MANSFIELD TOWNSHIP COMMITTEE MEETING

December 22, 2020

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.

This meeting was held in person and on the Zoom platform. The Township Committee and the public were able to remotely hear the meeting audio.

Roll Call: Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Salute to the flag was done by all.

APPROVAL OF THE MINUTES

Mr. Farino made a motion to approve the December 9, 2020 Regular Session Minutes, which was seconded by Mr. McGuinness.

Ayes: Mr. Farino, Mr. McGuinness, Mayor Watters

Nays: None Absent: Mr. Hayes

Abstain: Mrs. Mora Dillon

Mr. Farino made a motion to approve the December 9, 2020 Executive Session Minutes, which was seconded by Mr. McGuinness.

Ayes: Mr. Farino, Mr. McGuinness, Mayor Watters

Nays: None

Absent: Mr. Hayes

Abstain: Mrs. Mora Dillon

BILL LIST

Mrs. Mora Dillon made a motion to approve the Bill List, which was seconded by Mr. McGuinness.

Ayes: Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: Mr. Hayes Abstain: Mr. Farino

CLERK'S REPORT

Ms. Hrebenak reported:

RFPs – Will be discussed in Executive Session

<u>Mosquito Commission</u> – Received an email that the Mosquito Commission is hiring and asked if we could post it on our website.

Mrs. McGuinness made a motion to post, which was seconded by Mr. Farino.

Ayes: Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None Absent: Mr. Hayes Abstain: None

<u>Mobile Lot Cop</u> – Request from Mansfield Plaza for Security ordinance change for hours that mobile lot cop could be used. After research there are no other Municipalities that have this included in the security ordinance. The Township Committee agreed that there will be no change made to the present ordinance.

<u>Land Auction Signs</u> – Max Spann requested placing property signs at the DPW and municipal building to advertise the land auction. The DPW sign would have to be placed at the same distance from the road as the plow sign.

<u>Seniors' Correspondence</u> – Mr. Lavery sent a letter requesting a refund of the deposit to the Seniors, but no response was received. The business is closed at this time.

FINANCE REPORT

No report.

EMPLOYEES' REPORTS

Mr. Snyder reported on vehicle repairs:

<u>Truck 1 GMC Pickup</u> – Needs expensive work. Tires, alignment, instrument cluster, fuel tank safety unit, lower motor resistor with wiring harness, etc. Mayor Watters asked if there was money in the budget for the repairs. Mr. Snyder stated it will have to wait until the first of the year with the new budget. Mayor Watters suggested Mr. Snyder speak to Mrs. Mollineaux to see if there is any money he can draw from.

<u>Truck 3, one of the big trucks</u> – Check engine light on indicating lack of power that was the exhaust shut-off door that was stuck open. They forced it closed. As long as it stays closed, it will be fine. If they can't get it to stay closed, they'll have to get a new turbo.

Truck 4 – Replaced the calcium pump and check valve.

<u>Truck 8, the big GMC</u> – Check engine light on, lacking power, will have to see what the computer code says is the problem.

<u>Truck 10 Ford Pickup</u> - Body rotted, loose from frame, it's a 2006, Mr. Snyder spoke with Mrs. Mollineaux about ordering a flatbed to put a rack body on it. The frame is fine, the ribs on the body are gone. It also needs a fuel pump and injector.

<u>Mason Dump 2019</u>– Auger and spinner controls. Read Systems came to replace with rebuilt parts and will have to come back to adjust the hydraulics. There is a new controller on order because it's under warranty. Mr. Snyder will contact Brown Mack for him to look at it because when backing up, it stalls, so there may be something with the computer. Everything on this truck is under warranty.

All equipment and vehicles are ready for a new snow storm.

ENGINEER'S REPORT

Mr. Kastrud reported:

<u>Stormwater Management Ordinance</u> – Mr. Kastrud gave a summary of what needs to be adopted prior to March 2, 2021. The difference between the existing ordinance and the proposed ordinance are a review of major site plans and subdivisions. The stormwater requirements the designers are going to use will make each solution smaller and will maximize drainage that is allowed to each one, two to three acres, instead of having the large basins. Residential subdivisions will have smaller ones.

Mt. Bethel Road – Mr. Snyder stated no word has been received from the Co-Op yet regarding costs. Mr. Kastrud stated the vendors can't be contacted until the first of the year. The cost per ton was down to \$64. South State is the new vendor.

