

## MANSFIELD TOWNSHIP COMMITTEE MEETING

May 14, 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. Baldwin, Mr. Jewell, Mayor Nerbak  
Mr. Watters arrived at 7:40

Salute to the flag was done by all.

### APPROVAL OF THE MINUTES:

Mr. Baldwin made a motion to approve the minutes from the regular meeting held on April 23, 2008, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Baldwin, Mr. Jewell, Mayor Nerbak  
Nays: None  
Absent: Mr. Watters

### PAYMENT OF BILLS:

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

Ayes: Mrs. Oakley, Mr. Baldwin, Mr. Jewell, Mayor Nerbak  
Nays: None  
Absent: Mr. Watters

### CFO REPORT:

Mr. Coppola stated that he had given each of the Committee members a copy of the payroll report and the overtime report and also the cash management report.

Mr. Coppola gave the committee a spreadsheet comparison of the numbers from the Warren County Municipalities debt report. Mr. Coppola explained that according to the numbers Mansfield is number 7 for the debt ratio and is number 5 for the lowest debt per capita.

Mr. Coppola handed out the article from the Express Times that states that the State will be restoring 25% of the municipal aid in the state budget which means that Mansfield will be receiving roughly \$49,000 in state aid for 2008. The township will also be receiving the Hotel/Motel tax money and should be about \$20,000 annually we are waiting to get some information from the Hotels to see if this number can be included in this year's budget revenue. Mr. Coppola asked if with all of these changes if another budget meeting can be set up. So that we can decide whether we would like to pass the budget with an amendment or if not if we will be sending out estimated tax bills which there is a deadline of June 20<sup>th</sup> for approval for the estimated tax bills being sent out.

The Township Committee agreed that next Wednesday, May 21 would be a good time for the Budget Workshop at 7pm.

Mr. Baldwin asked Mr. Coppola to explain to the Township Committee what the COUNT grant is and what they are doing with the shared services.

Mr. Coppola explained that the COUNT grant application if received would give funding for the shared service coordination for 15 municipalities 12 in Warren County, 2 in Morris County, and 1 in Hunterdon. Warren County Chamber of Commerce is looking to do the coordination aspect.

#### CLERKS REPORT:

Ms. Hrebenak handed out a copy of a request from Warren County Planning Department for the Recycling Ordinances to be amended which the Recycling Coordinator is working on the amendments possibly for introduction at the next meeting.

Ms. Hrebenak stated that a permit was received from Stewart Surveying for a Treatment Works Application for the Mansfield Motel which will need to be signed by the Mayor. So we would need a motion to approve the Mayor signing the application.

Mr. Baldwin asked Mr. Mace if he had any idea of why this needed to be done.

Mr. Mace explained that Mansfield Motel is required to get a TWA approved because their septic system is going and they are using more than 2,000 gallons of water per day.

The Township Committee and the Township Engineer stated that plans should be submitted to the township for review prior to signing the application.

Ms. Hrebenak stated that she would call to get a copy of the plans from Stewart Surveying.

#### ENGINEERS REPORT:

Mr. Mace stated that he and Mr. Sliker had a meeting with Warren County about repairs to the catch basins Port Murray Road and the County would like to repair an existing pipe that ran down off of Port Murray Road and into the dairy property. That pipe is currently clogged and the drainage is not working and the County would like to replace the pipe and end the pipe either where it is now or a little further back into the wooded area and build something to dissipate the water. The County is looking for approval from the Governing Body and Mr. Mace would like the Township Committee to allow him if the project plans are acceptable to him to authorize Mr. Mace to give permission for the pipe to be replaced.

Mayor Nerbak asked if this would interfere with the plans for the Recreation property.

Mr. Mace stated that it would not interfere because it presently runs down our old driveway by the railroad.

Mr. Mace stated that he received a copy of a letter from Warren County Planning Department that included a map that was put together by the Edward J Bloustein School of Planning and Public Policy and was provided to COAH to assist them with the developable land within Warren County that the County would like us to review and send the objections that we have with the COAH map to the Council on Affordable Housing and to send a copy to the Warren County Planning Department. Mr. Mace stated that in reviewing the map only the tilled land is considered to be developable and that the woodlands are not considered by this map to be developable. Mr. Mace stated that there are properties that are being marked as developable land that are not sized for the zoning that is in the areas, also that the Municipal property is being considered as developable. Mr. Mace stated that the Township should be sending correspondence to COAH objecting to the portions of the map that are incorrect.

Mr. Baldwin asked Mr. Mace how much could it cost for him to review the map and determine the areas that are not developable would be about \$2,000 for review and to send a letter opposing the areas that are incorrect.

Mr. Coppola stated that the COAH money there is an allowance for 10% administrative fees and that he wasn't sure if this could be something that the 10% could be used for.

Mr. Kobert, Esq. stated that he would need to check into whether or not the money could be used for something like this.

Mayor Nerbak asked if the Township Committee would like to make a motion to approve Mr. Mace reviewing the map and sending a letter of the Township's objections to COAH.

Mr. Jewell also stated that we would also need to take into consideration that there is a lot of shale and not all areas will qualify for gallons per minute with the well requirements.

Mr. Kobert, Esq. stated that he would work with Andrew to see if the 10% administrative costs would cover Mr. Mace doing this review.

Mr. Watters asked why all of the review needs to be done could we just send a letter stating that the Township does not agree that all of this property is buildable land.

Mr. Baldwin and Mayor Nerbak agreed that we are better off to know what the objections are that we have at this point.

Mr. Jewell stated that we are not obligated to build until there are more houses built or more jobs created.

Mr. Kobert, Esq. stated that as part of third round we may have a set requirement from COAH.

Mr. Baldwin made a motion to approve moving forward with this if the funds are available.

Mr. Mace stated that he will send a copy of the map to Joseph Layton and that he will discuss with him what the Township should do and then let the Township Committee know at the next meeting.

Mr. Baldwin withdrew his motion.

Mr. Watters asked if we had any information about work that was done to the bridge in Bright Road and also if this work would have been done by the railroad.

Mr. Mace stated that we do not have any information, but in theory the railroad would maintain.

