

MANSFIELD TOWNSHIP COMMITTEE MEETING

July 11, 2007

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

Roll Call: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin

Salute to the flag.

APPROVAL OF THE MINUTES:

Mr. Watters made a motion to approve the minutes from the regular meeting held on June 13, 2007, which was seconded by Mrs. Oakley.

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

Nays: None

PAYMENT OF BILLS:

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

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

Nays: None

CFO REPORT OF FIRST ½ 2007 BUDGET

Mr. Coppola commented that the budget expenditures are right on track thus far. He also explained to the Committee that the revenues are lower than other years in a couple of areas construction being the one with the most concern the numbers are increasingly lower than that of previous years with those numbers decreasing the zoning fees have also decreased. Mr. Coppola also suggested that the Township Committee consider changing some fees for certain areas Liquor Licenses and zoning permit fees.

The Township Committee agreed that the fees should be changed and that we should make the necessary changes for next years.

NATIONAL NIGHT OUT:

Mrs. Maxwell explained to the Township Committee that the event plans for the National Night Out are slightly more costly than the Ladies Auxillary had anticipated and that they were wondering if the township would consider giving money to support this cause.

The Township Committee explained that the money had not been put into the budget for this year and that there was no money that could be given towards this cause, but explained that if there is an interest of doing an event like this next year for Mrs. Maxwell to come and speak to the committee prior to the budget being worked on for next year.

PUBLIC PORTION:

Paul Tarlowe- 40 Brookside Avenue, questioned who was responsible for the Blau Rd and Hazen Rd bridge because since the bridge work was done there is constantly a large puddle on the side of the bridge that will likely cause an accident.

Tom DiPasqual- 664 Valley Road, questioned the Township Committee on the reasoning for removing the drainage that was at the corner of Janes Chapel Road and Mt. Bethel Road prior to the construction that was done on Janes Chapel a number of years ago. Mr. DiPasqual was concerned with the way that the water now drains after every storm.

Mr. Baldwin asked Mr. DiPasqual how he could be reached during the day and explained that Mr. Sliker, DPW Supervisor would come out to look at the problem and would discuss Mr. DiPasqual's concerns with him.

CAPITOL ORDINANCE:

ORDINANCE NUMBER – CA-07-08

**AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY,
APPROPRIATING \$3,900.00 FOR COMPUTER EQUIPMENT**

WHEREAS, the Township of Mansfield is in need of new computer equipment, and

WHEREAS, it is necessary to provide new equipment to ensure efficient service;

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

- 1. The amount of \$3,900.00 is hereby appropriated from Capital Surplus.**
- 2. There is no debt incurred by this Ordinance.**
- 3. This Ordinance shall take effect immediately.**

Ms. Nerbak made a motion to approve CA 2007-08, which was seconded by Mrs. Oakley.

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

Nays: Mr. Watters

ORDINANCE:

First Reading

Mayor Baldwin introduced Ordinance 2007-10, which was read by title:

O:2007-10

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD ESTABLISHING A HOTEL AND MOTEL ROOM OCCUPANCY TAX

WHEREAS, the Township Committee of the Township of Mansfield has determined that there should be, within the Township of Mansfield; a municipal hotel and motel room occupancy tax; and

WHEREAS, the Township Committee has been authorized by N.J.S.A. 40:48F-1 *et seq.* to enact such a tax.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, that the General Ordinances of the Township of Mansfield are hereby amended to include the following provisions:

HOTEL AND MOTEL ROOM OCCUPANCY TAX

§ 1 Purpose

It is the purpose of this Ordinance to implement the provisions of P.L. 2003, c. 114, (N.J.S.A. 40:48F-1 *et seq.*), which authorizes the governing body of a municipality to adopt an ordinance imposing a tax at a uniform percentage rate, not to exceed 3%, on charges of rent for every occupancy of a room or rooms in a hotel, motel or similar establishment subject to taxation pursuant to Subsection (d) of Section 3 of P.L. 1966, c. 40 (N.J.S.A. 54:32B-3) (sales tax). .

§ 2 Establishment of tax; amount

There is hereby established a hotel and motel room occupancy tax in the Township of Mansfield which shall be fixed at a uniform percentage rate of three percent (3 %) on charges of rent for every occupancy of a hotel, motel or similar establishment subject to taxation pursuant to Subsection (d) of Section 3 of P.L. 1966, c. 40.

