

MANSFIELD TOWNSHIP COMMITTEE MEETING

September 28, 2011

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. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Mr. Watters made a motion to approve the minutes from the regular meeting held on September 14, 2011, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

PAYMENT OF BILLS:

Mayor Tomaszewski asked about the dues for the clerk and the deputy clerk is there a benefit to the township for this.

Ms. Hrebenak stated that there are a number of classes that are covered by this and they are more affordable by being a member.

Mr. Watters asked about the number of water samples that were taken and if this was a regular occurrence.

Ms. Hrebenak stated that the State required us to take so many water samples because we failed the water test twice.

Mr. Watters asked what had to be done.

Ms. Hrebenak stated that we were required to call a well driller and they had to come and do something and the water test passed after that.

Mr. Watters asked about the IT contract and stated that he does not remember voting to enter into the contract.

Mr. Watters made a motion to approve the bill list excluding the two bills for IT, which was seconded by Mr. Clancy.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

CFO REPORT:

Mrs. Fascanelli stated that the township committee received a copy of the report from the tax sale.

Mrs. Fascanelli asked that come January she would like to move the recycling from the old DPW building to the new DPW building on Route 57 in January.

The Township Committee agreed that this would be a good idea.

CLERKS REPORT:

Ms Hrebenak stated that she received an application for a taxi driver and all items are in order so she would need a motion to approve granting the license.

Mr. Watters made a motion to approve the granting of the taxi license, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Ms. Hrebenak stated that earlier this year we passed a resolution to apply for a grant for municipal alliance and that has been approved so a motion needs to be made to approve the Mayor signing the contract with the county.

Ms. Nerbak made a motion to approve the mayor signing the municipal alliance contract, which was seconded by Mr. Clancy.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Ms. Hrebenak stated that she received an email in reference to the COPS grant and at this point we are not being approved for this year and they are waiting until the fiscal year appropriations come out for 2012.

ENGINEERS REPORT:

Mr. DiSessa stated that the DOT grant was submitted last Friday.

Mr. DiSessa stated that we have one quote for the air balancing system, and have requested two other quotes for this.

Mr. DiSessa stated that he met with the homeowner of 170 Westervelt and discussed with him some of the items that we can do to dress up this area.

Mayor Tomaszewski and Mr. Smith stated that the rip rap was installed and held up well.

Mayor Tomaszewski asked if we had an engineered plan for the bid for Bright Road.

Mr. DiSessa stated that he is working on this.

Mr. Smith asked if the plan that was given is the idea of what would be done in that area.

Mr. DiSessa stated that it is, but he needed to work on some items like the amount of space that will be needed for a

truck turning radius.

Mr. Watters made a motion to enter Executive Session, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Return to Regular Session 8:19pm.

Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Mr. Watters made a motion to reaffirm the approval of the contract for IT maintenance with Washington Township, Morris County that was entered into on March 9, 2011, which was seconded by Ms. Nerbak.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Mr. Watters made a motion to approve the bills that were withheld from the bill list for IT, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

PUBLIC PORTION:

Mr. Turnoski asked about the Exterior Property Maintenance ordinance.

Mr. DiSessa stated that this is something that has been on the books.

Donna Welsh asked if with the property maintenance ordinance would address the apartments.

Edward Bubrowski, 596 Valley Road, 10 years ago the person behind him filled in the wetlands and this has caused a flooding issue on his and other properties and something needs to be done with this issue.

Mr. Bubrowski stated that Brian Durkin was present also because he has the same issues on his property.

Mayor Tomaszewski stated that Mr. DiSessa would come out and see if there is anything that the township can do to help out.

Carol Thompson, Route 57, asked about the solar ordinance whether it was new or if there was a different ordinance on record before then.

Mr. DiSessa stated that this was a new ordinance.

Mrs. Thompson asked if a site plan could be approved prior to an ordinance being approved.

RESOLUTION:

2011-96

**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 28th day of September 2011 that refund is to be made to the certificate holder as noted:

Robert Rothman
409 Grand Avenue
Englewood, NJ 07631
Block 1307 Lot 3.03
Certificate # 2009-13
\$34,952.60

Mr. Watters made a motion to approve the passage of Resolution 2011-96, which was seconded by Mr. Clancy.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

2011-97

**RESOLUTION
Return of Premium**

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 \$7,200.00 was paid at the time of the sale;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 28th day of September 2011 that the \$7,200.00 premium is to be returned to the certificate holder as noted:

CERTIFICATE HOLDER	BLOCK/LOT	CERT #
Robert Rothman 409 Grand Avenue Englewood, NJ 07631	1307/ 3.03	2009-13