CONSENT AGENDA:

#### Raffle License-Mansfield Twp Fire Comp. #1

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

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

Nays: None

Absent: None

PUBLIC PORTION:

Carol Thompson, Carol Borden, Lori Brynalsin, Kim Thrembley, residents along Route 57, came to speak to the Township Committee about their concerns for safety and welfare of the residents in their area do to the two new businesses that have moved in across the street. They stated that the stone business is using the driveway and when the large trucks are pulling in the road is completely blocked off and there is a bus stop right by where the driveway enters Route 57, also that the junk yard has gone through a lot of changes and is now like a used car lot.

Mr. Mace stated that the junk yard has been noticed twice now once for the slats being removed from the fence and also for the cars that are being left out front during hours that the junk yard is closed.

Mr. Kobert, Esq. asked Mrs. Thompson in the 34 years that she lived in town has she noticed that the slats have been in the fence for the 34 years?

Mrs. Thompson stated that the slats have been in the fence for the past 34 years and that she had no problems with the previous owner everything was maintained and well kept.

Mr. Mace stated that he would issue violations for the issues with the junk yard, but that he would need the people from next door to come and testify.

Mrs. Thompson asked when it is that the Township will be issuing a summons for the activities that are going on.

Mayor Nerbak stated that a violation will be issued and that the neighbors will have to come in and testify to what they are seeing.

Glen Todd, Washburn Road, expressed his concerns about criticism that he received at the last meeting.

Mayor Nerbak stated that she was told that Comcast went out to Mr. Todd's house and that things were taken care of.

Glen Todd stated that Comcast did come out and that he is not pleased and that everything is not taken care of.

Mr. Kobert, Esq. stated that Mr. Todd should return for the public hearing for the franchise renewal if he is not pleased.

RESOLUTION:

Resolution 2008-46

RESOLUTION TO ESTABLISH A RESERVE FOR PRELIMINARY EXPENSES IN THE GENERAL CAPITAL FUND OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY

WHEREAS, the expense of preliminary surveys, architects' fees, and engineering costs applicable to any bondable project may be charges against the Capital Improvement Fund; and

WHEREAS, the Township Committee of the Township of Mansfield hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking; and

WHEREAS, the purpose of these preliminary costs are the Rehabilitation of Washburn Road and that the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, that the amount to be appropriated for preliminary costs shall not exceed \$22,500.00 and the CFO is authorized to set up a reserve for preliminary expenses out of the Capital Improvement Fund of the General Capital Fund.

Mr. Baldwin made a motion to approve the passage of Resolution 2008-46, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

#### RESOLUTION NO. 2008-47

WHEREAS, the temporary municipal budget for the year 2008, was approved on the 1<sup>st</sup> day of January, 2008; and

WHEREAS, it is desired to amend said approved budget;

NOW THEREFORE, BE ITS RESOLVED by the Township Committee of the Township of Mansfield, County of Warren, that the following amendment to the temporary budget be made:

Appropriation:

NJDOT Municipal Aid -	
Washburn Road Rehab.	\$150,000.00
Clean Communities	\$13,050.26

Mrs. Oakley made a motion to approve Resolution 2008-47, which was seconded by Mr. Jewell.

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

Nays: None

Absent: None

#### RESOLUTION NO. 2008-48

WHEREAS, the temporary municipal budget for the year 2008, was approved on the 1<sup>st</sup> day of January, 2008; and

WHEREAS, an emergent condition has arisen with respect to the need to provide municipal services while the amount of aid from the State of New Jersey to offset property taxes is not yet certain and no adequate provision has been made in the 2008 temporary appropriations for this delay, and NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2008 pursuant to the provision of NJSA 40A:4-20 including this resolution total \$1,000,000,

NOW THEREFORE, BE ITS RESOLVED by the Township Committee of the Township of Mansfield, County of Warren, that the following amendment to the temporary budget be made:

Appropriation:

Salaries & Wages	\$300,000.00
Other Expenses	\$200,000.00

Mrs. Oakley made a motion to approve the passage of Resolution 2008-48, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: None

2008-49

RESOLUTION TO APPLY FOR A COUNT GRANT

WHEREAS, the members of the Warren-Morris Council of Governments - the Township of Allamuchy, Town of Belvidere, Township of Bethlehem, Township of Greenwich, Township of Hardwick, Town of Hackettstown, Township of Independence, Township of Knowlton, Township of Mansfield, Township of Mount Olive, Township of Oxford, Borough of Washington, Township of Washington (Morris), Township of Washington (Warren) and Township of White - have agreed to apply for a *COUNT* Grant through the State of New Jersey Local *SHARE* Program in the amount of \$300,000.00; and,

WHEREAS, the Warren-Morris Council of Governments has agreed to be the lead agency in this endeavor; and

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 coordinate shared services through the Warren-Morris Council of Governments as well as between our local units as well as through the Warren-Morris Council of Governments;

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, Town of Belvidere, Township of Bethlehem, Township of Greenwich, Township of Hardwick, Town of Hackettstown, Township of Independence, Township of Knowlton, Township of Mount Olive, Township of Oxford, Borough of Washington, Township of Washington (Morris), Township of Washington (Warren) and Township of White in applying for a grant for the purposes of shared service coordination including but not limited coordination of meetings of member municipalities, shared service subcommittees, meetings with liaisons and other staff, meetings between municipalities and school representatives; maintaining records of the aforementioned and the members' website; conducting shared service surveys; corresponding on behalf of the membership and writing Requests for Proposals for joint purchases on a regular basis as well as conducting feasibility studies and writing shared service grant applications with the approval of 60% of the membership; and

BE IT FURTHER RESOLVED, that the COUNT grant does not require any matching funds.

Mr. Watters made a motion to approve the passage of Resolution 2008-49, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak  
Nays: None  
Absent: None

RESOLUTION NO. 2008-50

WHEREAS, it is necessary to designate a custodian of petty cash in order to ensure internal controls over the use of the Petty Cash Fund; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, Warren County, New Jersey, that Andrew Coppola be designated as Custodian of Petty Cash.

