

## MANSFIELD TOWNSHIP COMMITTEE MEETING

June 23, 2010

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

Salute to the flag was done by all.

### APPROVAL OF THE MINUTES:

Mr. Jewell made a motion to approve the minutes from the regular meeting held on June 9, 2010, which was seconded by Mr. Watters.

Mr. Baldwin stated that he had spoken with the Township Clerk and there were some changes that were made.

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

Nays: None

Absent: None

Abstain: None

### PAYMENT OF BILLS:

Mr. Watters asked if the two bills that were included on the bill list were the last bills that the township has for the old engineer.

Mr. Coppola stated that there is another bill that the mayor has that needs to be paid, but that there was some for Washburn Road that will need to be paid once the job is completed.

Mr. Jewell asked if one of the bills that are on the bill list was for the survey.

Mr. Coppola stated that one of the bills was for the survey on Alpine Ave and that the bill was reduced which is why it is being paid.

Mr. Watters asked about the two electric bills for the Municipal Building one from JCP&L and one from Glacial Energy.

Mr. Coppola stated that this is the way that the electric bills have been handled since we switched, but that we still have to pay JCP&L for the delivery.

Mr. Jewell made a motion to approve the bill list as presented, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

PRESENTATION BY MARY JOE HARRIS, PREVENTION EDUCATOR

Ms. Harris presented the Township Committee information about College Binge drinking and requested that the municipality meet with them to discuss a Social Host ordinance and also discuss other things that can be done to eliminate the accidents and deaths due to binge drinking of underage people.

Ms. Harris also requested that if any of the Township Committee members are interested to get involved with this for them to let her know.

CFO REPORT:

Mr. Coppola stated that in the packet each committee member received an overtime report and that tonight each member was given a copy of the energy savings with switching the provider last November and the savings at this point is \$782 and there some items involving the interlocal contract that he would like to go over later.

Mr. Coppola stated that the Tax Assessor will be in later to discuss the tax abatements.

TAX ASSESSORS REPORT:

Mr. Coppola and Mr. Murdock were present to discuss tax abatements with the township committee.

Mr. Baldwin asked what needed to be done to have this program.

Mr. Murdock stated that an ordinance would need to be done.

Mr. Baldwin asked what Mr. Murdock believes would be a good area to do something like this.

Mr. Coppola stated that there was a commercial increase but at this point the commercial is about the same and the industrial has stayed about the same.

Mr. Baldwin stated that he felt that this would be something to move forward on.

Ms. Nerbak stated that she also felt that we should move forward with this.

Mr. Jewell asked if most towns go for the 5 year abatement.

Mr. Murdock stated that he is pushing in another town to do the pilot program.

Mr. Coppola asked Mr. Vex if it is possible to have an open pilot program for years in the ordinance.

Mr. Vex stated that he could look into it and let Mr. Coppola know.

Ms. Nerbak made a motion to move forward with discussions for an abatement plan, which was seconded by Mr. Watters.

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

Nays: None

Absent: None

Abstain: None

CHIEFS REPORT:

Chief Ort stated that he was at the law enforcement expo and he spoke with the dealer for the Tahoe and he will be reducing the price by \$557.

Chief Ort stated that effective July 5 there will be a switch from a 12 hour to a 10 hour shift.

Chief Ort stated that he spoke with the Lieutenant in Washington Twp and looked at the impound yard and that he will be meeting with their chief tomorrow.

Chief Ort stated that he was appointed Trustee for the DARCC.

The township attorney has a new sick time policy and there will be a requirement after three days for a doctor's note and five calendar days in one year.

Mr. Vex asked if the 10 hour schedule will save on overtime.

Chief Ort stated that this will not save much on overtime but there will be an overlap of time so there will not be a requirement to cover so much time.

Chief Ort stated that at this point the officer that is out will be out through October.

CLERKS REPORT:

Ms. Hrebenak stated we had a gentleman stop by that deals water and water coolers. The prices are cheaper than our current company, but will make a call to him to see if there are any additional charges. Is the committee interested in switching companies?

