

MANSFIELD TOWNSHIP COMMITTEE MEETING

March 12, 2008

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, Mr. Jewell, Mr. Baldwin, Mayor Nerbak

Salute to the flag was done by all.

PAYMENT OF BILLS:

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

Ayes: Mrs. Oakley, Mr. Watters, Mr. Jewell, Mr. Baldwin, Mayor Nerbak (except for 280208 which she abstained)

Nays: None

Abstain: None

Absent: None

PRESENTATION (7:45): **Conservancy**

Scenic Byway, Karen Williamson of the Heritage

Ms. Williamson was present with John Sekus from NJDOT who will be present for any questions that anyone may have.

Ms. Williamson went through the packets that were distributed to the Township Committee. She began by explaining what a scenic byway is, it is a public road and what you can see from the public road has one or more of these six characteristics may have scenic qualities to it, natural features, historic sites, cultural activities, recreational opportunities, or archeological resources when looking at Route 57 these qualities are all at some point in sight from the road. Therefore they believe that Route 57 qualifies for this designation. In New Jersey there are five roadways that have that designation according to the fact sheet. There is also another roadway that is in the process of getting this type of designation. Route 57 would be the seventh roadway to achieve this designation. There is a process for this procedure and this is a pretty basic process. The paperwork that would need to be submitted is contained in the packet and there are some items that will need to be changed, but these are only slight changes. Once this paperwork is prepared it gets submitted to NJDOT for their review as to whether or not the roadway would be eligible. If the NJDOT determines that the road is eligible as a scenic byway you are provisionally designated as a Scenic byway and have five years to complete a corridor plan which would consist of the road and whatever can be seen from the road. This plan would be to look at what types of improvements the township and neighboring communities could do to enhance this to make the roadway a community asset. This plan should only take six months to a year to complete and

should not take the five years and there is financing available for this plan. This plan would allow for all of the communities to work together. Once the plan goals are completed they are reviewed and if all parts of the plan are completed then signs are handed out to all communities to be placed along the byway and there is then federal money that is available for the scenic byway for different uses. The only items that the money may not be used for are existing issues. There will need to be a lead agency to manage the applications and Heritage Conservancy would like to provide this service to the municipalities they would be the facilitator for all of the municipalities. The only activities that would be restricted with this designation would be all off premise advertising (billboards) that are not in existence prior to the designation of a Scenic Byway. Within the packet is a sample resolution that would need to be passed by the Township Committee and there would also need to be a representative appointed for the township to sit on the Scenic Byway Committee.

Mrs. Oakley asked if this had anything to do with the previous Calming Project that took place on Route 57.

Ms. Williamson said that this was not part of that project.

Mrs. Oakley asked this designation would make the businesses and homes in the historic district to be restricted for work done to the outside of the existing structures.

Ms. Williamson stated that this would be up to each municipality.

Mr. Baldwin stated that a Scenic Byway would be nice which he stated at prior meetings of the previous Route 57 project for the calming, but this is not something that should be able to put any restrictions on any of the properties or any of the township land use ordinances.

Mr. Mace asked if this would require any changes in the zoning ordinances.

Ms. Williamson stated that this is something that would be up to each municipality.

Mayor Nerbak asked if this designation would prevent NJDOT from doing projects like widening the roadway.

Mr. Sekus stated that safety would still be the main concern therefore this would not prevent the projects from being done.

Mayor Nerbak then asked what would be the benefit to the township being involved in a project like this.

Ms. Williamson answered that the communities would benefit this helps to maintain the character of the communities and also this designation tries to use the resources to capture the economic development potential.

Mr. Jewell asked besides billboards what other items that would affect property owners would be included in the corridor management plan.

Ms. Williamson stated that the management plan would include the locations of interest and the stakeholders that are involved with the locations, which is done to get the stakeholders involved with the communities in this process.

Mr. Jewell stated that his question was what restrictions will be placed on the property owners.

Ms. Williamson answered that this would be up to the community for example if the community wanted sidewalks they could require that sidewalks be installed on the properties. Another example could be the landscaping for new projects if the community chose not to look at the parking lots landscaping could be required to achieve that purpose. Another example would be signage and the communities could designate what they would like to have on properties. These are only examples of items that could be included in the plan.