Mrs. Oakley made a motion to approve the passage of Resolution 2008-50, which was seconded by Mr. Baldwin.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak  
Nays: None  
Absent: None

2008-51  
RESOLUTION  
Cancellation of Outside Tax Sale Certificates  
Block 0703.01 Lot 07

WHEREAS, the following property has two outstanding tax sale certificates that were sold to Crusader Servicing Group;

WHEREAS, these outstanding certificates were not redeemed through the Tax Collector's office, but Crusader informed the Tax Collector of redemption through a bankruptcy;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 14th day of May 2008 that the Tax Collector can cancel the following certificates:

Certificate #99-01  
For Unpaid 1998 Taxes for Betty Rush, 204 Hoffman Road  
Certificate #2000-14  
For Unpaid 1999 Taxes for Betty Rush, 204 Hoffman Road

Mr. Jewell made a motion to approve the passage of Resolution 2008-51, which was seconded by Mr. Baldwin.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak  
Nays: None  
Absent: None

Mayor Nerbak stated that the Township Committee had received a letter of resignation as of May 23, 2008 from Carrie Rochelle, CTC and asked if someone would make a motion to accept the letter.

Mr. Baldwin made a motion to accept the letter of resignation from Carrie Rochelle, CTC, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak  
Nays: None  
Absent: None

Mayor Nerbak announced that she was pleased to announce that today we found out that Becky Harm has passed her test for Certified Tax Collector.

RESOLUTION NO. 2008-53

RESOLUTION APPOINTING TAX COLLECTOR

WHEREAS, the Township of Mansfield appointed Carrie Rochelle Emery, Tax Collector for the Township of Mansfield, a tenured appointment; and

WHEREAS, Carrie Rochelle Emery has resigned as an employee of the Township of Mansfield effective May 23, 2008;

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

Rebecca Harm, is hereby appointed Tax Collector of the Township of Mansfield for a term beginning May 23, 2008 and expiring January 1, 2009.

A certified copy of this Resolution shall be filed with the Department of Community Affairs of the State of New Jersey within 7 days of the date thereof.

Mrs. Oakley made a motion to approve the passage of Resolution 2008-53 and congratulated Becky on her hard work to pass the test for Certified Tax Collector, which was seconded by Mr. Baldwin.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak  
Nays: None  
Absent: None

RESOLUTION 2008-54

TAX SEARCH OFFICER

BE IT RESOLVED, that Rebecca Harm be the official Tax Search Officer for the Township of Mansfield beginning May 23, 2008.

Mrs. Oakley made a motion to approve the passage of Resolution 2008-54, which was seconded by Mr. Baldwin.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak  
Nays: None  
Absent: None



RESOLUTION NO. 2008-55

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE DEVELOPER'S AGREEMENT

WHEREAS, Airport Road Estates Subdivision has received subdivision approval;

WHEREAS, there is a need for the Township to execute a developer's agreement with Brinkerhoff Enterprises for the Airport Road Estates Subdivision;

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

The Mayor is hereby authorized and directed to execute the Developer's Agreement.

Mr. Baldwin made a motion to approve the passage of Resolution 2008-55 subject to the numbers that are missing being received from Mr. Mace, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

ORDINANCE:

FIRST READING

Mayor Nerbak introduced Ordinance 2008-09;

2008-09

GROWTH SHARE ORDINANCE

PURPOSE

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the provision of affordable housing; and

WHEREAS, the New Jersey Council on Affordable Housing ("COAH") is the State administrative agency created pursuant to the FHA vested with primary jurisdiction for the administration of affordable housing obligations in accordance with sound regional planning considerations in New Jersey; and

WHEREAS, COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1 et seq.) implement a "growth share" approach to affordable housing production which requires affordable housing to be produced in conjunction with market-rate residential and nonresidential growth and development within the Township of Mansfield; and

WHEREAS, the Township of Mansfield desires to implement the "growth share" policies promulgated by COAH in its Third Round Substantive Rules in an effort to foster the production of affordable housing

opportunities for qualified low and moderate income households through COAH's third round, which extends from 2004 to 2018.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township Committee of the Township of Mansfield that the Land Use Ordinance of the Township of Mansfield be and is hereby amended as follows:

The following new Section is hereby added to the Township of Mansfield's Land Use Ordinance, to read as follows:

A. Applicability

1. Residential Development. Except as exempted in subsection B, all residential development that results in the construction of five (5) or more new market-rate dwelling units in accordance with N.J.A.C. 5:94-1 et seq., shall be subject to the "growth share" provisions of this ordinance.
2. Non-residential development. Except as exempted in subsection B, all non-residential development that results in an increase in sixteen (16) or more jobs in accordance with N.J.A.C. 5:94-1 et seq., shall be subject to the "growth share" provisions of this ordinance.

B. Exemptions

Developments that received preliminary or final approval from the Planning Board and/or Board of Adjustment, as applicable, prior to the effective date of this ordinance.

C. Residential Growth Share Provisions

All residential development which results in the construction of five (5) or more new market-rate dwelling units in the Township of Mansfield shall provide one unrestricted affordable housing unit on-site for every five market rate units constructed.

D. Non-Residential Growth Share Provisions

All non-residential development that results in an increase in gross floor area of any existing non-residential building or the construction of a new non-residential building in the Township of Mansfield shall provide one unrestricted affordable unit for every (16) jobs that results from the application of standards adopted by COAH (presently found in Appendix E of N.J.A.C. 5:94-1 et seq.) and based on use groups, as defined by the International Building Code (IBC) which has been incorporated by reference into the Uniform Construction Code (UCC). Non-residential developers shall construct an unrestricted affordable housing unit elsewhere in the Township of Mansfield.

E. Compensatory Benefit

Consistent with N.J.A.C. 5:94-6.4 developers who provide affordable units on site shall be entitled to one additional market rate unit for every affordable unit constructed on site.

F. General Provisions for Constructing Affordable Units

Affordable housing units being constructed on-site or off-site shall be in conformance with COAH's third round rules at N.J.A.C. 5:94-1 et seq. and the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq., including, but not limited to, requirements regarding phasing schedule, controls on affordability, low/moderate income split, heating source, maximum rent and/or sales prices, affordability average, bedroom distribution, and affirmative marketing.

