

## **MANSFIELD TOWNSHIP COMMITTEE MEETING**

**August 9, 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: Mrs. Oakley, Mr. Baldwin, Ms. Nerbak, Mr. Appleby, and Mayor Watters all present.

Salute to Flag was done by all.

### **APPROVAL OF MINUTES:**

Mr. Appleby made a motion to approve the minutes from the regular meeting of the Township Committee on July 12, 2006, seconded by Mr. Baldwin.

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

Nays: None

Abstain: Ms. Oakley

Mr. Baldwin made a motion to approve the minutes from the special joint meeting of the Township Committee and the Planning Board on July 31, 2006, seconded by Mr. Appleby.

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

Nays: None

Abstain: Ms. Oakley

### **PAYMENT OF BILLS:**

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

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

Nays: None

Mr. Lee stated that Chief Ort was present and that he would like to introduce the new Special Officer, Steven Riefler.

Chief Ort introduced Steven Riefler he has just completed his training at the Essex County Training Academy.

The Township Committee welcomed Special Officer Riefler and congratulated him.

### **EXECUTIVE SESSION:**

Mr. Baldwin made a motion to adjourn the regular meeting to go in to Executive Session to discuss security with the Chief of Police at 7:33 pm, seconded by Mrs. Oakley.

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

Nays: None

Mr. Baldwin made a motion to adjourn the Executive Session and return to the regular meeting at 7:45 pm, seconded by Mrs. Oakley.

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

Nays: None

**ENGINEER'S REPORT:**

Mr. Mace questioned if anyone was present with a bid packet. Mr. Mace stated that two requests for bid packets for the Recreation Driveway and parking lot were received and the bids were sent out and were never returned. Seeing that no one was present with a bid, Mayor Watters closed the floor for bid receipts. Mr. Mace explained that the Township Committee should rebid this project, but with a escalator clause contained in the bid.

Mrs. Oakley made a motion to go out to bid again at the last meeting in September, seconded by Ms. Nerbak.

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

**CONSENT AGENDA:**

2006-86

***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 9<sup>th</sup> day of August 2006 that refunds are made to the certificate holder as noted:*

<i>CERTIFICATE HOLDER</i>	<i>BLOCK/LOT</i>	<i>CERT #</i>	<i>AMOUNT</i>
<i>Wachovia- Custodian for Phoenix Funding</i>	<i>1101/7.03</i>	<i>200417</i>	<i>\$13,718.51</i>

2006-87

***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 \$6000 was paid at the time of sale,*

*NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 9th day of August 2006 that the \$6000 premium is returned to the certificate holder.*

<b>BLOCK</b>	<b>LOT</b>	<b>LIEN HOLDER</b>	<b>CERT #</b>
1101	7.03	Wachovia-Cust for Phoenix Funding	200417

2006-88  
RESOLUTION

*BE IT RESOLVED, by the Township Committee of the Township of Mansfield that the following Tax Sale Certificate(s) 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(s) or legal representative(s) pursuant to N.J.S.A. 54:5-55.*

TAX SALE CERTIFICATE NUMBER	BLOCK/LOT	AMOUNT
<b>200510</b>	<b>1702/3</b>	<b>\$4027.47</b>

Mrs. Oakley made a motion to approve the passage of the consent of agenda, seconded by Ms. Nerbak.

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

**RESOLUTIONS:**

RESOLUTION NO. 2006-81

A RESOLUTION AUTHORIZING THE RETURN OF THE CASH PORTION OF A PERFORMANCE BOND, ESCROW ACCOUNT 74001 IN THE AMOUNT OF 11,294.53, NOW SHOWN AS Tilson/Adventure Cash Bond AND PERFORMANCE BOND NO. S20007 ISSUED BY FIRST INDEMNITY OF AMERICA INSURANCE COMPANY IN THE AMOUNT OF \$76,000 FOR HARMONY HEIGHTS NOW KNOWN AS MANSFIELD PARTNERS II, LLC.

**BE IT RESOLVED, by the Governing Body of the Township of Mansfield that the Escrow Account 74001 in the amount of \$11,294.53 now shown as Tilson/Adventure Cash Bond and performance bond no. S20007 issued by First Indemnity of America Insurance Company in the amount of \$76,000 for Harmony Heights now known as Mansfield Partners II, LLC. be returned to the Developer by the office of the Chief Financial Officer.**

Mr. Baldwin made a motion to approve the passage of Resolution 2006-81, Mrs. Oakley seconded the motion.