§ 3 Effect on other taxes

The hotel and motel room occupancy tax established herein shall be in addition to any other tax or fee imposed pursuant to statute, local ordinance, or other legal means by any governmental entity upon the occupancy of a hotel, motel or similar establishment subject to taxation pursuant to Subsection (d) of Section 3 of P.L. 1966, c. 40.

§ 4 Rules and regulations; violations and penalties

A. All taxes imposed by this Ordinance shall be paid by the customer.

- B. A vendor may not assume or absorb any portion of the tax imposed by this Ordinance.**
- C. A vendor shall not in any manner advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the tax established by this Ordinance will be assumed or absorbed by the vendor, that the tax will not be separately charged and stated to the customer, or that the tax will be refunded to the customer.**
- D. Each assumption or absorption by a vendor of the tax established by this Ordinance shall be deemed a separate offense and each representation or advertisement by a vendor for each day the representation or advertisement continues shall be deemed a separate offense.**
- E. The penalty for violation of the foregoing provisions shall be \$1,000 for each offense**

§ 5 Collection

The hotel and motel room occupancy tax will be collected on behalf of the Township of Mansfield by the person collecting the rent from the customer. Persons required to collect this new tax shall be personally liable for the tax imposed, collected or required to be collected. Such persons shall have the same right in respect to collecting the tax from customers as if the tax were a part of the rent and payable at the same time; provided, however, that the Chief Financial Officer of the Township of Mansfield shall be joined as a party in any action or proceeding brought to collect the tax.

§ 6 Disposition of collected funds

- A. A person required to collect the tax must, on or before the twentieth (20th) day of each month, make and file a return for the preceding month with the Director of the Division of Taxation in the Department of the Treasury and submit all collected funds to the Director of the Division of Taxation in accordance with the general reporting requirements of N.J.S.A. 54:32B-17.**
- B. The Director of the Division of Taxation shall certify to the State Treasurer on a quarterly or more frequent basis, as prescribed by the State Treasurer, the amount of tax revenues collected in each municipality.**
- C. The State Treasurer shall, thereafter, pay and distribute to each municipality the amount of revenues certified by the Director of the Division of Taxation.**

§ 7 Notification of ordinance, effective date

- A. A copy of this Ordinance and any subsequent amendment hereto shall, immediately upon its passage, be transmitted by the Township Clerk to the State Treasurer as well as to every establishment within the Township of Mansfield that will be required to comply with the new requirements.
- B. The tax provisions established by this Ordinance or any amendment hereto shall take effect on the first day of the first full month occurring ninety (90) days after the date of transmittal of a copy of this Ordinance or amendment hereto to the State Treasurer.

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

If any section, subsection, paragraph, phrase or sentence of these amendments to the General Ordinances of the Township of Mansfield are, for any reason, declared to be unconstitutional or invalid, such section, subsection, paragraph, phrase or sentence shall be deemed severable.

This Ordinance shall take effect immediately upon final publication as provided by law. The tax provisions hereof shall, thereafter, take effect on the first day of the first full month occurring ninety (90) days after the date of transmittal of a copy of this Ordinance to the State Treasurer

Mrs. Oakley made a motion to approve the introduction of 2007-10 and requested that the public hearing be set and advertised for July 25, 2007, which was seconded by Mr. Appleby.

Ayes: Mrs. Oakley, Mr. Watters, Ms. Nerbak, Mr. Appleby, Mayor Baldwin
Nays: None

Second Reading

Mayor Baldwin presented Ordinance 2007-09 and opened the public hearing for comment;

Paul Tarlowe- 40 Brookside Ave, was inquiring about the public water situation in Beattystown that was discussed at the last meeting.

Mayor Baldwin asked that Mr. Tarlowe save his questions until Mr. Mace arrived so that Mr. Mace can answer Mr. Tarlowe's questions.

Phil Hazen- 25 Hazen Road, questioned if this ordinance applied to farmers that are actively farming, and stated that he believed that there are a number of farmers that do not use all of their equipment all of the time throughout the year.

Mr. Kobert, Esq explained to Mr. Hazen that the intent of this ordinance is not to give people that are farming a hard time about their equipment.

Lou Donaldson- Airport Road, also had similar concerns about this ordinance.

The Township Committee all agreed that the Ordinance is not what Mr. Hazen and Mr. Donaldson are thinking that is.

Mr. Kobert, Esq explained to the Township Committee that a statement could be included in the Ordinance that would explain "This ordinance shall not apply to active farms as defined in the Right to Farm Act."

