

MANSFIELD TOWNSHIP COMMITTEE MEETING

January 28, 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 with the corrections from the December 23, 2008 meeting, which was seconded by Ms. Nerbak.

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

Nays: None

Abstain: None

Absent: None

Ms. Nerbak made a motion to approve the minutes of the regular meeting held on January 14, 2009, which was seconded by Mr. Tomaszewski.

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

Nays: None

Abstain: Mr. Baldwin

Absent: None

Mayor Jewell asked Mr. Toscano of Route 57 Auto Salvage to come before the committee to speak on the topic of the Junk Yard License for his property.

Mr. Toscano asked the Township Committee questions in reference to his property and the junk yard license.

Mr. Kobert, Esq. explained to Mr. Toscano that the issue in question is the cars being parked outside of the fence after business hours and that this issue is not allowable by ordinance and asked if this was something that Mr. Toscano could make sure that all of the cars were brought within the fence after business hours.

Mr. Toscano stated that he would be putting the cars within the fence if this is what needs to be done.

Mr. Baldwin made a motion to approve the issuance of the Junk Yard License for Route 57 Auto Salvage, which was seconded by Mr. Watters.

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

Nays: None

Abstain: None

Absent: None

Mr. Kobert, Esq. stated that a correction needed to be made to an appointment that was made at the Reorganization Meeting for the term of Douglas Mace, Municipal Engineer the original term for Mr. Mace does not expire until 12/31/2009, and the motion for the 60 day appointment must be resinded.

Mr. Tomaszewski made a motion to appoint Mr. Mace as the zoning official for the Township of Mansfield with a term to expire 12/31/2009, which was seconded by Ms. Nerbak.

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

#### PAYMENT OF BILLS:

Mr. Jewell asked what was on the bill for truck #9.

Mr. Coppola explained that there were a number of small items that were on the bill for the work that was done to truck #9.

Mr. Watters asked why there was a phone bill for Ms. Nerbak on the bill list and explained that he thought that this would be eliminated when the Committee was given Township Cell phones.

Ms. Nerbak explained that she still does have to use the other phone from time to time and this is to cover those calls and that this bill was for the entire year.

Mr. Watters also asked if this was the highest bill for Elizabeth Town Gas that we have received.

Mr. Coppola stated that this was the highest bill.

Mr. Watters asked about the bill for Harold Pellow and Associates.

Mr. Coppola explained that this bill was for November and December of 2008 and was part of the original contract.

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

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

#### CFO REPORT:

Mr. Coppola stated that each Committee member was given a copy of the overtime report and that the energy audit proposals have been sent out and that there is a 15 day response period so they will be presented at the first meeting in February.

Mr. Coppola stated that the interviews for the police study will be held next Wednesday at 6:30 and 7:00 pm. Mr. Coppola asked if the Committee would like to meet at 7:30 for a Budget workshop.

The Committee all agreed that they would be able to meet.

Mr. Coppola explained that the Highlands Grant for COAH is not available but that the resolutions for the other two grants that the Committee wished to apply for are on the agenda.

#### CLERKS REPORT:

Ms. Hrebenak explained that Mr. Sliker had asked her to relay to the Committee that the tester phones from Verizon came in and were tested during the storm and the direct connect was not loud enough to be heard in the trucks when they were running and also that the switch does not seem like it will be cost effective.

#### ENGINEERS REPORT:

Mr. Mace explained that he has paperwork that he fills out for COAH and that the Committee would have to appoint him the Municipal Housing Liaison for him to sign the reports.

Ms. Nerbak made a motion to appoint Mr. Mace as Municipal Housing Liaison for the year 2009, which was seconded by Mr. Baldwin.

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

Mr. Mace explained that the Stormwater Permit fee should be \$2000 per year for the township.

Mr. Mace also stated that the gentleman that was running the appliance repair shop on Route 57 was taken to court and that he was found guilty on three counts and that the fine was \$75.00 per count, and also that the gentleman agreed to clean up the property.

PUBLIC PORTION:

Mayor Jewell opened the floor for public comment, seeing that there was none the public portion was closed.

RESOLUTION:

RESOLUTION- No. 2009-25  
**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                |            |
|----------------|------------|-------------------|------------|
| Engineering OE | \$1,000.00 | Planning Board OE | \$1,000.00 |

Ms. Nerbak made a motion to approve the passage of Resolution 2009-25, which was seconded by Mayor Jewell.

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

RESOLUTION NO. 2009-26

WHEREAS, the temporary municipal budget for the year 2009, was approved on the 1<sup>st</sup> day of January, 2009; and

WHEREAS, it is desired to amend said approved budget;

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

Appropriation:

|  |             |
|--|-------------|
| Body Armor Grant                         | \$1,465.81  |
| Drunk Driving Enforcement Grant          | \$1,714.34  |
| Prosecutor's Law Enforcement Trust Grant | \$10,124.39 |
| WalMart Seniors Grant                    | \$350.00    |
| WalMart Mansfield Fire Dept. Grant       | \$650.00    |

Mr. Watters made a motion to approve the passage of Resolution 2009-26, which was seconded by Mr. Tomaszewski.