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

Nays: None

**TOWNSHIP OF MANSFIELD  
COUNTY OF WARREN, STATE OF NEW JERSEY  
RESOLUTION 2006-82**

A RESOLUTION AUTHORIZING IN REM FORECLOSURE PROCEEDINGS TO FORECLOSE CERTAIN TAX SALE CERTIFICATES HELD BY THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY

BE IT RESOLVED, by the Township Committee of the Township of Mansfield, the governing body of the Township of Mansfield, Warren County, New Jersey, that the Tax Sale Certificates as shown on the attached Tax Sale Foreclosure List, now held by the Township of Mansfield, be foreclosed by summary proceedings, **IN REM**, and as described and set forth in NJSA 54:5-104 et seq., as amended, and pursuant to the Rules of Civil Practice of the Supreme Court of the State of New Jersey.

Mr. Baldwin made a motion to approve the passage of Resolution 2006-82, Mrs. Oakley seconded the motion.

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

Nays: None

**RESOLUTION NO. 2006-83**

**AN RESOLUTION 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 RESOLVED**, 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:

DPW Assistant \$14.50 per hour from August 9 to Dec. 31

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

**Mr. Baldwin made a motion to approve the passage of Resolution 2006-83, Mrs. Oakley seconded the motion.**

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

Nays: None

**2006-85  
RESOLUTION TO APPLY FOR A REGIONAL COORDINATION  
GRANT**

WHEREAS, the Governing Body of the Township of Mansfield and the Township of Allamuchy, the Township of Independence, the Towns of Hackettstown, the Borough of Washington and the Township of Washington (Morris County) have agreed to apply for a *SHARE* (Sharing Available Resources Efficiently) Grant through the State of New Jersey Local *SHARE* Program in the amount of \$5,500; and,

WHEREAS, the Township of Mansfield has agreed to be the lead agency in this endeavor; and

WHEREAS, the Governing Body of the Township of Mansfield is acknowledging and accepting the responsibility of acting as applicant for this grant on behalf of the Township of Allamuchy, the Township of Independence, the Towns of Hackettstown, the Borough of Washington and the Township of Washington (Morris County).

WHEREAS, the State of New Jersey has made *SHARE* grants available to assist local units study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between our local units through the Warren-Morris County of Governments Task Force that would be beneficial to all local units;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Mansfield, that the Township of Mansfield does hereby join with the Township of Allamuchy, the Township of Independence, the Town of Hackettstown, the Borough of Washington and the Township of Washington (Morris County) in applying for a grant for the purposes of conducting surveys, writing reports, and managing websites with the goal of coordinating shared service efforts; and

BE IT FURTHER RESOLVED that the Township of Mansfield agrees to provide its agreed share of the required local matching funds or other resources in the amount of \$916.67 and to accept receipt of the local match requirements from the other participating local units and to be responsible for its proper expenditure

**Mr. Baldwin made a motion to approve the passage of Resolution 2006-85, Mrs. Oakley seconded the motion.**

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

**Resolution 2006-89**

**RESOLUTION TO CANCEL GRANT FUND RECEIVABLES AND RESERVES OF THE  
TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY**

WHEREAS, there exists receivables on the balance sheet of the Grant Fund; and

WHEREAS, there exists reserves on the balance sheet of the Grant Fund; and

WHEREAS, the receivables have been investigated and it has been determined that these funds were never received; and

WHEREAS, the funds creating these reserves have been investigated and it has been determined that these reserves are no longer needed and should be cancelled;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, that the following receivables and reserve be and the same are hereby canceled

Receivables:

ANJEC Open Space	\$ 2,500.00
OES Open Space	\$ 2,500.00

Reserves:

OES Open Space	\$ 2,982.83
NJ Trust – Mt. Bethel Rd.	\$30,268.96
NJ Trust – Hazen Rd.	\$14,096.97

**Mr. Baldwin made a motion to approve the passage of Resolution 2006-89, Mrs. Oakley seconded the motion.**

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

**RESOLUTION 2006-90**

**“RENEWEL AGREEMENT FOR MEMBERSHIP IN THE MORRIS COUNTY COOPERATIVE  
PRICING COUNCIL (MCCPC)**

A Resolution authorizing The Township of Mansfield to enter into a “Renewal” cooperative Pricing Agreement with the Morris County Cooperative Pricing Council, hereinafter referred to as the “Lead Agency” for the conduct of certain functions relating to the purchase of work materials and supplies for their respective jurisdictions.