The Township Committee agreed that the clerk should use her discretion on which is the better company for the pricing.

Ms. Hrebenak stated that a letter was received from Corey Stoner requesting that the Township Committee accept the Walking Trail project has been completed.

Mr. Jewell stated that there is some erosion along the path that needs to be taken care of prior to accepting the project.

Mr. Baldwin stated that he would take care of this with Mr. Stoner.

ENGINEERS REPORT:

Mr. DiSessa stated that the pre bid inspection for the HVAC work was this morning and there were 6 bids that were picked up for this work and the bid opening is scheduled for July 1.

Mr. DiSessa stated that the Municipal Aid project was closed and is now reopened and the new deadline is August 13 so they will be submitting applications for the two projects that got turned down last year.

PUBLIC PORTION:

Robert Hager and Michael Clancy, Mansfield Township Fire Company #1, were present to discuss the recent issue of the Coin toss on Route 57.

Mr. Clancy stated that the statute of limitations to file complaints was over at this point and they are still pursuing the issue by calling the Chief of Mansfield Township Fire to get a list of members that were in the road for the coin toss.

RESOLUTION:

2010-66

A RESOLUTION OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF CERTAIN PROERPTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSE, PURSUANT TO N.J.S.A. 40A:12-13(a) et seq.

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a) authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements; and

**WHEREAS**, the Township of Mansfield is the owner of Block 2707, Lot 16, 17 & 18 which is not needed for public use and the Township Committee has determined that it is in the best interest of Township to sell the property in an effort to put it back on the active tax rolls; and

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13.1 allows the Township to authorize the sale of said real property by Resolution; and

**WHEREAS**, the Township of Mansfield, prior to the auction, offered the right of first refusal to contiguous property owners pursuant to N.J.S.A. 40A:12-13.2; and

**WHEREAS**, the Township held a public auction on July 11, 2009 and the high bidder was Manoj K. Bonan and Ramya S. Edula of 46 Canterbury Lane, Hackettstown, New Jersey, 07840 in the amount of \$2,500.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY**, that the property known as Block 2707, Lot 16, 17 & 18 of the tax map of the Township of Mansfield shall be sold to Manoj K. Bonan and Ramya S. Edula of 46 Canterbury Lane, Hackettstown, New Jersey, 07840 in the amount of \$2,500.

**BE IT FURTHER RESOLVED**, the Mayor shall be authorized to execute any and all documents necessary to effectuate the above referenced sale.

Ms. Nerbak made a motion to approve the passage of Resolution 2010-66, which was seconded by Mr. Watters.

Ayes: Mr. Jewell, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Tomaszewski  
Nays: None  
Absent: None  
Abstain: None

2010-67

MANSFIELD TOWNSHIP LIQUOR  
LICENSE RENEWAL 2010-2011

**WHEREAS**, the following establishments have made application for renewal of Liquor Licenses for the license term 2010-2011:

1. Bensi of Mansfield, LLC #2116-33-001-003
2. Mansfield Bottle King #2116-44-003-005
3. Ruby Tuesday #2116-33-002-003

**WHEREAS**, the appropriate fees have been paid to the Municipality and the State of New Jersey Division of Alcoholic Beverage Control; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mansfield Township Committee that the foregoing Liquor License Applications be approved for the licensing year 2010-2011.

Ms. Nerbak made a motion to approve the passage of Resolution 2010-67, which was seconded by Mr. Baldwin.