Mr. Baldwin made a motion to approve the introduction of Ordinance 2008-09 and requested that a public hearing be set for June 11, 2008, which was seconded by Ms. Nerbak.

Mr. Jewell asked on page two section C. does that mean that the developer receives an extra building lot?

Mr. Kobert, Esq. explained that the developer would receive an extra building lot as an incentive.

Mr. Baldwin explained that this is an ordinance that was passed last year except that the numbers have now changed to meet COAH's new obligation.

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

Nays: None

Absent: None

Mayor Nerbak introduced Ordinance 2008-06;

TOWNSHIP OF MANSFIELD  
COUNTY OF WARREN

ORDINANCE NO. 2008-06

AN ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF THE TOWNSHIP OF MANSFIELD  
ENTITLED "ZONING" RELATING TO ADULT RETIREMENT COMMUNITIES.

STATEMENT OF PURPOSE. This Ordinance is intended to amend the age restricted portion of the Ordinance.

BE IT ORDAINED by the Township Committee of the Township of Mansfield that the following Ordinance amendment be enacted

Section 22-13.10(h)(1) Age Restriction Compliance: Is hereby amended as follows:

Each dwelling unit in the ARC development must be occupied by one (1) permanent resident fifty-five (55) years of age or older. No permanent resident shall be under twenty-three (23) years of age or younger. One (1) temporary resident who provides necessary health care to a permanent resident of the dwelling units may be twenty-one (21) years of age or older, provided that such individual may not be accompanied by any person(s) intending to reside at the premises of the unit temporarily or otherwise.

REPEALER: All Ordinances of the Township of Mansfield, which are inconsistent with the provision of this Ordinance are hereby repealed to the extent of such inconsistency. If any section, subsection, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

EFFECTIVE DATE: This Ordinance shall take effect following its final passage and publication in accordance with the law.

Mrs. Oakley made a motion to approve the introduction of 2008-06 and requested that the public hearing be scheduled for May 28, 2008, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

SECOND READING: (8:00)

Mayor Nerbak opened the floor for public comment, seeing as there were no comments from the public the public hearing was closed.

Ordinance :2008-08

AN ORDINANCE TO AMEND CHAPTER IV OF THE CODE  
OF THE TOWNSHIP OF MANSFIELD TO PROVIDE FOR  
A NEW ARTICLE III ENTITLED TOWING.

WHEREAS, the Township Committee of the Township of Mansfield has determined that Chapter IV of the Township Code requires a new Article III, entitled "Towing."

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

Section I.

Chapter IV of the Code of the Township of Mansfield is hereby amended to provide a new Article III, entitled "Towing." The provisions of the new Towing Ordinance are set forth in full below:

CHAPTER IV

ARTICLE III

TOWING

**4.9** Definitions. As used in this chapter:

*Automobile* shall mean a private passenger motor vehicle or any vehicle included in the definition of automobile under N.J.A.C. 11:3-22.2.

*Basic Towing Service* shall mean the removal and transportation of an automobile from a highway, street or other public or private road, or a parking area, or from a storage facility, and other services normally incident thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm.

*Motor Vehicle* shall include all vehicles propelled otherwise than by muscular power, but shall exclude motorcycles and such vehicles as run only upon rails or tracks.

*Township* shall mean the Township of Mansfield.

*Township Storage Facility.* Shall mean a storage facility for impounded vehicles established and operated by the Township of Mansfield.

*Tow Operator* shall mean a person engaged in the business of towing and storing automobiles and other motor vehicles, or offering the services of a tow vehicle or tow truck and storage services.

*Tow Truck* shall mean those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or under-reach equipment specifically designed by their manufacturer for the removal or transport of motor vehicles, including flatbed vehicles, employed for the purpose of towing, transporting, conveying and/or removing motor vehicles which are unable to be operated under their own power from one place to another for which a charge or fee is extracted.

4-9.1 Approval and licensing required.

- A. No person shall engage in the business of towing or storing automobiles or other motor vehicles at the direction of the Township of Mansfield without first obtaining approval and a Township tow operator's license from the Township of Mansfield. The Township of Mansfield is hereby authorized to issue up to a maximum of 6 tow operator's licenses at any one time pursuant to this Ordinance.
- B. Nothing herein shall require the rendering of road service or for the provision of towing and storage services within the Township other than at the request of the Township.

4-9.2 Services to be provided; subcontractors; liability.

- A. Licensed towers shall furnish adequate and proper wrecking, towing, storage and minimal or minor emergency repair services to automobiles and other motor vehicles damaged or disabled within the limits of the Township when requested to do so by the Chief of Police or his authorized designee. The Chief of Police may require that said vehicle to be towed to a Township Operated Facility, if any.
- B. No licensed tower shall subcontract any work to be performed pursuant to this Article without having first obtained prior written approval from the Chief of Police. Any tower to whom approval to subcontract work has been given shall be responsible for the services performed by the subcontractor and shall remain liable for any violations of this Article by the subcontractor.

4-9.3 Application for approval; required information.

- A. Applicants for a tow operator's license under this Article shall file an application with the Chief of Police. The form of the application shall be furnished by the Chief of Police, and applicants are responsible for securing these applications. There shall be paid at the time of submission

of the application a nonrefundable one-time application fee of \$75.00. The application shall include the following information and certification:

- (1) The full name and address of the applicant and, if different, the owner(s) of the towing service. The application must state the type of business entity which is operating the business, i.e., sole proprietorship, partnership or corporation. If the application is made for a corporation, it shall state the name and addresses of the officers and directors thereof, its registered agent and the names and residential addresses of every stockholder owning more than 10% of the issued stock. If the application is made on behalf of a sole proprietorship or partnership, all parties having an equity interest in the towing service shall be listed.
- (2) The year, make and type of each tow vehicle used in said business, its serial number, registration number and registered owner(s) and applicable licenses held by each owner or operator.
- (3) The address where each tow vehicle shall be regularly garaged, the telephone number or numbers and the hours during which service is available at those numbers, and the names, addresses and New Jersey driver license numbers of all operators.
- (4) The location, size and features of the storage lot or space in which towed vehicles will be stored, including the number of spaces available. The storage lot(s) shall be designated either as:
  - (a) Inside building; a vehicle storage facility that is completely indoors, having one or more openings in the walls for storage and removal of vehicles that is secured by a locking device on each opening;
  - (b) Outside secured; a vehicle storage facility that is not indoors and is secured by a fence, walls or other man-made barrier that is at least six feet high and is installed with a passive alarm system or a similar on-site security measure. The facility is to be lighted at night; or
  - (c) Outside unsecured; a vehicle storage facility that is not indoors and is not secured by a fence, wall or other man-made barrier, and all other storage facilities not defined above as inside building or outside secured.
- (5) The name and address of the insurance carriers, and the policy numbers of all insurance policies as required by this Article.
- (6) A copy of the operator's current fee schedule for towing and storage services.
- (7) A statement that on-call towing and storage services will be available 24 hours per day, every day of the year.
- (8) A statement that the procedures required by this Article shall be complied with at all times.

- (9) A statement that all tow vehicles are equipped with two-way radios or cellular phones.
- (10) A statement that the Chief of Police or his designee may at any reasonable time conduct an inspection of the tow vehicles or storage facility of any applicant for the purpose of determining compliance with this Article.
- (11) Whether the tower wishes to be designated as a light-duty tower or heavy-duty tower, or both.
- (12) Such other information as the Chief of Police may prescribe. In this regard, applicants shall be responsible for the costs of fingerprinting and background checks as required by the Chief of Police.

#### 4-9.4 Classification standards for towers; equipment requirements.

The following minimum standards must be met for each class of towers:

- A. Light-duty. A light-duty tower shall be able to handle all makes of passenger cars and small trucks up to one ton, such as pickup and small panel trucks. The garage from which a light-duty tower originates must be equipped with a portable car dolly. Each light-duty tower shall be equipped with the following:
  - (1) Dual rear wheel or equivalent.
  - (2) Power-take-off controlled winch with a minimum cable thickness of 3/8 inch or equivalent.
  - (3) Comparable weight equal to the vehicles to be towed, with a minimum of 10,000 pounds.
  - (4) A three-eighths-inch safety chain. The lift chain and safety chains shall not be attached in any form or manner to the same part of the wrecker.
  - (5) Two double-faced rear flashing amber lights mounted high enough to be seen over the towed vehicle.
  - (6) A three-hundred-sixty-degree rotating amber beacon light mounted over the cab.
  - (7) All lights shall be of such candle power and intensity as to be visible  $\frac{1}{4}$  of a mile away or shall be equal to the candle power of the lights on Township police vehicles.
  - (8) Tower shall own at least two flatbed trucks and one conventional wrecker for the removal of vehicles from roadways. A flatbed truck will be used when, in the opinion of the tower and the police officer on the scene, to tow the vehicle by conventional means would result in further damage.
- B. Heavy-duty. All towers classified as heavy-duty shall be equipped with the following:
  - (1) Dual rear wheels.

- (2) Manufacturer rating: gross vehicle weight of 32,000 pounds. Manufacturer rating may be obtained from the factory where the truck originates. Other written evidence of gross vehicle weight may be accepted by the Township if verified.
- (3) Power-take-off controlled winch with a minimum cable thickness of 5/8 inch.
- (4) Two double-faced rear flashing amber lights mounted high enough to be seen over the towed vehicle.
- (5) All lights shall be of such candle power and intensity as to be visible ¼ of a mile away or shall be equal to the candle power of the lights of a Township police vehicle.
- (6) A one-half inch safety chain. The lift chain and safety chain shall not be attached in any form or manner to the same part of the wrecker.
- (7) Air brakes.
- (8) Connecting air lines for connection with the compressor and air brake lines of the towed vehicles.
- (9) Detachable amber flashing lights attached to the rear of the towed vehicle.
- (10) Two-speed rear axle and differential or dual transmission, five-speed transmission or automatic transmission

C. In order to be qualified for application approval, the tower must have at least the following number of trucks:

- (1) Light-duty towing; one truck and one flatbed.
- (2) Heavy-duty towing; one truck.

#### 4-9.5 Application review; conditions for acceptance.

A. The Chief of Police shall conduct or cause to be conducted such investigation as he deems necessary to determine the truth and accuracy of the information contained in the application and whether the applicant meets the following minimum standards:

- (1) Neither the applicant nor any tow vehicle operator has any criminal convictions or prior motor vehicle infractions which might adversely affect safety or welfare.
- (2) The applicant has the ability to respond to any request for assistance within 30 minutes.
- (3) The applicant can provide on-call towing services 24 hours per day, every day of the year.
- (4) The tow trucks and equipment are in safe and sound condition and in compliance with all applicable laws, rules and regulations.



- (5) The applicant has the ability to perform mechanical inspections of and minor repairs to disabled vehicles.
  - (6) The applicant owns or has a valid lease to a storage facility in or within 5 miles of the Township in an area legally zoned for such use, and such storage facility includes a minimum of 6 secured outside and/or inside parking spaces for the storage of impounded vehicles. The definitions related to the various types of indoor and outdoor storage facilities set forth in 4:9.3A(4) shall be applied to determine operator compliance with this provision.
  - (7) The applicant is in compliance with and/or has the ability to comply with all other requirements and standards set forth herein or otherwise required by law.
- B. The Chief of Police shall conduct his review and render a report to the Township Committee, recommending either approval or denial of the application within 10 days of receipt of the application. Within 21 days of receipt of the report of the Chief of Police, the applicant, or its representative, shall be given notice of the date on which the Township Committee will consider the application and shall be permitted to appear and be heard at that time.
- C. Written notice of the approval or denial of the application shall be provided to the applicant within 7 days of the decision of the Township Committee.

