

MANSFIELD TOWNSHIP COMMITTEE MEETING

February 25, 2009

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Star-Gazette and the Express Times of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Mr. Baldwin made a motion to approve the minutes from the February 11, 2009, which was seconded by Ms. Nerbak.

Ayes: Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mr. Tomaszewski, Mayor Jewell

Nays: None

Absent: None

Abstain: None

PAYMENT OF BILLS:

Mr. Watters inquired why the bills for the electrical use in the new DPW garage increased in price.

Mr. Baldwin explained that the DPW has been spending more evening hours in the building during over time due to inclement weather.

Mr. Watters stated that the Police gas pump was replaced and inquired why it was being replaced so soon and what a gas pump generally costs. Mr. Watters also inquired why there were problems with the gas pump and if it was being overused.

Mr. Baldwin stated that he received a number of estimates of \$6000.00 more than what the township paid.

Mr. Tomaszewski will ask the Police Department to take it easy on the gas pump.

Mr. Baldwin made a motion to approve the payment of the bills, which was seconded by Mayor Jewell.

Ayes: Mr. Baldwin, Ms. Nerbak, Mr. Tomaszewski, Mr. Watters, Mayor Jewell

Nays: None

Absent: None

Abstain: None

CFO REPORT:

Mr. Coppola stated that the auditors finished up on Monday and will notify the office when the reports are ready to have an exit conference and asked the committee if they wanted it to be handled in the same way it has been in the past two years.

Mayor Jewell agreed that it should be handled in the same manner which is for the Finance Sub-Committee to meet with the auditors for the exit conference during the evening.

Mr. Coppola stated that the Energy Audit response which was about \$3000 more than what was anticipated and the state will reimburse 75% upon delivery of the report they put together and is possible of getting the other 25% depending on the costs of the improvements implemented. Mr. Coppola stated that he has prepared Transfer Resolution 2009-40 to move money into that account if the committee wishes to move ahead.

Mr. Coppola stated that prior to hiring; all information has to be sent to the state and will in turn give the township a letter of approval.

Mr. Baldwin stated that the township should move ahead.

Mayor Jewell stated that it seems the township building is so small that no one wanted to place a bid.

Mr. Coppola stated that Mount Olive, which is a fairly large building, had one who did not respond at all, one responded and wasn't interested and three who responded with bids, but the prices were too high for two out of those three bids.

RESOLUTION- No. 2009-40

FOR TRANSFER OF FUNDS

WHEREAS, there are insufficient funds in some of the 2008 budget line items; and

WHEREAS, it is permissible to transfer appropriation reserve funds before April 1, 2009.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield that the following transfers be made:

FROM		TO	
Tax Collector OE	\$847.69	Electric OE	\$3,267.88
Tax Assessor OE	\$1,033.49		
Legal OE	\$1,386.70		

Mr. Baldwin made a motion to approve the passage of Resolution 2009-40 which was seconded by Mayor Jewell.

Ayes: Ms. Nerbak, Mr. Baldwin, Mr. Watters, Mr. Tomaszewski, Mayor Jewell

Nays: None

Absent: None

Abstain: None

Mr. Coppola stated that some quotes were received for the purchase of a police vehicle, including the Fords which only had equipped cars available.

Mr. Coppola stated that the Police Department wants new equipment. Mr. Coppola stated that the Police Department is asking to have the four year lease for \$7400 instead of the three year lease for \$9500 including equipment; both quotes expire 5/31/2009.

Mayor Jewell asked what the mileage on the car would be after four years.

Mr. Watters stated that usually a car is at 80,000 miles by three years.

Mr. Baldwin agreed and stated that 100,000 miles is where the township usually draws the line to be running.

Mayor Jewell asked Mr. Coppola how much more the equipment will cost.

Mr. Coppola stated that it will cost about \$1400 more including all new equipment except the light bar.

Mr. Watters suggested that Mr. Tomaszewski, the Police Commissioner should look into it.

Mr. Tomaszewski asked Mr. Coppola what kind of equipment is being included in the car.

Mr. Coppola stated that the cage, the console, the siren and the grill lights were included, but did not have a complete equipment list.

Mr. Coppola stated that the revised Police quotes are in and an evening interview will be set up with Mr. Baldwin and Mayor Jewell including people from other towns on Wednesday or Thursday of the following week.

Mr. Coppola stated that the Court Grant that was submitted for Shared Services was deemed complete.

Mr. Coppola stated that if the Committee wants to move forward with the other Police Proposal he suggests that the he and the Police Chief can put together a Proposal and have the Sub Committee review it and set up a meeting.