Mr. Mace stated that all of the items that have been mentioned are already items that Mansfield Twp does, what would be the benefits for the township.

Mayor Nerbak asked what it is that the Township Committee would need to do.

Ms. Williamson stated that the Township Committee and the other communities would need to pass the resolution to allow Heritage Conservancy to begin the process of applying to NJDOT.

Mayor Nerbak asked what the time frame is that this would have to be done.

Ms. Williamson said that there is no date, but the sooner the better, they have already received resolutions from Hackettstown and Greenwich and have already met with Lopatcong and Franklin and possibly next week they will be meeting with Washington Twp and Washington Borough.

Mayor Nerbak asked for the Township Committee members to review their packets and that a discussion could be held at a meeting in April.

Mr. Jewell asked if Heritage Conservancy is still looking into the purchase of Cliffdale Restaurant.

Ms. Williamson stated that they are still working on that purchase.

Mr. Jewell stated that the Township is foreclosing on a piece of property adjacent to that property that may be useful to the Conservancy.

Ms. Williamson said that would be great.

The Township Committee thanked Ms. Williamson and Mr. Sekus for coming in and going through all of this with the Committee.

CONSENT AGENDA:

Junk Dealer License

Mrs. Oakley made a motion to approve the Consent Agenda, which was seconded by Mr. Jewell.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Jewell, Mr. Baldwin, Mayor Nerbak

Nays: None
Abstain: None
Absent: None

CFO REPORT:

Mr. Coppola stated that he had given reports for overtime, cash management report, and two payroll reports for the committees review.

Mr. Coppola also went over the proposals for the State cutting money to offset property taxes information. With the proposals there would be about four (4) cents added to the amount to be taxed by the municipality.

Mr. Coppola asked to set up a budget meeting for next Wednesday at 7pm.

Mayor Nerbak asked if this would be a good time for all of the committee members.

All members agreed that this would be a good time.

Mr. Coppola stated that Comcast had rescheduled for the second meeting in April and that all of the advertising will be done.

ENGINEERS REPORT:

Mr. Mace stated that he is still in the process of setting up the meeting with the Toll Brothers and would also like for Ray Rice to be involved in the meeting about the COAH requirements.

Mr. Mace also stated that he would not be attending the next meeting.

Mr. Baldwin asked if there was anything that needed to be done with the grant that we had received for the road improvements.

Mr. Mace stated that there was nothing that could be done prior to adoption of the budget.

PUBLIC PORTION:

Mayor Nerbak opened the floor to the public.

Paul Erb, Washington Auto, was present and was speaking to the Township Committee about the licensing for the sale of used cars and this would be the licensing changing over to Route 57 Auto Salvage. Mr. Erb asked Mr. Mace what is needed from him to comply with the letter of request.

Mr. Mace stated that for zoning purposes he just needed documentation for the grandfathered uses on the property.

Mike, Mikes Auto Body was present to discuss the towing ordinance.

Mayor Nerbak asked Mike to wait until the towing ordinance was introduced.

Mr. Baldwin made a motion to approve the appointment of Paul Zorn to the position of Deputy Zoning Officer, which was seconded by Mr. Watters.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Jewell, Mr. Baldwin, Mayor Nerbak

Nays: None

Abstain: None

Absent: None

RESOLUTION:

*RESOLUTION 2008-37
Authorizing IN REM Foreclosure Proceedings*

WHEREAS, the Tax Collector of the Township of Mansfield has prepared the attached Foreclosure List, and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 12th day of March, 2008 that the Tax Sale Certificates on the attached Tax 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.