#### 4-9.6 Revocation; notice.

- A. Approvals issued under this Article may be revoked by the Chief of Police after reasonable notice and hearing pursuant to this section for any of the following reasons:
- (1) False or materially inaccurate information in the application, or a change of circumstances which would have caused disapproval of the application if existing at the time of the approval.
  - (2) Failure to comply with any of the requirements of this Article, any additional regulations promulgated by the Chief of Police or any state, federal or local law relating to motor vehicle operation.
  - (3) Unsatisfactory service which jeopardizes public safety. More than three unexcused failures to respond and/or valid complaints (as determined by the Chief of Police after investigation) within a twelve-month period shall be considered grounds for revocation.
- B. Revocation shall be in writing and shall include the reasons therefore and notice of the licensee's right to appeal to the Township Committee.

#### 4-9.7 Appeals.

Any person aggrieved by the action of the Chief of Police in denial of an application, suspension from the Township on-call towing list, or suspension of tow operator's license, may appeal to the Township Committee by filing with the Office of the Clerk, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written request for a hearing, setting forth fully the grounds for the appeal. The Committee will set a time and place for a hearing on such

appeal, and notice shall be served on or mailed to the applicant or licensee at least 5 days prior to the hearing.

#### 4-9.8 Insurance requirements.

- A. Every licensed operator shall carry insurance as follows:
- (1) Comprehensive vehicle liability in an amount not less than \$1,000,000 combined single limits.
  - (2) Workers' compensation coverage as required by state law.
  - (3) Garage keeper's liability in an amount not less than \$60,000.00.
  - (4) Garage liability in an amount not less than \$1,000,000 combined single limits.
  - (5) Comprehensive general liability coverage in an amount not less than \$1,000,000 for each person and \$2,000,000 for each accident.
  - (6) Endorsements providing for collision coverage for vehicles in tow.
  - (7) Endorsements incorporating the indemnification provision as set forth herein.
  - (8) Endorsements naming the Township as an additional insured in all insurance policies (except workers' compensation policies).
- B. All tow operators shall hold harmless and indemnify the Township, its officers, employees and agents, from any and all liability claims, losses or damage arising or alleged to arise from the performance of the towing services requested of or rendered by the licensee. The foregoing indemnification language shall be incorporated in the required general comprehensive liability policy.
- C. All insurance policies shall be written by insurance companies acceptable to the Township and authorized to do business in the State of New Jersey.
- D. No approval shall be issued until the applicant has submitted the certificates of insurance evidencing the insurance coverage and endorsements required. All certificates must provide for 30 days' prior written notice to the Township of policy cancellation or material change.
- E. Any approval shall be issued under this chapter will be automatically revoked upon expiration or cancellation of the required insurance, or material change in coverage which renders that coverage not in compliance with the requirements of this chapter.

#### 4-9.9 On-call towing list; approved storage facilities.

- A. The Chief of Police shall maintain a list of those approved tow operators to respond to calls from the Township Police Department. In order to be included on the on-call towing list, an applicant must meet all of the requirements of this chapter.
- B. Calls to tow operators on the on-call list shall be made on a non-discriminatory rotating basis, pursuant to procedures established by the Chief of Police. The Chief of Police or his

designee may call a tow operator out of sequence or seeking the services of a tow operator not on the on-call list if the circumstances require specialized equipment or if the interests of public safety so require.

- C. The fees to be charged for towing and storage services shall be as set forth in this Article. The Township shall not be liable for the cost of any towing and/or storage services, unless those services are performed for a municipal vehicle.
- D. Inclusion on the on-call towing list shall be automatically revoked upon revocation of tow operator's license. The Chief of Police may also suspend a tow operator's inclusion on the on-call towing list for such period of time as he considers appropriate for violations of this Article, after a hearing on such violations. Suspensions may be appealed pursuant to the procedures set forth in Section 4-9.7.
- E. Nothing in this section shall prohibit a motorist or vehicle owner from summoning a tow operator of his or her own choosing, except that any Township police officer at the scene of an incident requiring towing services shall be responsible for making the final determination as to when towing shall take place and which tow operator shall be called.
- F. All vehicles towed at the request of the Township must be removed to an approved storage facility in the State of New Jersey, unless the owner or operator of the vehicle specifically requests that it be towed to another destination. Any Township police officer at the scene shall be responsible for making the final determination as to the towing destination.

#### 4-9.10 Issuance of license.

Upon receipt of notice by the Clerk that an application has been approved and classified and upon the payment of the license fee designated herein, the Township Clerk shall issue a Township of Mansfield tow operator's license, designated "light-duty" or "heavy-duty" or both.

#### 4-9.11 Fee schedule.

Fees and rates for towing and storage of motor vehicles shall not exceed the following limits:

- A. Light Duty Day Rate (8:00 p.m. to 5:59 p.m.): \$75.00 per towing vehicle dispatched, plus any fees for additional services performed and mileage (\$2.00 per mile) from the scene.
- B. Light Duty Evening Rate (6:00 p.m. to 11:59 p.m.): \$100.00, plus any fees for additional services performed from the scene. The night rate shall apply on Sundays and legal holidays in the State of New Jersey.
- C. Light Duty Overnight Rate (12:00 a.m. to 5:59 a.m.): \$135.00, plus any fees for additional services performed from the scene. The night rate shall apply on Sundays and legal holidays in the State of New Jersey.
- D. Medium Towing – For motor vehicles with gross weight between 10,000 pounds and 26,000 pounds: \$175.00 per hour with a minimum of one hour per towing vehicle dispatched regardless of the time of day.