Mr. Watters made a motion to approve the passage of Resolution 2011-97, which was seconded by Mr. Clancy.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

RESOLUTION # 2011 -98
REFUND OF DOWN PAYMENT
BLOCK 2808 LOT 4 (EAST WOOD STREET)
JULY 2009 PROPERTY AUCTION
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Jeffrey Hackett made a down payment for Block 2808 Lot 4, East Wood Street at the Township's July 2009 property auction in the amount of \$ 600.00 with the Township of Mansfield, County of Warren,
WHEREAS, after investigation it was determined that Block 2808 Lot 4, East Wood Street is not Mansfield Township property,
NOW THEREFORE BE IT RESOLVED, that the Acting Chief Financial Officer be authorized to refund the amount of \$ 600.00 to Jeffrey Hackett.

Mr. Watters made a motion to approve the passage of Resolution 2011-98, which was seconded by Mr. Clancy.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

2011-99
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 28th day of September 2011 that refund is to be made to the certificate holder as noted:

CCTS Capital LLC
1415 Route 70 East, Suite 504
Cherry Hill, NJ 08034
Block 1303 Lot 6
Certificate # 2008-05
\$21,178.35

Mr. Watters made a motion to approve the passage of Resolution 2011-99, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

2011-100
RESOLUTION
Return of Premium

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 \$5,000.00 was paid at the time of the sale;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 28th day of September 2011 that the \$5,000.00 premium is to be returned to the certificate holder as noted:

CERTIFICATE HOLDER	BLOCK/LOT	CERT #
CCTS Capital LLC 1415 Route 70 East, Suite 504 Cherry Hill, NJ 08034	1303/ 6	2008-05

Mr. Watters made a motion to approve the passage of Resolution 2011-100, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

2011-101
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 28th day of September 2011 that refund is to be made to the certificate holder as noted:

US Bank –Cust/ Sass Muni V dtr
2 Liberty Place
50 s. 16th Street, Suite 1950
Philadelphia, PA 19102
Block 805 Lot 8

Certificate # 2009-06
\$54,893.41

Mr. Watters made a motion to approve the passage of Resolution 2011-101, which was seconded by Mr. Clancy.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

2011-102
RESOLUTION
Return of Premium

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 28th day of September 2011 that the \$1,000.00 premium is to be returned to the certificate holder as noted:

CERTIFICATE HOLDER	BLOCK/LOT	CERT #
US Bank –Cust/ Sass Muni V dtr 2 Liberty Place 50 s. 16 th Street, Suite 1950 Philadelphia, PA 19102	805/8	2009-06

Mr. Watters made a motion to approve the passage of Resolution 2011-102, which was seconded by Mr. Clancy.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

2011-103
RESOLUTION

BE IT RESOLVED, by the Township Committee of the Township of Mansfield that the following Tax Sale Certificate having been paid and satisfied in full pursuant to N.J.S.A. 54:5-59. The Mayor and Township Clerk are hereby authorized and directed to endorse same for cancellation, and affix the Township Seal, and have same delivered to the property owner or legal representative pursuant to N.J.S.A. 54:5-55.

TAX SALE CERTIFICATE NUMBER	BLOCK/LOT	AMOUNT
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2009-07

805/8.01

\$20,723.12

**Assessed To:
Richmond, Renee**

Mr. Watters made a motion to approve the passage of Resolution 2011-103, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

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

RESOLUTION # 2011 –104

TITLE: INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159

WHEREAS, N.J.S.A. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount; and

WHEREAS, the Township of Mansfield has received an incentive award of \$ 14,139.99 from the New Jersey Clean Energy Program and wishes to amend its 2011 Budget to include this amount as revenue.

SECTION 1.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$14,139.99 which is now available as a revenue from:

Miscellaneous Revenues –

Revenue Offset with Appropriations – New Jersey Clean Energy Program Incentive Award

Total with increase to be \$ 14,139.99

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$ 14,139.99 be and the same is hereby appropriated under the caption of:

General Appropriations –

Public & Private Programs Offset by Revenues – New Jersey Clean Energy Program Incentive Award

State / Federal Share \$ 14,139.99

Non State Share \$

Total with increase to be \$ 14,139.99

BE IT FURTHER RESOLVED that two certified copies of this resolution with a copy of the appropriate documentation be forwarded to the Division of Local Government Services.

Mr. Watters made a motion to approve the passage of Resolution 2011-104, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

RESOLUTION # 2011 –105
REFUND OF ROAD OPENING INSPECTION ESCROW
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, American Water issued a check dated 5/18/09 in the amount of \$ 500.00 for their road opening inspection escrow with the Township of Mansfield, County of Warren,
WHEREAS, there is \$ 500.00 left in the road opening inspection escrow account and,
WHEREAS, it has been determined that the road opening is completed,
NOW THEREFORE BE IT RESOLVED, that the Acting Chief Financial Officer be authorized to refund the amount of \$ 500.00 to American Water.