PUBLIC PORTION

Mayor Watters opened the public portion of the meeting; seeing no comment from the public, public portion was closed.

RESOLUTIONS

RESOLUTION 2020-124 RESOLUTION OF THE TOWNSHIP OF MANSFIELD AUTHORIZING THE USE OF THE PUBLIC RIGHTS-OF-WAY BY PLANET NETWORKS, INC.

WHEREAS, Planet Networks Inc. ("Planet Networks") is a provider of telecommunications services that is authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout New Jersey; and

WHEREAS, Planet Networks has petitioned the municipality for consent to use the public rights-ofway to place its telecommunication facilities aerially on existing and new utility poles and/or in underground conduit; and

WHEREAS, the Federal Communications Commission has held that that "an effective prohibition [under the Telecommunications Act of 1996] occurs where a state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service ... not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing

service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services." Declaratory Ruling and Third Report and Order, WT Docket No. 17-79; WC Docket No. 17-84, FCC-18-133A1, at para. 36, p. 15-16; and

WHEREAS, Planet Networks has or will enter into agreements with the utility companies for the use of their poles; and

WHEREAS, N.J.S.A. 48:3-19 provides that "the consent of the municipality shall be obtained for the use by a person of the poles of '-another person unless each person has a lawful right to maintain poles in such street, highway or other public place;" and

WHEREAS, N.J.S.A. 27:16-6 provides, in part that "the board of chosen freeholders shall not grant an easement, right of way, or use in, under or over, any portion of a county road in a municipality, unless the governing body of the municipality ... shall consent thereto;" and

WHEREAS, N.J.S.A. 46:17-8 provides that "any telegraph or telephone company organized under the laws of this or any other State, or of the United States may erect, construct and maintain the necessary poles, wires, conduits, and other fixtures for its lines, in, upon, along, over or under any public street, road or highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles, and through, across or under any of the waters within this State and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same."

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal agency; and

WHEREAS, it is in the best interests of the municipality and its citizens to grant consent to Planet Networks.

NOW THEREFORE BE IT RESOLVED THAT:

- 1) That the governing body does hereby grant permission and authority to Planet Networks, Inc. to install fiber optic cables and related facilities on existing utility poles within the public right-of-way and to install new utility poles, upon the following terms and conditions:
 - a) Planet Networks shall adhere to all applicable federal, State, and local laws in connection with its use of the public right-of-way.
 - b) Planet Networks shall obtain any applicable permits in connection with the installation of its facilities;
 - c) Planet Networks shall indemnify, defend and hold harmless the municipality, its officials, agents, and employees, from and against any claim of liability, damages or loss resulting in bodily injury or property damage arising out of Planet Network's use of the public right-of-way,

except to the extent such loss, injury or property damage resulting from the acts or omissions of the municipality.

- d) Planet Networks shall procure and maintain, at its cost and expense, commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence and shall include the municipality as an additional insured on said insurance policy.
- e) Planet Networks shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation or maintenance of its facilities.
- f) Notwithstanding any provision contained herein, neither the municipality nor Planet Networks shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this consent.
- g) That the Mayor is hereby authorized to execute and the Clerk to attest to any other documents necessary to effectuate the terms of this resolution.

STATEMENT: This resolution authorizes and consents to Planet Networks, Inc.'s installation of fiber optic cables and related facilities on new and existing utility poles and conduits within the public rights-of-way.

Mayor Watters made a motion to approve Resolution 2020-124, which was seconded by Mr. Farino.

Ayes: Mr. Farino, Mr. McGuinness, Mayor Watters

Nays: Mrs. Mora Dillon Absent: Mr. Hayes Abstain: None

RESOLUTION # 2020-178 TOWNSHIP OF MANSFIELD WARREN COUNTY, STATE OF NEW JERSEY OVERPAYMENT OF TAXES

WHEREAS, the following properties have overpayments for the 4th quarter of 2020:

Block 1403 Lot 1.03 \$2,886.81 Block 1806 Lot 6 \$2,107.21

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 22nd day of December, 2020 that the Tax Collector and Township Finance Office are hereby authorized to refund the tax overpayments to the vendor shown below as well as make any adjustments to the tax records as needed:

CORELOGIC Centralized Refunds PO Box 9202 Coppell, TX 75019-9760 Mansfield Township Committee Meeting December 22, 2020

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Tax Overpayments totaling \$4,994.02

Mr. McGuinness made a motion to approve Resolution 2020-178, which was seconded by Mrs. Mora Dillon.