- E. Heavy Duty Towing: For motor vehicles with a gross weight over 26,000 pounds which can be moved with a conventional wrecker, \$350.00 per hour. Minimum one hour per towing vehicle dispatched, regardless of the time of day.
- F. For motor vehicles with a gross weight over 26,000 pounds where under reach towing is required, \$450.00 per hour. Minimum one hour per towing vehicle dispatched, regardless of the time of day.
- G. No mileage shall be charged if the vehicle is towed to the tow operator's storage facility or to any location requested by the owner that is located within the Township of Mansfield.
- H. Mileage may be charged should the owner request that the vehicle be towed to another location outside the Township of Mansfield, but the operator must first obtain the owner's approval of the operator's applicable mileage rate. No person shall be liable to any tow operator for any mileage fee in excess of the operator's fee schedule.
- G. Rates for road service shall not exceed the following:
  - (1) Motor vehicles with a gross vehicle weight of less than 10,000 pounds: \$75.00 per hour Day Rate, \$100 per hour Evening Rate and \$135.00 per hour Overnight Rate, with one hour minimum charge, plus costs of any materials used, including but not limited to, gasoline.
  - (2) Motor vehicles with gross vehicle weight greater than 10,000 pounds: \$100.00 per hour Day Rate, \$125.00 per hour Evening Rate and \$150.00 per hour Overnight Rate, with one hour minimum charge, plus costs of any materials used, including but not limited to gasoline.
- H. Storage fees shall not exceed \$30.00 per day, or any part thereof, for outside unsecured storage of motor vehicles under 22 feet in length and shall not exceed \$75 per day, or any part thereof, per unit, for all other motor vehicles.
- I. Storage fees shall not exceed \$35.00 per day, or any part thereof, for outside secured storage of motor vehicles under 22 feet in length and shall not exceed \$85.00 per day, or any part thereof, per unit, for all other motor vehicles.
- J. Storage fees shall not exceed \$40.00 per day, or any part thereof, for inside secured storage of motor vehicles under 22 feet in length and shall not exceed \$100 per day, or any part thereof, per unit, for all other motor vehicles.
- K. Added charges for special services, if needed, shall not exceed \$100.00 per hour per tow truck and/or any additional pieces of equipment necessary to clear the roadway of debris or other prepare the vehicle prior to towing. Winching and recovery charges are subject to conditions pertaining to accident scene and weather conditions.
- L. Prior to hookup or flat bedding of a motor vehicle, the tow operator shall present a copy of its fee schedule to the owner or operator of the vehicle. The fee schedule shall also contain the name, address and telephone number of the tow operator and a statement of the hours when the motor vehicle may be claimed.

- M Operators licensed by the Township may petition the Township Committee for changes in the fee limits established herein based upon inflation, reasonableness and economic need.

4-9.12 Regulations and procedures; failure to comply.

The Chief of Police shall promulgate such rules, regulations and procedures, not inconsistent with this chapter, as may be reasonable and necessary to carry out the provisions of this chapter. Copies thereof shall be provided to all approved tow operators and shall be made available to the public, along with copies of current fee schedules, during normal business hours. Failure to comply with applicable rules, regulations and procedures may be cause for revocation of a tow operator's approval.

4-9.13 Enforcement.

The Chief of Police is hereby designated to enforce the provisions of this chapter and any applicable rules and regulations.

4-9.14 License fees.

Within ten (10) days of notice of approval of the license, the applicant shall pay the following fees to the Township:

- A. The fee for a license, for each light-duty operation only, shall be \$100.00 per year.
- B. The fee for a license, for a heavy-duty operation only, shall be \$100.00 per year.
- C. The fee for a license, for a combination light-duty and heavy-duty operation, shall be \$150.00 per year.

Section II.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section III.

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.

Section IV.

This Ordinance shall take effect immediately upon final publication as provided by law.

Mr. Baldwin made a motion to approve the passage of Ordinance 2008-08 and requested that the results be advertised, which was seconded by Mrs. Oakley.

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

Nays: Mr. Jewell

Absent: None

COMMITTEE PERSON COMMENTS:

Mr. Jewell stated that he and Mr. Baldwin met with Ray Rice a builder/developer that has done previous work on COAH housing. He is a pretty interesting individual. He may be able to help us meet our COAH obligations. We may or may not be working with him on this project. We are going to be interviewing a couple of other people for this project.

Mr. Baldwin the court is requesting that we allow an internship that will cost the town nothing for the summer. The individual is Marcie Hoover this would be internship as part of her college education. She will be signing a release about working here. Maybe we should approve this pending Mr. Kobert's approval of the release.

Mr. Baldwin made a motion to approve Marcie Hoover becoming the intern for the Court offices for the summer, which was seconded by Mrs. Oakley.

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

Nays: None

Absent: None

Mr. Baldwin stated that while Mr. Kobert, Esq. was reviewing the HVAC maintenance contracts the building had an issue with the heating and cooling system and that we had AJ Celiano come in to check the equipment and do the necessary repairs. They have worked well for us and we are pleased with their work.

Mr. Watters asked if the contract with Celiano is more advantageous for the township.

Mr. Baldwin explained that the contract with Celiano is more advantageous for the township.

Mr. Kobert, Esq. stated that the one contract bounds the township for a year and the other contract was a 30 day notice of termination.

Mr. Baldwin stated that Mr. Sliker would like to see the maintenance go to AJ Celiano.

Mr. Baldwin made a motion to approve the contract for AJ Celiano with the change of the thirty day termination clause, which was seconded by Mrs. Oakley.

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

Nays: None

Absent: None

Mrs. Oakley stated that the Town Wide Yard Sale is set for September 13<sup>th</sup> and 14<sup>th</sup> from 8 am to 4 pm Saturday and Sunday only.

Mr. Baldwin stated that he attended a meeting yesterday afternoon for the Recreation Park with the contractor and the park committee needs to meet with Mr. Mace to find out what he will need to have the park reviewed by the Planning Board. This year the park committee purposes to start with the first phase which will be the walking trails, because the Township Committee has decided that it is in the best interest of the township not to go into debt to do the full park build out. After checking with Mr. Coppola Mr. Baldwin would like to earmark about \$450,000 for the walking trails which we do have in the account for this project.

Mr. Cruts, Recreation Commissioner stated that the park committee had a meeting with Harold Pellow and Associates the engineering firm for the park to have them change the plans for field placement and also had discussions of what permits are needed. Harold Pellow is going to begin the septic permit process which will take about a year. They also want to start the plans for construction grade paper. The bulk of the

conversation had to do with the passive recreation trails that will be placed in the wooded area. They are purposing about 7590 feet of trails about 6 feet wide the permits have already been filed with the DEP for the wetlands and also for a stream encroachment for the bridge that will go over a Class I stream. The permits should be back before the end of July. The board is asking if the Township would allocate about \$450,000 out of the Open Space, Historic, Recreation monies and to bring the plans before the Planning Board for discussion informally.