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

Nays: None

Absent: None

Abstain: None

ORDINANCE

First Reading

**ORDINANCE 2010-13**

**AN ORDINANCE TO AMEND THE GENERAL CODE OF THE TOWNSHIP OF  
MANSFIELD, CHAPTER 8, ARTICLE 5 – TAXICABS  
TO REPLACE THE LICENSING REQUIREMENTS FOR TAXICABS**

BE IT ORDAINED by the Mayor and Township Committee of the Township of Mansfield as follows:

**Section One:** Chapter 8, Article 5 of the Code of the Township of Mansfield is replacing to read as follows:

**ARTICLE 5 – TAXICABS**

**8-55: Definitions.**

As used in the chapter, the following terms shall have the meanings indicated:

**DRIVER:** Any person who drives or will drive a regulated vehicle.

**OPERATOR:** Any corporation, partnership, sole proprietorship, association, or person in whose name any regulated vehicle is registered with the Department of Motor Vehicles and/or who operates or will operate any regulated vehicle.

**REGULATED VEHICLE:** Any vehicle engaged in the carrying of passengers for hire, including but not limited to taxicabs, limousines, vans, minivans, omnibuses and all similar vehicles, but not including those public conveyances regulated exclusively by state or federal law.

**8-56: License required.**

It shall be unlawful to hire out, operate, garage or park any regulated vehicle within the Township of Mansfield unless said regulated vehicle and the driver thereof are licensed pursuant to this chapter.

**8-57: Term of license.**

All operator's and driver's licenses issued under this chapter shall be valid from the date of their issuance through the following May 1<sup>st</sup>, Renewed licenses shall be valid from May 1<sup>st</sup> through May 1<sup>st</sup> of the succeeding year unless suspended or revoked.

**8-8: Fees.**

Operators shall be required to pay the following license fees:

- A. For each regulated vehicle: \$100.00 per vehicle.
- B. For each driver: \$50.00 per driver
- C. Any license issued for any regulated vehicle may be transferred in accordance with this chapter upon payment of a fee of \$50.00.

**8-59: Issuance of Licenses, Transfers, Licensing of Substitute Vehicles.**

A. The Township Clerk is hereby authorized to issue licenses for regulated vehicles, and drivers of Regulated vehicles licenses and driver's licenses upon receiving notice of approval of the application(s) therefore from the Mayor and Township Committee. The maximum passengers in a vehicle will be one passenger in the front seat and two or three passengers in each additional row of seating depending upon the type of seating available. Each driver's license shall set forth the dates said license will remain effective and shall include a current and clear picture of the driver, the driver's full name, the operator's business name, and a brief description of the driver, including his or her age, height, complexion, color of hair and color or eyes. The maximum number of taxicab licenses outstanding at any time shall not exceed five (5) licenses.

B. Nothing contained in this section shall prevent the renewal of license in existence on the effective date of the section.

C. Transfers; licensing of substitute vehicle:

1. No owner of any licensed taxicab or livery shall sell, lease, rent, assign, hire, transfer or in any other manner dispose of such taxicab or livery or any taxicab or livery business without notification to the Mayor and Township Committee; and no owner of any licensed taxicab or livery shall sell, lease, rent, assign, hire, transfer or in any other manner dispose of any taxicab license without first obtaining proper transfer of the license.

2. In the event that any licensed owner shall acquire a vehicle during any license period which is intended to be used as a substitute for one previously licensed, the owner thereof shall immediately notify the Township Clerk, in writing, of such substitution and apply for a transfer of the license from the previously licensed vehicle to the one to be substituted therefore. Subject to the provisions of this chapter and the payment of the transfer fee, the Township Clerk shall approve the transfer of such license.

3. During the period subsequent to such notification and prior to the approval or disapproval by the Mayor and Township Committee of the transfer of the license to permit the operation of such substituted vehicle, the owner may operate such substituted vehicle or cause the same to be operated, subject to the other provisions of this chapter.

4. Nothing herein contained, however, shall be construed as authorizing any person who is not presently licensed as an owner to operate or permit the operation of any taxicab or livery owned by him, as herein defined, prior to the granting to him of an owner's license; nor does it authorize the operation by a licensed owner of any additional vehicle for which no owner's license has been granted, pending approval

by the Mayor and Township Committee.