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

This Resolution shall be know and may be cited as the “Renewal” Cooperative Pricing Council Resolution of the Township of Mansfield is hereby authorized to enter into a “Renewal” Cooperative Agreement with the Lead agency or any other contracting unit within the County of Morris or adjoining counties for the purpose of work, materials, and supplies.

The Lead Agency entering into contracts on behalf of the Township of Mansfield shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

All resolution or parts thereof inconsistent with this resolution shall be the same are hereby repealed.

This "Renewal" Cooperative Pricing Council Resolution shall be effective October 1, 2006 and such membership shall be for the duration of (five (5) years) of the "Renewal" Cooperative Pricing Agreement, expiring September 30, 2011, unless the "Lead agency" and the Division of Local Government Services, elects to withdraw.

This Resolution shall take effect immediately upon final passage and publication according to law.

**Mr. Baldwin made a motion to approve the passage of Resolution 2006-90, Mrs. Oakley seconded the motion.**

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

Nays: None

### **RESOLUTION 2006-93**

**WHEREAS**, The Township of Mansfield Committee of the Township of Mansfield, County of Warren, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

**WHEREAS**, the Township of Mansfield Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Township of Mansfield Committee has applied for funding to the Governor's Council on alcoholism and Drug Abuse through the County of Warren;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Mansfield, County of Warren, State of New Jersey hereby recognizes the following:

1. The Township of Mansfield Committee does hereby authorize submission of an application for the Mansfield Township Municipal alliance grant for calendar year 2007 in the amount of \$ 7,195.00.
2. The Township of Mansfield Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**Mr. Baldwin made a motion to approve the passage of Resolution 2006-93, Mrs. Oakley seconded the motion.**

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

Nays: None

### **PUBLIC PORTION:**

Former Mayor Pool was present and had questions about the Ripperian Buffer Ordinance. Mr. Pool was questioning how this ordinance was being enforced on presently farmed parcels of land.

Mr. Mace stated that right now this ordinance only affects subdivisions or land development, things that require approval of the planning or zoning board or building permits that have a disturbance of more than 1 acre or impervious surface increase of more than a ¼ of an acre. There is a 100 foot buffer on a trout production water and 50 feet on any other water. Mr. Mace stated that as long as the property is being farmed (disturbed) within the buffer zone than the parcel owner would not be affected. If the land is wooded or undisturbed than an approval would be needed.

Mr. Pool question if prior to the ordinance passage there was an impact statement or review for affected parcels.

Mr. Mace answered that the Township Committee had reviewed the properties that could possibly be affected by this ordinance.

Mr. Buckley questioned if this ordinance had been passed 1 year ago would the Walgreen's store and the new strip mall have been possible.

Mr. Mace stated that both would have been possible because the land is disturbed prior to the construction.

Mr. Lee stated that this Ordinance is suspended by resolution until the NJDEP approves the wastewater plan and the ordinance for the riparian buffers (2006-06). Also that in the Ordinance has a provision for a parcel owner to apply for a variance to the Board of Adjustment.

Mr. Pool questioned if the Morris Canal was considered a stream.

Mr. Mace replied that it was not considered a stream.

Mr. Todd, 125 Washburn Road, thanked Mr. Lee and Mayor Watters for all of their help prior to the meeting. Mr. Todd also asked what the stream off of Anderson Road was considered.

Mr. Mace replied that he believed the stream was a C-1 stream.

## **ORDINANCES:**

### **FIRST READING**

Mr. Baldwin introduced Ordinance 2006-22; which was read by title only,

#### **2006-22 AN ORDINANCE AMENDING CHAPTER VII, TRAFFIC, ARTICLE 7-29 "SPEED LIMITS" OF THE CODE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY**

Mr. Baldwin made a motion to approve the introduction of Ordinance 2006-22, seconded by Mrs. Oakley.

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

Nays: None

Mr. Baldwin introduced Ordinance 2006-23; which was read by title only,

#### **2006-23 AN ORDINANCE TO AMEND CHAPTER 16 "STREETS, SIDEWALKS, AND DRIVEWAYS"**

Mr. Baldwin made a motion to approve the introduction of Ordinance 2006-23, seconded by Mrs. Oakley.