Mrs. Oakley made a motion to approve the passage of Resolution 2008-37, which was seconded by Mr. Jewell.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Jewell, Mr. Baldwin, Mayor Nerbak

Nays: None

Abstain: None

Absent: None

RESOLUTION – No. 2008-38

RESOLUTION OPPOSING GOVERNOR CORZINE'S
CUTS TO MUNICIPALITIES IN FY-2009

WHEREAS, Governor Corzine has proposed in his FY 2009 Budget, substantial cuts that would affect small municipalities, such as Mansfield Township; and

WHEREAS, Governor Corzine has utilized as a premise for these cuts, the need to encourage municipalities to merge services and be more aggressive in the area of shared services; and

WHEREAS, Mansfield Township has been on the forefront in utilizing shared services agreements, and by example, has agreements with the following governmental entities for the following services:

| <u>Description</u> | <u>Provider</u> | <u>Recipient</u> |
|-----------------------------------|------------------------------|---------------------|
| Shared Municipal Court | Mansfield Township | Washington Township |
| Housing Rehabilitation | Warren County | Mansfield Township |
| IT | Mansfield Board of Education | Mansfield Township |
| Salt Purchase/Storage | NJDOT | Mansfield Township |
| Street Sweeping | Hackettstown | Mansfield Township |
| Street Sweeping | Washington Borough | Mansfield Township |
| Construction Code Enforcement | Washington Township | Mansfield Township |
| Morris County Cooperative Pricing | Randolph Township | Mansfield Township |

WHEREAS, Mansfield Township is concerned that its taxpayers will be negatively impacted by the proposed cuts when, in fact, its municipal elected officials have been aggressive in utilizing shared services and seeking economies that would assist the taxpayer; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, that Governor Corzine, in considering financial aid and assistance to municipalities, base that aid upon a fair and equitable system.

Further, that in allocating financial aid to municipalities rather than penalize Mansfield Township and other municipalities by imposing cuts, that it reward those townships who have, as Mansfield has been aggressive, in utilizing shared services.

Mrs. Oakley made a motion to approve the passage of Resolution 2008-38, which was seconded by Mr. Watters.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Jewell, Mr. Baldwin, Mayor Nerbak

Nays: None

Abstain: None

Absent: None

Mayor Nerbak asked that this resolution be forwarded to the Governor and also to the other municipalities.

Mr. Coppola stated that this has been forwarded to the other municipalities already.

POSSIBLE ORDINANCE INTRODUCTION:

Chapter IV Article 3 Towing

Mayor Nerbak opened the discussion to the Committee members and following it would be opened for public comment.

Mr. Baldwin stated that he would like to see automatic transmission added to number 10 and the other thing that he would like to look into Mansfield having their own storage area for the cars that are impounded. Mr. Baldwin stated that Mr. Jewell had a valid point about the cars that are wrecked and leaking fluids not go into the storage area that we have and that he would like to see the ordinance include that cars in this state would be sent to the tower's location. Mr. Baldwin would like the storage area included in the ordinance.

Mr. Jewell asked how many towns have their own storage area.

Mike, Mike's Auto Body, stated that the only one that he knew of was Washington Twp, Morris County.

Mr. Jewell stated that he would not like to see the township having their own storage area and that we should leave this to the towing companies.

Mike, Mike's Auto Body, stated that something that the township would have to consider is that about thirty percent of the impounds that are taken in are never claimed, so that is something that would have to be dealt with also. This would make a lengthy process of someone filing for a junk title with the state and these cars are usually not the nicest looking cars to have laying around.

Mr. Baldwin stated that his point is not to begin having a storage yard, just to have this included in the ordinance so that in the future the Township having its own storage area would be possible. Mr. Jewell stated that there is a typo on page 1 under township meaning the township should be mean, the other issue is on page 420 number 6 there is a mention of a secure facility for the storage of impounded vehicles and on page 417 letter c there is a description of unsecure storage facility he would like to know which one the township would have.

Mike, Mike's Auto Body, stated that most times there are all of the types that are included on page 420.

Mr. Jewell would like a more clear description on which type of storage yard is required. Mike stated that all of the towing companies have all of the types that are included on page 420 which is why all of the different types of storage areas are described in the ordinance.

Mike, Mike's Auto Body, stated that the fee schedule be adjusted to the same type as Washington Twp.

Dennis Smith stated that the fee schedule has ranges included, so that different situations can be charged accordingly, all of the situations can be very different and the towing company has to make sure that they are compensated.

Mr. Baldwin asked how the township will know that people are not being overcharged with the ranges included in the ordinance.

