

TOWNSHIP OF MANSFIELD COMMITTEE MEETING

July 28, 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. Watters, Mr. Baldwin, Deputy Mayor Jewell

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 July 14, 2010, which was seconded by Mr. Watters.

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

PAYMENT OF BILLS:

Mr. Watters asked about a bill on page 3 line 4120 for dues what is this for.

Mr. Coppola stated that it is an annual user fee for the police department for information sharing system.

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

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

CFO REPORT:

Mr. Ferry, CPA went over the audit report with the township committee.

Deputy Mayor Jewell thanked Mr. Ferry for his presentation.

Mr. Coppola stated that on the newsletter to be sent out with the tax bills was left on the dais if the township committee could review them and let the tax office know if there is anything that should be changed.

Mr. Coppola asked if there is a subcommittee in place that will be handling the tax abatements.

Deputy Mayor Jewell stated that there was not a subcommittee set up for the tax abatements.

Mr. Watters stated that he does not believe that this is something that should be offered to only new businesses.

Mr. Coppola stated that this is something that could be tailored to fit the way that the township committee would like to have it done.

Mr. Watters stated that he is not truly in favor of the whole idea, but that he is willing to discuss this.

Mr. Baldwin offered to work with Mr. Murdock on this.

Mr. Watters also offered to work with Mr. Murdock on this also.

Mr. Coppola asked if they wanted anyone from the planning board involved.

Mr. Baldwin stated that it should be discussed first.

CHIEFS REPORT:

Deputy Mayor Jewell asked Chief Ort what the information sharing system is.

Chief Ort stated that this is a sharing system that they assist us with situations like letting us borrow night vision cameras for an issue at the apartments.

Chief Ort stated that there are only two working vehicles at the moment, three of them are up at Frank Buccini's to be looked over two of them are overheating and one was towed in by Stews last night.

Chief Ort stated that the substation is now active with the modem and if the police department wanted to go with internet police reporting it would cost about \$800.

Chief Ort stated that Patrolman Conklin was in today and he is waiting for the workers comp company and he will not be returning this year.

Chief Ort stated that there is another officer out due to hand surgery and he should be returning next week.

Chief Ort asked if the Township Committee would be interested in hiring a part time officer to cover the shifts that would have been covered by Patrolman Conklin.

Mr. Baldwin made a motion to hire Joseph Matthews as a police officer for the police department, at a rate of \$15.00 per hour, which will keep the schedule where it is right now, which was seconded by Deputy Mayor Jewell.

Ayes: Mr. Watters, Mr. Baldwin, Deputy Mayor Jewell

Nays: None

Absent: Ms. Nerbak, Mayor Tomaszewski

Abstain: None

Deputy Mayor Jewell stated that up until this year the Township Committee was unaware that the Detectives were taking there vehicles home and as of Friday these cars need to be left at the municipal building.

Mr. Watters asked that the Chief get the interior specs for the Ford Edge.

Mr. Baldwin made a motion to have the Chief come back with information on which vehicles they would be interested in.

Chief Ort asked if anything has been done with the Pequest Road speed limit change.

Mr. DiSessa stated that he went out and investigated on his own the speed limit and it seems that this would be consistent to change the speed limit to 40 mph and he will be getting a report of his recommendations to the township committee.

CLERKS REPORT:

Ms. Hrebenak stated that she has nothing to report.

ENGINEERS REPORT:

Mr. DiSessa stated that he received his Zoning Officer Certification.

Mr. DiSessa stated that the bid for the Energy Audit work was reviewed and it is ok to be awarded and the alternate bid would be rebid.

PUBLIC PORTION:

Mr. Gulet, Mitchell Road, asked if the township committee was discussing tax abatements and where the population going to support these businesses.

Mr. Watters asked Ms. Campbell if she knew anything about the Washburn Road project.

Ms. Campbell stated that when she spoke to Mr. Lavery he had not received the contract yet so he was not able to comment.

Mr. Coppola stated that there was a letter received for the price on the corings from Barry Isett and Associates.

Ms. Hrebenak stated that she never received the contract from Barry Isett's office.

Mr. Baldwin asked Mr. DiSessa to contact Mr. Mace and find out move of the background on this project.

Mr. DiSessa agreed that he would call Mr. Mace to schedule a meeting to view the documents.

Mr. Jewell asked Mr. DiSessa to get the number for the agency at the State and asked that he find out what the requirements were for the corings and get pricing for the corings.

Mr. Jewell made a motion to have Drew DiSessa handle the coring of Washburn Road , which was seconded by Mr. Watters.