Ayes: Mrs. Mora Dillon, Mr. Farino, Mr. McGuinness, Mayor Watters

Nays: None Absent: Mr. Hayes Abstain: None

RESOLUTION 2020-179

RESOLUTION TO APPOINT

CHARLES CARRO AS MUNICIPAL COURT JUDGE FOR THE TOWNSHIP OF MANSFIELD

WHEREAS, the position of Municipal Court Judge is filled by a person providing a service; and

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

That Charles Carro be appointed Municipal Court Judge beginning January 1, 2021 thru December 31, 2023.

Mrs. Mora Dillon made a motion to approve Resolution 2020-179, which was seconded by Mr. Farino.

Ayes: Mrs. Mora Dillon, Mr. Farino, Mr. McGuinness, Mayor Watters

Nays: None

Absent: Mr. Hayes Abstain: None

RESOLUTION 2020-180

TOWNSHIP OF MANSFIELD WARREN COUNTY, NEW JERSEY

WHEREAS, annual school elections held in the Township of Mansfield are conducted in November simultaneously with the general election, with voting on school budgets limited to requests for additional funds pursuant to N.J.S. 19:60-1.1(a)1 and 18A:7F-5; and

WHEREAS, more than four such annual school elections have been conducted since the date was changed from April to November, and based on its review of public participation and public input into the school budget process, the Mansfield Township Committee believes it to be in the best interest of Mansfield Township residents to return the date of annual school elections to April, thereby allowing the voters the ability to vote on the district's general fund tax levy for the budget year pursuant to N.J.S. 19:60-1.1(b); and

WHEREAS, in order to effect such a change, the Township Committee is statutorily obliged to give to the Township Board of Education sufficient notice of a hearing to be held by the Township Committee on the question.

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

1. The Township Clerk shall give written notice in the form of this Resolution to the Mansfield Township Board of Education that the Township Committee shall consider enacting a Resolution returning the date of the annual school election from November to April in a hearing to be conducted at the next regular meeting of the Township Committee on January 13, 2020.

Mr. Farino made a motion to approve Resolution 2020-180 where a public comment portion will be held on January 13, 2021, which was seconded by Mrs. Mora Dillon.

Ayes: Mrs. Mora Dillon, Mr. Farino, Mr. McGuinness, Mayor Watters

Nays: None

Absent: Mr. Hayes Abstain: None

RESOLUTION # 2020-181 TOWNSHIP OF MANSFIELD WARREN COUNTY, STATE OF NEW JERSEY OVERPAYMENT OF TAXES

WHEREAS, the following properties have overpayments for the 3rd quarter of 2020:

Block 1102.01 Lot 1.03 Q-C008F \$1,091.81 Block 3201 Lot 1.01 \$ 42.82

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 22nd day of December, 2020 that the Tax Collector and Township Finance Office are hereby authorized to refund the tax overpayments to the vendor shown below as well as make any adjustments to the tax records as needed:

CORELOGIC Centralized Refunds PO Box 9202 Coppell, TX 75019-9760

Tax Overpayments totaling \$1,134.64

Mrs. Mora Dillon made a motion to approve Resolution 2020-181, which was seconded by Mr. Farino.

Ayes: Mrs. Mora Dillon, Mr. Farino, Mr. McGuinness, Mayor Watters

Nays: None Absent: Mr. Hayes Abstain: None

RESOLUTION # 2020-182 TOWNSHIP OF MANSFIELD WARREN COUNTY, NEW JERSEY TO AUTHORIZE AND APPROVE SALARIES AND WAGES FOR CERTAIN EMPLOYEES

WHEREAS, Ordinance Number 2020-14 established the salaries and wages for the employees of the Township of Mansfield, County of Warren,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Warren that the following named employees shall be compensated for the year 2021, unless otherwise noted, in the amount as designated below:

Desiree Mora Dillon Joseph Farino Ronald Hayes Glenn D. McGuinness Joseph Watters Committee Member Committee Member Committee Member Committee Member	er \$ er \$ er \$ er \$	4,740.00 4,740.00 4,740.00
Dena Hrebenak Illena Raffaele Joseph Guerin, Jr. JoAnn Fascenelli JoHn Fascenelli Jason Laliker Ruth Pante' Deputy Tax Collect Certified Recycling Clean Communitie Stipend Tax Assessor Ruth Pante' Deputy Tax Collect Certified Recycling Clean Communitie Stipend Tax Assessor Ruth Pante' Deputy Treasurer Deputy Tax Collect Certified Recycling Clean Communitie Machine Operator Nachine Operator Machine Operator Machine Operator William Lovett Matthew Weiglus John Hague, Jr. Part Time Laborer/ Part Time Laborer/ Part Time Laborer/	sh Officer \$ ctor \$ ctor \$ Professional \$ S Coordinator \$ mmission Secretary \$ rical Secretary \$ Driver \$ Driver \$ 20 S	1,500.00 200.00/election 1,000.00 1,000.00 43,908.00 57,000.00 15,000.00 37,987.00 2,100.00 1,400.00 1,000.00 24,408.00 1,136.00 308.00 58,587.00

Kenneth Purdy	Mechanic/Laborer	\$ 51	1,893.00
John Tate	Recycling Attendant	\$	42.26/Hr.
Harry Appleby, Jr.	Recycling Attendant	\$	42.26/Hr.
Kenneth Purdy	Recycling Attendant	\$	42.26/Hr.
Travis Branche	Recycling Attendant	\$	42.26/Hr.
John C. Snyder Jr.	Recycling Attendant	\$	42.26/Hr.
Joan Kries	Police Secretary	\$ 43	3,798.00
Michael Reilly	Chief of Police	\$148	3,500.00
Peter Hannah	Emergency Management Director	\$ 2	2,000.00
Nicholas Moorehead	Deputy Emergency Mgt. Director\$	534.00)
Irene Brownell	Court Administrator	\$ 75	5,013.00
Lisa Rudd	Deputy Court Administrator	\$ 66	5,502.00
Olivia Barrick	Deputy Court Administrator	\$ 46	5,818.00
Rosaura Murillo-Romero	Part Time Violations Clerk	\$	15.00/Hr. 24
hrs/week			
Charles E. Carro	Judge	\$ 67	7,000.00
Glenn Hawkswell	Court Security	\$	115.00/Session
Dennis Kelly	Court Security	\$	115.00/Session
Irene Brownell	Call-Outs	\$	55.00/Call Out
Lisa Rudd	Call-Outs	\$	55.00/Call Out
Olivia Barrick	Call-Outs	\$	55.00/Call Out

Mr. Farino made a motion to approve Resolution 2020-182, which was seconded by Mr. McGuinness.

Ayes: Mrs. Mora Dillon, Mr. Farino, Mr. McGuinness, Mayor Watters

Nays: None Absent: Mr. Hayes Abstain: None

RESOLUTION # 2020-183
FOR TRANSFER OF FUNDS
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, there are insufficient funds in some of the 2020 budget line items; and WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of funds from accounts with a surplus to cover such demands,

NOW, THEREFORE BE IT RESOLVED, (not less than two-thirds of all members thereof affirmatively concurring) that the Chief Financial Officer of Mansfield Township, County of Warren, State of New Jersey, is hereby authorized to make the following transfers in accordance with the provision of this resolution:

CURRENT FUND

Account: From: To:
Group Insurance OE \$ 10,166.67

Tri County Fire OE \$10,166.67

TOTALS \$10,166.67 \$10,166.67

Mrs. Mora Dillon made a motion to approve Resolution 2020-183, which was seconded by Mayor Watters.

Ayes: Mrs. Mora Dillon, Mayor Watters

Nays: None Absent: Mr. Haves

Abstain: Mr. McGuinness, Mr. Farino

RESOLUTION NO 2020-184 TOWNSHIP OF MANSFIELD WARREN COUNTY, NEW JERSEY

A RESOLUTION TO RESCIND RESOLUTION NO 2020-140 ENTITLED "RESOLUTION OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN AND STATE OF NEW JERSEY, AUTHORIZING TO AWARD A CONTRACT FOR THE MANUFACTURING AND INSTALLATION OF 26 WINDOWS TO BE INSTALLED AT THE POLICE/MUNICIPAL BUILDING LOCATED AT 100 PORT MURRAY ROAD, PORT MURRAY, NEW JERSEY" ADOPTED AT THE SEPTEMBER 23, 2020 MANSFIELD TOWNSHIP COMMITTEE REGULAR MEETING

WHEREAS, the Township Committee adopted Resolution No. 2020-140 during the September 23, 2020 Township Committee Regular Meeting; and

WHEREAS, the Township Committee has determined that the scope of the project has changed; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Warren and State of New Jersey, that Resolution 2020-140 be and is hereby rescinded.