The Township Committee all agreed that they would like that statement added to the ordinance.

2007-09

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD AMENDING THE TOWNSHIP CODE TO ENSURE PROPER EXTERIOR PROPERTY MAINTENANCE WITHIN THE TOWNSHIP.

WHEREAS, the Township Committee of the Township of Mansfield has become aware of increasing incidences of poor exterior property maintenance practices in the Township and of complaints regarding same from nearby property owners; and

WHEREAS, the Township Committee of the Township of Mansfield has determined that said deficiencies in exterior property maintenance negatively impact the community and permitting said deficiencies to continue unabated would be unacceptable; and

WHEREAS, the Township Committee of the Township of Mansfield has further determined that the adoption of a municipal ordinance to address said deficiencies is critical for the betterment of the community and for the protection of the public health, safety and welfare.

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.

The Code of the Township of Mansfield is hereby amended to include the following additional provisions intended to address and correct exterior property maintenance deficiencies within the Township:

§1. Exterior Property Maintenance Requirements.

The following requirements shall apply to all property owners or tenants residing in or utilizing property located in any residential, commercial, industrial, redevelopment or other designated zone located within the Township of Mansfield and shall supplement all existing municipal, county, state and federal laws or regulations regarding same:

- A. All areas of the exterior property and premises, including but not limited to open porches, open structures, decks and driveways, shall be free from any accumulation of rubbish, garbage, non-functioning vehicles or other nonfunctioning or unused equipment.

- B. All areas of the exterior property and premises, including but not limited to open porches, open structures, decks and driveways, shall be free from any accumulations of furniture, toys, bicycles, tires, construction supplies and equipment, landscaping supplies or other similar items, except as permitted by the limited exception set forth in §1 C herein.
- C. Construction and landscaping materials and equipment may be stored on exterior areas of the property and premises, including open porches, open structures, decks and driveways, but only if said materials and equipment are neatly secured or covered and so long as said materials and equipment are removed within ninety (90) days of the last date work was performed on the property and premises with that specific type of material or piece of equipment.

§2. Violations and Penalties.

Any property owner or tenant who shall violate any of the provisions of this ordinance shall, upon conviction, be punished as provided for in this Code (General Penalty Provisions). Each day that any violation of this ordinance shall continue without abatement may be considered as a separate violation.

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.

Mrs. Oakley made a motion to approve the passage of Ordinance 2007-09 and asked for this to be advertised, which was seconded by Ms. Nerbak.

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

Nays: Mr. Watters

ENGINEERS REPORT:

Mr. Mace stated that a letter was received from HMUA requesting that the Township Committee submit a letter to them if there is an interest by the township to include the purposed future service

area on Route 57 through to the old firehouse property and that he would like to send a letter back to HMUA stating that these properties are included in the township's master plan.

Ms. Nerbak made a motion to approve Mr. Mace sending the letter to HMUA, which was seconded by Mr. Appleby.

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

Nays: Mrs. Oakley

Mr. Mace stated that himself and Mayor Baldwin had attended the Highlands Commission meeting to discuss the Wastewater Management Plan and asked what needed to be done to have the review process completed.

COMMITTEE PERSON COMMENTS:

Mayor Baldwin stated that the Municipal Court had received their audit report and that the court was found to be in great shape.

Mr. Watters made a motion to approve the Mansfield Cowboys having a bonfire as long as the proper state permits are acquired, which was seconded by Ms. Nerbak who also asked that they speak to the Recreation Commissioners for their approval.

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

Nays: None

Mayor Baldwin told the rest of the committee that there is a shared services meeting scheduled for July 31st at this meeting the state will be there to discuss some of the different grants that are available at this time. Mayor Baldwin also explained that the shared services group has grown to include 8 municipalities.

Mrs. Oakley reminded everyone that the Town Wide yard sale is this weekend and that she has been told that most of Sunnyview West will be participating.

Ms. Nerbak made a motion to approve Brent Slikers attendance at the NJ league conference, which was seconded by Mrs. Oakley.

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

Nays: None

The Township Committee asked Mrs. Mayberry if the Open Space Commission could come up with a set of guidelines for the Historical Preservation applications.

Mrs. Mayberry answered that would be good and that they would start working on the guidelines at the next meeting.

Mr. Watters made a motion to adjourn at 9:00pm, which was seconded by Mrs. Oakley and carried by all.