Program, hereby elects to participate in the Domestic Partnership coverage provided by the New Jersey State Health Benefits Act of the State of New Jersey (N.J.S.A. 52:14-17.25 et seq) and to authorize coverage for all the active and retired employees and their domestic partners thereunder in accordance with the statute and regulations duly promulgated thereunder in accordance with the statute and regulations adopted by the State Health Benefits Commission.
2. As a participating employer we will remit to the State Treasury all premiums on account of active and retired employee and dependent coverage and periodic charges in accordance with the requirements of the statute and the rules and regulations duly promulgated thereunder.
3. As a participating employer, we will be responsible for the reporting of active and retired employees' imputed income associated with coverage of domestic partners and will pay all employer federal taxes due on that imputed income.
4. That domestic partnerships must meet the requirements of the Domestic Partnership Act and a Certificate of Domestic Partnership, obtained from the State of New Jersey through application to the employee's Local Registrar (or a valid certification from another jurisdiction that recognizes same-sex domestic partners, civil unions, or similar same-sex relationships), must be made available upon request of the employer and/or the State Health Benefits Program.

5. We hereby appoint the Chief Financial Officer to act as the Certifying Officer in the administration of this program.
6. This resolution shall take effect immediately and coverage shall be effective as of February 28, 2007 or as soon thereafter as it may be effectuated pursuant to the statutes and regulations.

Mr. Watters made a motion to approve Resolution 2007-38 for passage, seconded by Ms. Nerbak.

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

Nays: None

Abstain: Ms. Oakley

**RESOLUTION- No. 2007-39**

**FOR TRANSFER OF FUNDS**

WHEREAS, there are insufficient funds in some of the 2006 budget line items; and

WHEREAS, it is permissible to transfer appropriation reserve funds before April 1, 2007.

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

FROM	TO
Finance OE	\$400.00                      Data Processing OE\$400.00

Ms. Nerbak made a motion to approve Resolution 2007-39 for passage, seconded by Mr. Watters.

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

Nays: None

**RESOLUTION – 2007-40**

**A RESOLUTION GRANTING APPROVAL OF THE PURCHASE OF A DEVELOPMENT EASEMENT ON THE PERTICARI, BLOCK 801 LOT 11.01**

WHEREAS, the tract would encourage the survivability of production agriculture in Mansfield Township, and said tract falls within a predetermined Agriculture Development Area, and pressures from development have significantly heightened the degree of imminence of change of land use from productive agriculture to nonagricultural uses; and

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

The Township Committee hereby grants permission for the purchase of the development easement by the County of Warren under the Farmland Preservation Act as set forth above.

Ms. Nerbak made a motion to approve Resolution 2007-40 for passage, seconded by Mrs. Oakley.

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

Nays: None

**ORDINANCE:**

Mayor Baldwin introduced Ordinance 2007-01 which was read by title only;

**2007-01 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**

Ms. Nerbak made a motion to approve Ordinance 2007-01 and requested that the public hearing be scheduled for March 14, 2007 at 8:00pm, seconded by Mrs. Oakley.

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

Mayor Baldwin introduced Ordinance 2007-02 which was read by title only;

**2007-02 CALENDAR YEAR 2007 ORDINANCE TO EXCEED  
THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

Ms. Nerbak made a motion to approve Ordinance 2007-02 and requested that the public hearing be scheduled for March 14, 2007 at 8:00pm, seconded by Mr. Watters.

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

**INTRODUCTION OF 2007 BUDGET**

Mayor Baldwin asked Mr. Coppola to speak about the presented budget.

Mr. Coppola stated that the budget called for a 1 ½ cent increase in the tax rate due mostly to the rising pension costs the average residential home assessed at \$237,000 the local tax increase will amount to \$37.00, 1 cent on tax rate is \$65,000 and the increase in pension costs this year over last year was \$54,000 alone.

Ms. Nerbak made a motion to introduce the 2007 Municipal Budget, which was seconded by Mr. Watters.

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

Ms. Nerbak made a motion to schedule the Public Hearing for the 2007 Budget for March 28, 2007 at 8:00pm, which was seconded by Mrs. Oakley.

Ayes: Ms. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, and Mayor Baldwin  
Nays: None  
Ms. Nerbak thanked Mr. Coppola for his hard work in keeping the budget down.