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

Nays: None

Mr. Baldwin introduced Ordinance 2006-24; which was read by title only,

**2006-24 AN ORDINANCE AMENDING CHAPTER VII TRAFFIC  
SECTION 7-30 OF THE CODE OF THE TOWNSHIP OF  
MANSFIELD, WARREN COUNTY, NEW JERSEY**

Mr. Baldwin made a motion to approve the introduction of Ordinance 2006-24, seconded by Mrs. Oakley.

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

Mr. Baldwin introduced Ordinance 2006-25; which was read by title only,

**2006-25 AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE 1 OF TITLE  
39 NJSA WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO  
THE MANSFIELD PLAZA SHOPPING CENTER (SHOP-RITE) AND  
REGULATING THE USE OF SAID ROADWAY AND PARKING LOTS BY MOTOR VEHICLES**

Mr. Baldwin made a motion to approve the introduction of Ordinance 2006-25, seconded by Mrs. Oakley.

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

**PUBLIC HEARING & SECOND READING**

Mayor Watters opened the floor for public comment on Ordinance 2006-21, seeing there was no comment from the public the public hearing was closed.

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 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

Mrs. Nerbak made a motion to approve the passage of Ordinance 2006-21, seconded by Mr. Appleby.

Ayes: Mrs. Oakley, Ms. Nerbak, Mr. Appleby

Nays: Mr. Baldwin, Mayor Watters

**ADMINISTRATOR REPORT:**

Mr. Lee stated that he had Mr. Coppola compare the money spent on police overtime, now that we have hired more police officers and that the police overtime over the past few years has gone down, but the new officers have actually cost over \$50,000 to save about \$40,000 in police overtime.

Mr. Lee stated that Anderson United Methodist church has requested historical money assistance to repair the steeple on the church, and another letter was received from the Rockport Road church asking for the same assistance to repair the entry steps to the church in the amount of \$14,000. Mr. Lee has reviewed the historical site inventory and both churches are listed which qualifies them for the open space, historical money.

Mr. Lee recommended that the Township Committee approve the passage of Resolution 2006-94 and 2006-95.

Mrs. Oakley made a motion to approve the passage of Resolutions 2006-94 and 2006-95, seconded by Mr. Appleby.

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

Nays: None

Mayor Watters requested that a letter be sent to both churches requesting that they come the August 23, 2006 meeting to be presented the checks.

Mr. Lee stated that requests to attend the New Jersey League of Municipalities convention in November have been received from himself, Jerilynn Harris, Vera Hart, Michelle Coward, Carrie Rochelle, and Dena Hrebenak.

Mr. Baldwin made a motion to approve the above listed attendance at the convention, Mrs. Oakley seconded the motion.

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

Nays: None

Mr. Lee stated that a letter was received from the Anderson First Baptist Church requesting for roads Jackson Street from Clinton Avenue to Harrison Street and Jefferson Street from Harrison Street to Clinton Avenue from 9am to 8pm August 25 to August 27, 2006, the Chief has reviewed this request and approved the closure.

Mr. Baldwin made a motion to approve the closure of the above listed streets for those hours, Ms. Nerbak seconded that motion.

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

Nays: None

**COMMITTEE PERSON COMMENTS:**

Mrs. Oakley stated that next year for the yard sale event she would like to change the days for the yard sale to just Saturday and Sunday, and also start earlier on Saturday morning.

Mr. Baldwin stated that he had a meeting with the NJDOT and that there was a punchlist of items that the NJDOT is working on for the Route 57 Corridor Project, and that the sign in front of the Tri County Firehouse was going to be moved to Green Acres property up the street.

Mr. Appleby stated that he had checked the Schoolhouse roof and that it was not leaking at all and everything looks good.

Mr. Appleby also stated that Guy Baggerly had regretfully resigned his position on the Open Space Commission, due to other obligations.

Ms. Nerbak made a motion to accept Mr. Baggerly's resignation, Mr. Appleby seconded the motion.

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

Nays: None

Ms. Nerbak stated that the Economic Committee had been given some money and she had Mr. Coppola looking into Welcome to Mansfield Township signs, that the Economic Commission would choose locations for the signs.

Mr. Baldwin made a motion to adjourn at 9:15pm, which was carried by all.