Mr. Cruts asked Mr. Mace what type of plans they would need for the discussion and also whether it should be what they are planning to do this year or if the whole park plan should be reviewed.

Mr. Mace stated that he would like to use the construction grade plans or a feasibility plan for the whole project or most of the project for the discussion and then come back with all of the other pieces.

Mayor Nerbak explained that what is being asked is if the Township Committee would like to approve the money for the trails in the park being set aside.

Ms. Kathie Todd, Jackson Valley Road, asked if the people have any input in this decision and she asked what the total in this account now.

Mr. Coppola stated that the total is \$760,000 and with the fees for the remainder contracts is \$499,000.

Mr. Watters asked what contracts it is that Mr. Coppola refers to.

Mayor Nerbak explained that it is for the development of the plans for the park, that were previously approved by the Township Committee.

Ms. Kathie Todd, Jackson Valley Road, stated that she loves the idea of the park, but she sees a lot of Recreation Parks not being used in the area. She believes that the monies can be used in other ways.

Mr. Baldwin stated that he believes that we are better off doing the park in stages instead of going into debt to build the park.

Mr. Jewell asked why it is that we are doing trails prior to doing the fields.

Mr. Cruts explained that was most economic way to begin the park.

Mayor Nerbak explained that the first phase of the fields will be the most expensive therefore the trails were the best place to start without having to go into debt. The first phase of fields is about \$4.5 to 5 million dollars.

Ms. Oakley asked how long the trails are.

Mr. Cruts answered 7590 feet which is approximately 1.25 miles.

Mr. Cruts stated that the school is excited for the trails to go in not only for passive recreation, but also for educational purposes.

Mr. Jewell stated that it seems to him that spending the money on walking trails the part of the park that the Recreation Commission is really looking to have in place will take even longer to build. Mr. Jewell stated that spending \$450,000 for walking trails is not what he believes should be done with the money, we should be putting in the septic system or beginning the fields with this money.

Mr. Watters stated that he went to the County Open Space and had a discussion of the walking trails that the county owns and none of them are used or marked to show that they are walking trails. People that want to walk on trails are already walking on them, the people that are not walking on trails are not going to walk on trails even if we do build them.

Ms. Kathie Todd, Jackson Valley Road, stated that there is a perfect wetlands 350 feet to the left of the school that would be perfect for educational, develop that.

Mayor Nerbak responded that the property is not ours it is the church's property.

Mr. Cruts stated that the Recreation Commission was contacted by Donna Rue from Warren County and she had said that Warren County is looking for places with more passive recreation and that in the future there may be money available for passive recreation.

Glenn Todd asked if the recreation commission has tried to come up this money by ways of state money or any other way.

Scott Cruts stated that the park committee has formed a non profit for donations for the park and have not had much success.

Glen Todd stated that the recreation commission should look for somewhere other than the Open Space funds.

Mrs. Oakley asked if we could start the walking trails and still leave money in the Open Space funds.

Mr. Baldwin made a motion to approve setting aside \$450,000 for the walking trails, which was seconded by Mrs. Oakley.

Mr. Watters stated that it is his understanding that the money has been used from the Open Space fund and that the Open Space Committee has not been asked for their opinion on the spending of the money.

Mayor Nerbak stated that the Open Space Commission with the exception of Jim Watters has not stated that they have a problem with the money being spent on the recreation park.

Mr. Watters asked who is the representative from recreation commission that is on the Open Space Commission.

Scott Cruts stated that he is the representative from the Recreation Commission for the Open Space Committee.

Mrs. Oakley asked if they were asked about the money that was given to the churches.

Mayor Nerbak answered that we did not.

Mr. Watters stated that was only \$10,000 here or there.

Ms. Todd stated that she has interest in joining the Open Space committee and hopefully renew the interest in Open Space.

Mr. Cruts stated with all of the new rules there is not much land left to preserve.



Mr. Baldwin stated that the County has money for preserving lands.

Mr. Watters stated that there are historic properties that need to be maintained.

Mr. Cruts stated that this is only a request from the recreation commission.

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

Nays: Mr. Jewell, Mr. Watters

Absent: None

Mr. Watters stated that there is a request for a fire lane on Penwell Road by the river.

Mayor Nerbak stated that Mr. Mace has been working on that request.

Mr. Mace stated that the request of a fire lane over on Penwell Road by the river has been reviewed by Mr. Kobert and himself and they feel that the quickest and easiest way to make an enforceable rule is to make that section a no parking zone. We will need to draw up an ordinance with the specifics.

Mayor Nerbak stated that there is a Warren County League Meeting on May 29<sup>th</sup> at Bella Guarno there will be three committee people and Mr. Mace attending.

EXECUTIVE SESSION: Matters Relating to the Employment Relationship

**A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN  
ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS  
ACT, N.J.S.A. 10:4-12.**

WHEREAS, the Township Committee of the Township of Mansfield is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Township Committee of the Township of Mansfield to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

**Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.**

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Mansfield, assembled in public session on May 14, 2008, that an Executive Session closed to the public shall be held on May 14, 2008 at 9:21 PM in the Mansfield Township Municipal Building, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in the closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Return from executive session. 9:50.

All Committee members present.

RESOLUTION:

RESOLUTION NO. 2008-52

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT RELATED TO PERSONNEL  
ISSUES

WHEREAS, the Township seeks to resolve open personnel issues in a reasonable, fair and equitable  
manner;

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

The Mayor is hereby authorized and directed to execute the attached Separation Agreement and  
General Release.

Mr. Baldwin made a motion to approve Resolution 2008-52, which was seconded by Mr. Jewell.

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

Nays: None

Absent: None

Mrs Oakley made a motion to approve Sergeant Emery as the Officer in charge until Chief Ort returns to  
work .

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

Nays: None

Absent: None

Mr. Baldwin made a motion to adjourn at 10:16pm, which was seconded by Mr. Watters and carried by all.

Respectfully Submitted,

Dena Hrebenak