**ENGINEERS REPORT:**

Mr. Mace stated that he was pleased to announce that notification was received from NJDOT that the lane merge arrows in down by the Mansfield Plaza Mall and give us larger Lane Reduction Warning Signs, which they will be doing very soon. Also that he received verbal notification the township will be getting crosswalks in Beattystown by Airport Road and also by Kings Highway.

Mr. Mace also was pleased to let the Township Committee know that there are about 20 sets of plans out for the Recreation Driveway and parking lot, so we will hopefully be able to award this project.

Mr. Mace stated that since the last Township Committee meeting he has attended two separate Highlands Meetings and that himself and Mr. Layton will be putting some things in writing because from what he has been told that speaking at the meetings will not get the point across as well as something in writing will.

Mr. Mace stated that the Highlands Task Force for Mansfield Township has met and have organized going through the data that was released for the proposed Highlands Regional Master Plan. Each member has taken a section or two to go through and write a synopsis. The Task Force has agreed to come out and meet with the Township Committee to go through our comments with them. Mr. Mace would like to set the meeting up for March 27, 2007 or April 3, 2007.

Mr. Mace stated that the Highlands Task Force would like to discuss the Township buying into their plan and by doing this there would be grants available through them.

Mayor Baldwin left the meeting.

#### **PUBLIC PORTION:**

Charles O'Connor, 450 Mt. Bethel Road, presented the Township Committee with a letter of response to a letter that he had received from Mr. Lee. Deputy Mayor Watters asked if Mr. O'Connor had any other comment and Mr. O'Connor said no.

Robert Moentenich, Winters Ave, stated that he received a check for the balance of his Variance Escrow and that he never received any bills to show where the money had gone.

Mr. Lee assured him that a statement showing where the money had gone would be sent to him.

Mr. Moentenich also commented on his concerns of the Township getting rid of the Construction Office and the fact that the taxes are still going to be raised. Mr. Moentenich stated that he does not believe that the shared officials are going to work for the Construction Office.

Ms. Nerbak explained that the agreement is for three years and that the State is requesting that municipalities share services and that we are trying this to see if it will cut costs for the township and the taxpayers.

Fred Goerlitz, Diamond Hill, asked if the Mansfield Emergency Services provided the Township Committee with activity reports and an audit for the last two years of the contract. He also stated that the Township Committee should have received a letter from the Hackettstown Emergency Squad.

The Committee stated that the letter was received.

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

Ms. Nerbak stated that the Recreation Commission met last night and that they would like to meet with the Township Committee to go over the Recreation Park master plan to get the Committee's reaction. The Recreation Commission is suggesting March 21, 2007. The Township Committee agreed to set up the meeting for that day at 7:30pm.

Ms. Nerbak also stated that the Warren County League of Municipalities meeting is scheduled for March 29, 2007 at Bella Gerno on Route 46 in White Twp the dinner will be a buffet and Mark Darsi will be there as a speaker and hopefully someone from the NJDCA will be coming to discuss the new budget rules.

Mr. Appleby asked Mr. Mace if it was possible that the Toll Brothers would be braking ground by July and having houses ready to sell by the end of the year.

Mr. Mace stated that the Township is still waiting for the Wastewater Management Plan to be approved by the state and after that has been approved then the development would probably be receiving their permits for wastewater and that it is possible that they will be braking ground by July.

Ms. Nerbak asked that a letter of response be sent to the Town of Hackettstown to let them know that for the year 2007 we have only included \$5,000 in our budget for the shuttle and that we would not be able to give an extra \$2,500.

Ms. Nerbak wanted to talk about the new ruling of fees for marriages and civil ceremonies and the Township Committee decided to wait on making a decision tonight.

**Deputy Mayor Watters appointed Ms. Nerbak as Deputy Mayor alternate for Civil Union Ceremonies.**

**Ms. Nerbak made a motion to go into executive session for personnel discussion Township Committee Members only at 8:15pm, which was seconded by Mrs. Oakley and carried by all.**

**A motion was made at 8:30 p.m. to go back into regular session. All were in favor and then once back into regular session, a motion was made by Committeewoman Ellen Nerbak and seconded by Committeewoman Cate Oakley to hire Labor attorney Mike Shadlick from the Law Firm of Connell and Foley, Esq.**

**Mrs. Oakley made a motion to adjourn at 8:35pm which was carried by all.**