**8-60: Insurance and power of attorney requirements.**

Operators, upon applying for a regulated vehicle license, shall furnish proof of an insurance policy covering each regulated vehicle in accordance with N.J.S.A. minimum coverage requirements for each regulated vehicle are as follows: for taxicabs, at least \$500,000 per occurrence; for limousines and all other regulated vehicles, at least \$1,500,000 per occurrence. Operators must produce proof that the required insurance policy will be in effect and has been prepaid for the entire period the requested license will be effective (usually May 1<sup>st</sup> through May 1<sup>st</sup>). Each owner shall also execute and deliver to the Township Clerk the required power of attorney in accordance with N.J.S.A. 48:16-1 et seq., as amended and supplemented from time to time.

**8-61: State inspection, parking and sign requirements.**

A. Operators must provide proof that each regulated vehicle has been inspected by a state-operated inspection facility.

B. Operators must provide proof that each regulated vehicle has a garage or designated parking space located on private property, as permitted by law, where said vehicle will be stored when not in use. Written approval from the owner or enter of said private property must be produced. No more than one regulated vehicle may be stored at any single residential property located within the Township of Mansfield. The operators may request an exception for additional vehicles from the governing body and permission may be granted on a case by case basis.

C. All regulated vehicles must have permanently affixed signs on the driver and passenger doors setting forth the operator's business name, regulated vehicle license number, the maximum number of passengers allowed by said license, and the business office telephone number. If the word "taxi" or "cab" does not appear in the owner's name then the word "taxi", "taxicab" or "cab" must also be painted on both sides. The letters and numbers on said signs must be at least three inches tall and two inches wide and must be clearly visible from a distance of 50 feet.

D. The schedule of fares to be charged shall be clearly and prominently displayed in each regulated vehicle. The schedule of fares shall also be provided with the annual application for a vehicle license.



**8-62: Business office to be maintained; hours and days of operation.**

All operators, upon applying for one or more regulated vehicle licenses, shall be required to maintain a business office in any zone permitted for such an office within the Township of Mansfield. The address and telephone number of said office must be listed on all regulated vehicle locations.

**8-63: Photographs and fingerprints required;**

- A. Each applicant for a regulated vehicle driver's license shall, upon making application therefore, furnish his or her existing driver's license (non provisional) for a record check and three recent photographs of passport size, one of which shall be retained by the Township Clerk, another which shall be affixed to the driver's license, and the third which shall be affixed to a card suitably framed under any transparent covering such as plastic or other transparent non-breakable glass covering approved by the Police Department and displayed in a prominent place in the interior of the regulated vehicle being driven. Said card must also contain a brief description of the driver, including his or her age, height, and complexion, color of hair and color of eyes.
- B. Each applicant for license shall provide proof that he or she is either a citizen of the United States or has legal immigration status.
- C. Each applicant shall be fingerprinted for a criminal history background check.
- D. Each applicant must possess a satisfactory knowledge of traffic regulations and of geography of the Township.

**8-64: Records of trips.**

The drivers of all regulated vehicles must keep a written record of each trip, including the date and exact time the trip commenced and ended and the number of passengers carried. Trip records must be maintained by the operator for at least one year and must be made available for inspection by the Police Department of the Township of Mansfield or any other law enforcement agency upon request.

No person shall cruise on the streets of the Township at any time for the purpose of soliciting passengers.

**8-65: Traffic regulations and limitation on solicitation**

- A. All drivers will be held fully responsible for compliance with all traffic, parking and safety regulations on the road. In addition, all passengers will be required to enter and exit all regulated vehicles through the door or doors closest to the curb where said passengers are waiting for pick up or are being dropped off.

B. Regulated vehicles that are registered with the state as limousines shall not be allowed to solicit fares on the road and may only pick up passengers who have prearranged said limousine transportation by telephone.