Mayor Jewell stated that he is not inclined to get involved with Oxford at this time and possibly Washington Township will want to take Oxford on.

Mr. Coppola stated that spreadsheets for inventory have been produced and Brent will be giving them to one of his men to start and then the Finance Office will do the tagging.

Mr. Coppola stated that a letter was received from Jen Hikade stating that she is going out on maternity leave.

Mr. Coppola also stated that the committee has the over time sheet in their packets.

Mr. Coppola stated that bills from the Appraisers last year are still being submitted for the two appraisals for Minac and Sumo Prime.

Mr. Coppola stated that the vendor originally agreed to waive one of the fees because neither of the two appraisals they did last year were ordered by the town, they were ordered by the attorney's office. Mr. Coppola stated that the assessor wasn't happy with what was done and this appraisal was never used as the appeal was settled without using it. It is now being said that they never agreed to waive the fee especially since they were not reappointed for 2009.

Mr. Coppola stated that Mr. Murdoch prefers to solicit proposals for the appraisal work and Mr. Coppola agreed that it was the best way.

Mayor Jewell asked Mr. Coppola that at that time, if they had asked for appraisals from other Assessors.

Mr. Coppola suggested that he speak with Larry to discuss how to handle this situation and discuss during the next meeting.

Mayor Jewell asked how much the fees are.

Mr. Coppola stated that the fees are \$2000.

Mr. Coppola stated that Sgt. Mannon and Cpl Hydock will be out on extended sick leave; Cpl Hydock has a letter stating that he will be out until March 23, 2009 and Sgt Mannon had a procedure done on February 24 and does not know how long she will be out.

CLERKS REPORT:

Ms. McGarity stated that notification was received that the Township has been awarded the Grant for \$15,000 for the Initial Assessment Grant.

Ms. McGarity stated that Court has picked up all Oxford Court files and at the end of the month they will be getting the bank account reports once they have been closed out. Ms. McGarity stated that DPW will put up the Oxford Municipal Court sign as soon as the Court receives the okay from the state. Ms. McGarity also stated that the state computers will be switched over to Mansfield for the March 1st start and will be getting sign-ons for Oxford by the 1st as well as possibly received another computer from Trenton.

Ms. McGarity stated that a list of properties has been prepared for auction and there will be a resolution on the March 11th meeting. Ms. McGarity stated that all Department Heads have been asked to prepare a list of any items that need to be auctioned for possibly May and properties are being reviewed before being auctioned.

Ms. McGarity stated that the DPW painted the Prosecutor's Office and is now all one color.

Ms. McGarity stated that the Township Attorney and the Township Planner have reviewed the Highlands Grant paperwork and both agreed that the Mayor may sign the Agreement.

ENGINEERS REPORT:

Mr. Mace stated that he has been the Municipal Housing Liaison and during the first quarter of the year was supposed to go to a training session on COAH's new system, CTM, and \$150 was requested and then supposed to be waived.

Mr. Mace stated that the Municipal Housing Liaison must be a Municipal Employee and must be done quickly because if the data was not going to be inputted correctly, they were going to issue a Notice of Violation.

Mr. Mace stated that Mr. Coppola has spoken to Mr. Kobert about this and have been trying to resolve it with COAH.

Mr. Mace stated that in order to attend the seminar a Designation Form must be filled out and possibly a new Ordinance for a Municipal Housing Liaison and point of contact.

Mr. Coppola stated that he was looking into the possibility of doing it as a shared service, but was still waiting for a response from DCA.

Mr. Mace stated that he talked with Kevin Hahn of Mr. Kobert's office and the owner with the appliance violations and noted that he took the sign down, but hasn't removed any appliances and is actually a freezer chest now outside.

Mr. Mace stated that violations were sent to the owner and were ignored, so Mr. Mace would give him two more citations and will go after him since he made it exceptionally clear what was not acceptable.

Mr. Mace stated that he hasn't heard back from the state in reference to Washburn Road and that an answer is needed because it needs to be re-bid.

Ms. Nerbak asked if anyone attended the Pre-construction Conference on February 20th and no one had attended.

Mayor Jewell stated that the water main must be in by April because the road maintenance will start in July and once the main is in, no more cutting will be allowed for five years.

ORDINANCE:

Second Reading

Mayor Jewell opened the floor for public comment in regard to the Towing Ordinance. Seeing that there were no comments, the public portion was closed.

Ordinance :2009-03

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.