Mr. Watters made a motion to approve the passage of Resolution 2011-105, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

ORDINANCE:

Second Reading

Mayor Tomaszewski opened the floor for public comment;

George Tarnowski, 40 Hoffman Road, asked about the property maintenance ordinance.

Joan Mannon asked about the property that is across from the Anderson Hotel.

Mr. DiSessa stated that action was taken against the property owner two years ago and they have issued notices of violation and there is a court date in October.

Diane Goulet, 216 Mitchell Road, complained about her neighbor's property.

Mr. DiSessa stated that he would inspect the property.

ORDINANCE NO. 2011-18

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE SECTION ENTITLED "EXTERIOR PROPERTY MAINTENANCE CODE" TO INCLUDE THE ZONING OFFICER, ENGINEER AND ANY OTHER TOWNSHIP OFFICIAL DESIGNATED BY THE TOWNSHIP COMMITTEE AS ENFORCEMENT AGENTS.

WHEREAS, the Township of Mansfield has a "Exterior Property Maintenance Code"; and

WHEREAS, the enforcement provisions of the aforesaid Code Section presently provides that the Housing Inspector is an enforcement officer; and

WHEREAS, the Township does not have the position of Housing Inspector; and

WHEREAS, the Township Committee believes it is in the best interests of the citizens of the Township of Mansfield to amend the Exterior Property Maintenance Ordinance to include the Zoning Officer, the Township Engineer and other Township Official as designated by the Township Committee as enforcement agent for the Township;

NOW, THEREFORE, BE IT ORDAINED THAT Section 2A of the Exterior Property Maintenance Code is hereby amended as follows:

Section 1

Section 2A of the Exterior Property Maintenance Code is hereby amended to delete "Housing Inspector" and amended to insert the "Zoning Officer, Engineer, or any other Township Official designated by the Township Committee".

Section 2

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.

Section 4

If any section, subsection, paragraph, phrase or sentence of these amendments to the Township Code is, for any reason, declared to be unconstitutional or invalid, such section, subsection, paragraph, phrase or sentence shall be deemed severable.

Mr. Clancy made a motion to approve the passage of Ordinance 2011-18 and requested that the results be advertised, which was seconded by Mr. Watters.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

COMMITTEE PERSON COMMENTS:

Mr. Watters made a motion to approve Jerilynn Harris to begin the interview and advertising process for a new deputy court administrator, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Mr. Smith asked about hiring for DPW for assistance.

Mayor Tomaszewski stated that Mr. Hedges should be back soon and Mr. Parks can come in soon to help DPW with the catch basins.

Mr. Smith stated that the Recreation Walking Path is very washed out and Mr. Sliker wants to know if he should go in and repair it.

Mayor Tomaszewski stated that he feels that this is a design flaw and that we do not have the manpower to maintain this so we will be closing off the trail.

Ms. Nerbak asked if the recreation commission was consulted on this.

Mayor Tomaszewski stated that he has not.

Mr. Smith asked if Mr. DiSessa was able to go up to the trail to inspect it.

Ms. Nerbak asked Mr. DiSessa if he had a chance to meet with Corey Stoner to walk the path.

Mr. DiSessa stated that he had and that he did not see any design flaw in the path. Mr. DiSessa stated that the trail will need to be maintained.

Mr. Watters had nothing to report.

Mayor Tomaszewski stated that he has seen vehicles parked outside of Woodland Auto Sales so he needs to be sent a letter.

Mr. DiSessa asked for a statement with the date to go along with the pictures and complaints of vehicles being outside of the fence.

Mayor Tomaszewski stated that he went by Monday night and Tuesday morning and there was a pickup parked outside of the gate.

Ms. Nerbak stated that the Recreation Commission meeting was changed to October 10th.

Ms. Nerbak made a motion to give permission to put up the pink ribbons in Port Murray, which was seconded by Mr. Watters.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Mr. Clancy stated that he hopes that in light of last week's issues with the police department he hopes that this committee looks long and hard at hiring to have staffing.

Mr. Scott Cruets, Butler Park Fire Company, asked to speak and apologized for missing the public portion.

Mr. Watters asked Mr. Cruets to go ahead.

Mr. Cruets confronted Mayor Tomaszewski regarding questions that were asked of the Butler Park Fire Company.

Mayor Tomaszewski made a motion to adjourn at 9:05pm.