Mr. Farino made a motion to approve Resolution 2020-184, which was seconded by Mrs. Mora Dillon.

Ayes: Mrs. Mora Dillon, Mr. Farino, Mr. McGuinness, Mayor Watters

Nays: None Absent: Mr. Hayes Abstain: None

RESOLUTION NO 2020-185 TOWNSHIP OF MANSFIELD WARREN COUNTY, NEW JERSEY

Resolution of the Township of Mansfield, County of Warren and State of New Jersey, authorizing to award a contract for the manufacturing and installation of 13 windows to be installed at the Police/Municipal Building located at 100 Port Murray Road, Port Murray, New Jersey

WHEREAS, the Township of Mansfield needs to replace 13 windows at the Police/Municipal Building located at 100 Port Murray Road, Port Murray, New Jersey 07865; and

WHEREAS, in accordance with Local Public Contract Law, the Township of Mansfield received three (3) quotes for this project from equivalent vendors; and

WHEREAS, the contract was awarded to Royal Prime Window Specialists Inc., 742 Fairfield Avenue, Kenilworth, New Jersey 07033 in the amount of \$ 11,050.00.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, Warren County, New Jersey, to authorize Royal Prime Window Specialists Inc., 742 Fairfield Avenue, Kenilworth, New Jersey 07033 to manufacture and install 13 windows at the Police/Municipal Building located at 100 Port Murray Road, Port Murray, New Jersey 07865 not to exceed \$ 11,050.00.

Mr. Farino made a motion to approve Resolution 2020-185, which was seconded by Mrs. Mora Dillon.

Ayes: Mrs. Mora Dillon, Mr. Farino, Mr. McGuinness, Mayor Watters

Nays: None Absent: Mr. Hayes Abstain: None

RESOLUTION NO. 2020-186 OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD

A RESOLUTION OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF WARREN AND STATE OF NEW JERSEY, AUTHORIZING THE REIMBURSEMENT OF EXPENSES TO TRI COUNTY FIRE COMPANY

WHEREAS, the Tri County Fire Company has solicited grants for various fire equipment; and

WHEREAS, the Tri County Fire Company contracted with a grant writer to help facilitate in the successful award of said grants; and

WHEREAS, the Tri County Fire Company had out of pocket expenses for a grant writer and for a cash match associated with successfully receiving a grant; and

WHEREAS, Tri County Fire Company has requested that the Township of Mansfield reimburse them for the grant writer and the cash match in the amount of \$10,166.67;

WHEREAS, the Township Committee has agreed to the reimbursement of the above mentioned expenses;

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

in the County of Warren and State of New Jersey, that the Tri County Fire Company be reimbursed

\$10,166.67 for expenses related to a grant writer and a grant cash match.

Mrs. Mora Dillon made a motion to approve Resolution 2020-186, which was seconded by Mayor Watters.

Ayes: Mrs. Mora Dillon, Mayor Watters

Nays: None Absent: Mr. Hayes

Abstain: Mr. McGuinness, Mr. Farino

ORDINANCES

First Reading

2020-18 Stormwater Management Ordinance

Mrs. Mora Dillon made a motion to approve the first reading of Ordinance 2020-18 with a second reading on January 27, 2021, at 7:30 pm, which was seconded by Mr. McGuinness.

Ayes: Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None Absent: Mr. Hayes Abstain: None

COMMITTEE COMMENTS

Mayor Watters asked about Hudson Energy and whether the contract was renewed.

Ms. Hrebenak stated that the RFP paperwork was sent to them and we have not received it back yet.

OLD BUSINESS

RFP appointments will be discussed in Executive Session.

EXECUTIVE SESSION

Mayor Watters announced moving into Executive Session.

Mrs. Mora Dillon made a motion to move into Executive Session, which was seconded by Mr. McGuinness.

Ayes: Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None Absent: None Abstain: None

RETURN FROM EXECUTIVE SESSION

Return from Executive Session at 8:51 pm.

Mr. McGuinness made a motion to return to Regular Session, which was seconded by Mr. Farino.

Ayes: Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None Absent: None Abstain: None

Mr. Lavery announced the return from Executive Session where they discussed:

- Contractual matters dealing with RFPs
- Contractual personnel matter dealing with DPW Supervisor's contract

No official action was taken. Copies of these minutes will be available at such time the Committee determines there is no longer a harm to the public interest.

Mrs. Mora Dillon made a motion to adjourn at 8:52 pm, which was carried by all.