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 $\frac{5}{8}$ 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 $\frac{1}{4}$ 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 60 days of receipt of the application and if there is a viable reason given to the Township Committee they may grant the police department an extension of 30 days. 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.): \$85.00 to \$125.00 per towing vehicle dispatched, plus any fees for additional services performed and mileage (\$4.00 per mile) from the scene.
- B. Light Duty Night Rate (6:00 p.m. to 8:00 a.m.): \$100.00 to \$175.00, plus any fees for additional services performed from the scene and mileage (\$4.50 per mile). The night rate shall apply on Sundays and legal holidays in the State of New Jersey.
- C. Medium Towing – For motor vehicles with gross weight between 10,000 pounds and 26,000 pounds: \$175.00 to \$250.00 per hour with a minimum of one hour per towing vehicle dispatched regardless of the time of day and mileage (\$5.00 per mile).
- D. Heavy Duty Towing: For motor vehicles with a gross weight over 26,000 pounds which can be moved with a conventional wrecker, \$350.00 to \$500.00 per hour and mileage (\$6.00 per mile). Minimum one hour per towing vehicle dispatched, regardless of the time of day.

- E. For motor vehicles with a gross weight over 26,000 pounds where under reach towing is required, \$450.00 to \$600.00 per hour and mileage (\$6.00 per mile). 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 to \$125.00 per hour Day Rate and \$125.00 to \$150.00 per hour Night 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 to \$125.00 per hour Day Rate and \$125.00 to \$175.00 per hour Night 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. \$65.00 to \$75.00 for extra help if needed per hour and any additional equipment necessary to clear roadway of debris is extra charge. All rates are subject to weather conditions. Winching and recovery charges are subject to conditions pertaining to accident scene and weather conditions.
- L. Prior to hookup or flatbedding 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 stated that it may save the town money in advertisements to keep the storage facility part of the ordinance in case the township was ever interested in utilizing a storage facility in the future and that some towns have made good money having a storage facility.

Mayor Jewell does not want to house cars in a storage facility because it would be a liability. Mayor Jewell stated that the vehicles being stored may leak fluids, pollute the area and may be abandoned for which the township would have to handle.

Mr. Watters made a motion to adopt Ordinance 2009-03 being introduced which was seconded by Mr. Tomaszewski.

Ayes: Mr. Tomaszewski, Mr. Watters, Mayor Jewell

Nays: Mr. Baldwin, Ms. Nerbak

Absent: None

Abstain: None

PUBLIC PORTION:

Dominick Alfieri introduced himself as a Port Murray resident. He stated that he could not attend the Recreation Commission meeting and inquired about the Recreation Park. Mr. Alfieri inquired about a bond, budgets, and a map.

Ms. Nerbak stated that there will be no bond this year and that Mr. Alfieri should speak with the Recreation Commission for more details. Ms. Nerbak also stated that the extension of the walking trail will be the only construction this year within the Recreation Park and the money will be coming from the Open Space account.

RESOLUTION:

RESOLUTION NO. 2009-37

Requesting approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for Tax Sale Premiums

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, the Local Finance Board allows municipalities to receive amounts for tax sale premiums, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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

1. The Township Committee hereby request permission of the Director of the Division of Local Government Services to pay expenditures for fire prevention from fees received for tax sale premiums.
2. The municipal clerk of the Township of Mansfield is hereby directed to Forward two certified copies of this resolution to the Division of Local Government Services.

Ms. Nerbak made a motion to approve the passage of Resolution 2009-37 with the appropriate changes, which was seconded by Mr. Watters.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None

Absent: None

Abstain: None

RESOLUTION 2009- 38

WHEREAS, there exists a need for the service of a Township Engineer and in the Township of Mansfield for engineering and zoning services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:1 1-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

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

1. The agreement with **Douglas M. Mace, P.E., L.S., P.P.** with the Engineering Office of **Barry Isett & associates, Inc.** is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:1-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law. A copy of the Agreement is on file for inspection with the Clerk of the Township of Mansfield.

2. A notice of this action shall be printed once in the Star-Gazette.

Ms. Nerbak made a motion to approve the passage of Resolution 2009-38, which was seconded by Mr. Baldwin.

Ayes: Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mr. Tomaszewski, Mayor Jewell

Nays: None

Absent: None

Abstain: None

RESOLUTION 2009-39

WHEREAS, there exists a need for the service of a Township Planner in the Township of Mansfield for Planning services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:1-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

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

1. The agreement with **Joseph J. Layton, P.P., A.I.C.P.** with the firm of **Maser Consulting P.A.** is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:1-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law. A copy of the Agreement is on file for inspection with the Clerk of the Township of Mansfield.

2. A notice of this action shall be printed once in the Star-Gazette.

Mr. Baldwin made a motion to approve the passage of Resolution 2009-39, which was seconded by Mr. Watters.