Mike, Mike's Auto Body, stated that with this included in the ordinance this covers the towing company and the township when the customers fee that they are being overcharged and if the township does see that the correct prices are not being charged as listed in the Ordinance then the Township may address this with the towing company.

Mr. Watters questioned how the Committee would know that the rates are not being adjusted to the higher rates even when the situations do not require that a higher rate be charged.

Mr. Baldwin stated that was his question also.

Mike, Mike's Auto Body, stated that the police officers on scene would be able to tell how long the companies were on scene, so if the bill was questioned there is a means of checks and balances.

Mayor Nerbak asked all of the people from the towing companies present to state their name and where they are from.

Present were:

Todd Henderson, Stew's Auto Body
Paul Schappel, Bill's Service Center
Mike Cavich, Mike's Auto Body
Dennis Smith, J&D Auto Body
Dennis Chamberlain, Washington Collision

Mayor Nerbak asked if there were any other issues with the ordinance.

Mike answered that there was one more issue it starts on Page 418 Section 4-9.4 Number 8 in regards to equipment that a company needs to qualify to be able to tow for the Township. The ordinance states that the towing company should own at least 1 flatbed truck and all companies feel that this should be increased to 2 flatbed trucks and 1 conventional wrecker. Most times an accident involves more than one vehicle and if the company only has one flatbed they would not be able to do the job and the same goes for a car off the roadway if the company does not own a wrecker they would not be able to do the job.

All of the companies were asked if they were ok with this change.

All companies were in agreement with having this change.

The towing companies also questioned the application fee and what this fee covers.

Mr. Baldwin stated that we will be getting information from Chief Ort.

Mr. Jewell answered that the application fee would be to cover background checks and other items for the application process.

The towing companies were inquiring about the township not limiting the number of licenses in the ordinance.

The Township Committee thanked all of the towing companies for coming in and explaining the changes that would work for them.

The Towing Companies thanked the Township Committee for their time.

COMMITTEE PERSON COMMENTS:

Mr. Jewell was asking what would classify light or heavy duty trucks what would be the GVW for these classification.

Mr. Baldwin asked who looks over what is being charged by these people.

The Township Committee discussed the special services charges that the towing companies had discussed.

Mrs. Oakley stated that she received a call from Leslie Cook in regards to the Fair that the school is having in May.

Mrs. Oakley stated that everyone was given copies of a letter from Chief Ort about honoring Sgt. Newman and Sgt Emery at the Township Committee meeting at the end of March. Also the Police Chief would like changes made to the Police Ordinance 2007-11 could the Township Committee please read over and possibly introduce for the next meeting.

Mr. Jewell asked that the change read as follows 60 college credits, 2 years law enforcement experience, or 2 years Military experience.

Mr. Watters stated that he spoke to the school and they are working on their budget and the school found out that they are in the top 7 out of all of the schools in NJ.

Mr. Baldwin stated that they are discussed a shared court at the shared services meetings and also they are working on a shared animal control and he would like for the attorney to prepare an ordinance when an animal is kept when picked up.

Mrs. Oakley asked what can be done about all of the problems in the apartments that are health issues and are not being taken care of by the Board of Health.

Mayor Nerbak stated that the Open Space Committee had a meeting last month and they would like to know if few have an interest in purchasing the Wattles Farm and also the Reidel farm.

Mr. Baldwin stated that the county has money to be doing this and that is whom should be asked.

Mayor Nerbak also asked if there is someone that privately owns a historically designated house would the township be able to lend assistance to repair the house.

Mr. Vex, Esq. stated that the state has programs for this type of thing and it is a long process.

Mayor Nerbak reminded everyone that tomorrow is the County OEM is doing the Medication Tabletop exercise at the Pequest Fish Hatchery and all are invited.

Mayor Nerbak stated that as of April 1, 2008 the Zoning Board will be combining with the Planning Board and the Township Committee will need to appoint 4 alternates for the Planning Board and that she had spoken to Rosemarie Hight and she is not available at the time.

Mr. Baldwin made a motion to adjourn at 9:45pm which was seconded by Mr. Watters and was carried by all.