Ayes: Mr. Watters, Mr. Baldwin, Deputy Mayor Jewell

Nays: None

Absent: Ms. Nerbak, Mayor Tomaszewski

Abstain: None

RESOLUTION:

RESOLUTION 2010-75

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, NEW JERSEY, AUTHORIZING AN AMENDMENT TO AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MANSFIELD AND THE TOWNSHIP OF WASHINGTON, TOWNSHIP OF OXFORD, COUNTY OF WARREN, NEW JERSEY

WHEREAS, the Township of Washington, the Township of Mansfield and the Township of Oxford, County of Warren have entered into an Interlocal Services Agreement with respect to setting forth the terms and conditions of the sharing of Municipal Court

WHEREAS, there is a desire to add an additional participant, the Borough of Washington, to the agreement and adjust the cost distribution; and

WHEREAS, municipalities are permitted to enter into such agreements pursuant to the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq.

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

That the Mayor and Township Clerk are hereby authorized to execute an amendment to an Interlocal Services Agreement between the Township of Washington, the Township of Mansfield, the Township of Oxford, and the Borough of Washington, County of Warren setting forth the terms and conditions regarding the sharing of Municipal Court services. A copy of the Amendment is on file in the office of the Township Clerk for inspection by the public.

A copy of the Amendment is to be sent to the AOC for approval.

Mr. Baldwin made a motion to approve passage of Resolution 2010-75, which was seconded Deputy Mayor Jewell.

Ayes: Mr. Watters, Mr. Baldwin, Deputy Mayor Jewell

Nays: None

Absent: Ms. Nerbak, Mayor Tomaszewski

Abstain: None

RESOLUTION 2010-76  
TOWNSHIP OF MANSFIELD  
BUDGET AMENDMENT FOR  
INTERLOCAL MUNICIPAL COURT

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item thereof was not determined at the time of the adoption of the budget, and,;

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Mansfield has entered into an interlocal agreement to provide municipal court services for municipal court and will receive compensation for said services from other municipalities and wishes to amend its 2010 Budget to include a portion of this amount as a revenue

NOW, THEREFORE, BE IT RESOLVED that the Township of Mansfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$40,728.75

that is now available as revenue from:

Miscellaneous Revenues-Section D

Special Items of General Revenue Anticipated with Prior Written Consent

Of the Director of Local Government Services:

Shared Service Agreements Offset with Appropriations:

Shared Service Agreement Municipal Court

Salaries and Wages - \$32,068.50  
Other Expenses - \$739.25  
Other Expenses (Start-up costs) - \$7,921.00

BE IT FURTHER RESOLVED that a like sum of \$40,728.75 be and the same is hereby appropriated under the caption of:

General Appropriations  
Operations – Excluded from “Caps”  
Shared Service Agreements Offset by Revenues:  
Municipal Court:  
Salaries and Wages - \$32,068.50  
Other Expenses - \$739.25  
Other Expenses (Start-up costs) - \$7,921.00

Mr. Watters made a motion to approve the passage of Resolution 2010-76, which was seconded by Deputy Mayor Jewell.

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

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT  
2010-77

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and  
WHEREAS, the Annual Report of Audit for the year 2009 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,  
WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,  
WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,  
WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and  
WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit: R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Mansfield, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Mr. Baldwin made a motion to approve the passage of Resolution 2010-77, which was seconded by Mr. Watters.

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

RESOLUTION 2010-78

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. Comfort Inn 2116-33-0006-0007

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.

Mr. Watters made a motion to approve the passage of Resolution 2010-78, which was seconded by Deputy Mayor Jewell.

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

ORDINANCE:

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 of 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.

Deputy Mayor Jewell made a motion to reintroduce Ordinance 2010-13 and requested that the public hearing be held on August 11, 2010 at 8pm, which was seconded by Mr. Baldwin.

Ayes: Mr. Baldwin, Deputy Mayor Jewell

Nays: Mr. Watters

Absent: Ms. Nerbak, Mayor Tomaszewski

Abstain: None

COMMITTEE PERSON COMMENTS:

Deputy Mayor Jewell asked if the letter from the woman on Port Murray Road was forwarded to the Chief.

Chief Ort stated that it was forwarded to him and Sergeant Bates has officers sitting there and the speed trailer will be placed up there also.

Mr. Watters asked if the DPW is still using the screener and if we are paying for it.

Mr. Baldwin stated that he received a call from Oxford Township that they would like to purchase our sickle bar mower from us if we purchase the new one.

Mr. Baldwin stated that the building was hit by lightning over the weekend and the alarm system was knocked out of whack and needed to be fixed.

Mr. Baldwin made a motion to send the letter to Washington Twp in reference to construction

Mr. Baldwin made a motion to adjourn at 8:56.