Ayes: Mr. Baldwin, Ms. Nerbak, Mr. Tomaszewski, Mr. Watters, Mayor Jewell

Nays: None

Absent: None

Abstain: None

ORDINANCE:

2009-04

AN AMENDMENT TO AN ORDINANCE ENTITLED AN ORDINANCE LICENSING AUTOCABS, LIMOUSINES, AND LIVERY SERVICES OPERATED WITHIN THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY

WHEREAS, the Township Committee has determined that an amendment needs to be made on a previously adopted Ordinance which is numbered Ordinance 99-20 to clarify the fee schedule for the license,
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.

Section 4 Fee Schedule

The nonrefundable fees to be paid for said license, shall be as follows: One Hundred Dollars (\$100.00) for each autocab or limousine per annum.

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 Ordinance 2009-04 being introduced and requested that the public hearing be set for March 11, 2009 and be advertised as such, which was seconded by Mr. Watters.

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

Nays: Mr. Tomaszewski

Absent: None

Abstain: None

COMMITTEE PERSON COMMENTS:

Ms. Nerbak stated that during the Recreation Commission Meeting Kathy Todd agreed to fill the unexpired term of Tina Larson expiring 12/31/2011.

Mr. Baldwin made a motion to approve Kathy Todd as a Recreation Commissioner which was seconded by Mayor Jewell.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None

Absent: None

Abstain: None

Ms. Nerbak also stated that the Recreation Commission discussed a possibility of opening a dog park in the Recreation Area be discussed. The ladies who had the idea would raise the money for the fence.

Ms. Nerbak also stated the Open Space Committee is trying to get an inventory of all Preserved land, farmland space, green acres and etc and is not sure where she can find that information.

The committee suggested she speak with Bob Resker who should have the information.

Ms. Nerbak stated that someone at the Recreation meeting suggested that the township have a fundraiser for the opening day for the walking trail as a way to get people to come out to see the walking trail.

Mr. Baldwin stated that the Warren County Agricultural Development Board had an executive session meeting which he wasn't a part of.

Mr. Baldwin also stated that the County has been holding money that belongs to Mansfield Township since 2001 and a motion was made to give \$120,000 to \$130,000 back to Mansfield Township and should be resolved and that money will go in the Open Space Fund.

Mr. Tomaszewski stated that he met with the Environmental Commission last week and they talked about putting up signs throughout the Township to address areas like the old church on Mt. Bethel Road and the first regional house in Mansfield Township which is owned by the Watters' family.

Mr. Tomaszewski inquired about the Police Department receiving overtime during a meeting and if that was normal.

Ms. Nerbak explained that if they have a department meeting and they are not on duty, they will receive overtime and asked Mr. Tomaszewski to ask the Chief to verify.

Mr. Watters stated that a man had a heart attack while he was at the Hackettstown market last Tuesday and Mansfield EMS were the first to respond and the man survived.

Ms. Nerbak stated that Mike Turner called her and emailed Ms. Hrebenak that he is trying to get a group together to have a news conference on March 16th on the Statehouse steps and do some lobbying for the Restoration Act.

Mayor Jewell stated that the township paid a premium of \$100 when the police called animal control to pick up a dead cat off the side of Allen Road at 12.26am and inquired why it couldn't wait 8am the next morning and paid a \$50 fee. Mayor Jewell asked Mr. Tomaszewski to address the situation.

Mayor Jewell asked Kathy Todd if she received a pamphlet on grants which stated Bicycle Pedestrian Network of Trails and Mayor Jewell also stated that there were several things in it that could be used towards the park.

Ms. Todd stated that Diane Margolin has experience writing grants and could look at the pamphlet.

Mr. Mace stated that bills S-2577 and A-3772 require attention and suggested that the township oppose both bills.

Mr. Baldwin made a motion to approve send a letter opposing bills S-2577 and A-3772 which was seconded by Mayor Jewell.

Ayes: Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mr. Tomaszewski, Mayor Jewell

Nays: None

Absent: None

Abstain: None

Mayor Jewell made a motion to take a five minute break at 8:35 pm and then proceed into Executive session, which was seconded by Mr. Baldwin.

Ayes: Mr. Baldwin, Ms. Nerbak, Mr. Tomaszewski, Mr. Watters, Mayor Jewell

Nays: None

Absent: None

Abstain: None

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:

- (8) 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 February 25, 2009, that an Executive Session closed to the public shall be held on February 25, 2009 at 8:45 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 at 8:45pm.

Roll Call: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Mr. Baldwin made a motion to adjourn at 9:21pm, which was carried by all.