**8-66: Refusal to issue license; suspension or revocation.**

The Mayor and Township Committee may refuse to issue a license or suspend any license or revoke any license after notice and hearing if:

- A. This chapter is violated in any particular way
- B. The operator or driver has been convicted of a felony, misdemeanor, Disorderly persons or frequent or significant violations of Title 39 of the Revised Status of New Jersey
- C. The driver fails to render reasonably prompt and adequate service while driving a regulated vehicle, has contributed to injury or person or property, or for other good cause.
- D. The regulated vehicle has become unsafe or unsanitary, or the policy of insurance provided for in Paragraph 8-60 of this chapter has been allowed to lapse and no substitute has been furnished prior to the effective date of said lapse.
- E. The falsification of any information contained in the application for a license.

**8-67: Violations and penalties.**

Except as required by N.J.S.A. 48:16-1 et seq., any operator and/or driver found to have violated the provisions of this chapter may have his or her license issued hereunder suspended or revoked by the Mayor and Township Committee. Repeat offenders are subject to revocation of all their licenses issued hereunder. Furthermore, upon conviction of said violation by the Municipal Court, any operator and/or driver shall be subject to one or more of the following: a fine not exceeding \$1,000.00, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days.

**Section Two:** This Ordinance shall take effect upon the publication of notice of final adoption as provided by law.

Mr. Baldwin made a motion to approve the introduction of Ordinance 2010-13 and requested that the public hearing be scheduled for July 14, 2010 at 8pm, which was seconded by Ms. Nerbak.

Mr. Jewell stated that he feels that we need to change the allowance in section 8-61 under section B it says that no more than one vehicle may be stored at a residence because the township is very diversified as far as lot sizes and it should be addressed that in the larger sized properties there may be more vehicles.

Mr. Vex stated that the change should state that the operators may request an exception for additional vehicles from the governing body and permission may be granted on a case by case basis.

Mr. Baldwin made a motion to approve with changes, which was seconded by Ms. Nerbak.

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

Nays: None

Absent: None

Abstain: None

#### BUDGET PUBLIC HEARING (8:00)

Mr. Coppola and Mr. Ferry were present to discuss the budget.

Mr. Coppola stated that at this point we are at 6.8 points which if the house was assessed at \$100,000 it would be about \$60.

Mr. Baldwin stated that he felt that there should be a different four wheel drive vehicle purchased then the Tahoe that is going to require a large amount of gas.

Mayor Tomaszewski opened the floor for public comment on the 2010 Budget.

Mrs. Mayberry asked if she heard correctly that the budget had gone down, but the taxes are still going up.

Mr. Coppola stated that this is correct.

Mr. Brad Smith asked Mr. Coppola if in the budget there was anticipation for people that are appealing the value of their homes.

Mr. Coppola stated that the budget is figured on the Equalized Assessed Value not real value.

Mayor Tomaszewski asked if there were any more comments from the public; seeing that there was none the public comment portion was closed.

Mr. Baldwin stated that he felt that the township should look into a different vehicle than the Tahoe that we are planning to purchase to save money on the gas mileage.

Discussion was held about the vehicles for the police department.

Mr. Baldwin also stated that he is not happy about the money being removed for paving of the township roads because this is something that we were finally maintaining the roads and now for the past two years there has been no paving done to maintain the roads.

#### EXECUTIVE SESSION:CONTRACTUAL

Mayor Tomaszewski made a motion to take a five minute break at 9:00 pm.

Mayor Tomaszewski made a motion to go into Executive Session at 9:05 pm to discuss Contracts, which was seconded by Mr. Watters.

Ayes: Mr. Jewell, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Tomaszewski  
Nays: None  
Absent: None  
Abstain: None

Return from Executive Session 9:48.

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

COMMITTEE PERSON COMMENTS:

Mr. Baldwin made a motion to move forward with the letter to Washington Boro in reference to the court, which was seconded by Ms. Nerbak.

Ayes: Mr. Jewell, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Tomaszewski  
Nays: None  
Absent: None  
Abstain: None

Mr. Jewell stated that the erosion issue needs to be addressed prior to accepting this project.

Ms. Nerbak stated that she received an invitation for Melissa Shoemaker award and she will be going.

Mayor Tomaszewski stated that he will be going also.

Mr. Baldwin made a motion to adjourn at 9:51.