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

Nays: None

Abstain: None

Absent: None

### Resolution 2009-27 RESOLUTION TO APPLY FOR A IMPLEMENTATION GRANT

WHEREAS, the Governing Body of the Township of Mansfield, and the Township of Washington and the Township of Oxford have agreed to apply for a *SHARE* (Sharing Available Resources Efficiently) Implementation Grant through the State of New Jersey Local *SHARE* Program in the amount of \$5,990; and,

WHEREAS, the Township has agreed to be the lead agency in this endeavor; and

WHEREAS, the State of New Jersey has made *SHARE* grants available to assist local units study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to implement a shared municipal court arrangement that would be beneficial to all local units;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Mansfield that the Township of Mansfield does hereby join with the Township of Washington, and the Township of Oxford in applying for a grant for the purposes of implementing a shared municipal court.

Ms. Nerbak made a motion to approve the passage of Resolution 2009-27, which was seconded by Mr. Baldwin.

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

Nays: None

Abstain: None

Absent: None

RESOLUTION NO. 2009-28

RESOLUTION OF THE TOWNSHIP OF MANSFIELD AUTHORIZING SUBMISSION OF A GRANT  
A HIGHLANDS PLAN CONFORMANCE GRANT APPLICATION

WHEREAS, in recognition of the costs associated with local government efforts to conform to the Regional Master Plan, the Highlands Act provided a funding mechanism through the creation of the Highlands Protection Fund; and

WHEREAS, The Highlands Protection Fund includes grant funds available to municipalities seeking or considering voluntary conformance with the RMP; and

WHEREAS, the Highlands Water protection and Planning Council has adopted a Plan Conformance Grant Program to fund preliminary municipal and county Plan Conformance for lands within the Plan Conformance activities for lands within the Preservation Area where conformance is mandatory as well as in the Planning Area where conformance is voluntary; and

WHEREAS, this grant will allow municipalities to engage their professionals to address the Plan Conformance requirements including affordable housing; and

WHEREAS, the grant funds are not depended upon conformance; and

WHEREAS, The Township Committee of the Township believes it is in the best interest of the Township of Mansfield to apply to the Highlands Council for a Plan Conformance Grant.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, hereby authorizes the submission of the aforementioned Highlands Plan Conformance Grant Application to the Highlands Council.

Ms. Nerbak made a motion to approve the passage of Resolution 2009-28, which was seconded by Mr. Baldwin.

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

Nays: None

Abstain: None

Absent: None

RESOLUTION NO. 2009-29

RESOLUTION OF THE TOWNSHIP OF MANSFIELD AUTHORIZING SUBMISSION OF A GRANT  
A HIGHLANDS INITIAL ASSESSMENT GRANT APPLICATION

WHEREAS, in recognition of the costs associated with local government efforts to conform to the Regional Master Plan, the Highlands Act provided a funding mechanism through the creation of the Highlands Protection Fund; and

WHEREAS, The Highlands Protection Fund includes grant funds available to municipalities seeking or considering voluntary conformance with the RMP; and

WHEREAS, the Highlands Water protection and Planning Council has adopted an Initial Assessment Grant Program to fund preliminary municipal and county Plan Conformance for lands within the Plan Conformance activities for lands within the Preservation Area where conformance is mandatory as well as in the Planning Area where conformance is voluntary; and

WHEREAS, this grant will allow municipalities to engage their professionals to assess the requirements and benefits of Plan Conformance; and

WHEREAS, the grant funds are not depended upon conformance; and

WHEREAS, The Township Committee of the Township believes it is in the best interest of the Township of Mansfield to apply to the Highlands Council for an Initial Assessment Grant.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, hereby authorizes the submission of the aforementioned Highlands Initial Assessment Grant Application to the Highlands Council.

Mr. Baldwin made a motion to approve the passage of Resolution 2009-29, which was seconded by Mr. Watters.

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

Nays: None

Abstain: None

Absent: None

## RESOLUTION 2009-30

### TOWNSHIP OF MANSFIELD

### WARREN COUNTY, NEW JERSEY

WHEREAS, there exists a need for the service of a Temporary Township Attorney in the Township of Mansfield for legal services and advice to the Mayor and Township Committee; 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 Joel Kobert with the law office of Courter, Kobert, & Cohen is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:1 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 2009-30, which was seconded by Mr. Baldwin.

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

Nays: None

Abstain: None

Absent: None

## RESOLUTION 2009-31

TOWNSHIP OF MANSFIELD  
WARREN COUNTY, NEW JERSEY

WHEREAS, there exists a need for the service of a Township Auditor in the Township of Mansfield for audit 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 Thomas M. Ferry, CPA with the Accounting Office of Ferraioli, Wielkotz, Cerullo & Cuva, P.A. is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:1 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 2009-31, which was seconded by Ms. Nerbak.

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

Nays: None

Abstain: None

Absent: None

RESOLUTION 2009-32

RETURN OF RESTORATION GUARANTEE FOR TOLL BROTHERS

Ms. Nerbak made a motion to approve the passage of Resolution 2009-32, which was seconded by Mr. Baldwin.

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

Nays: None

Abstain: None

Absent: None

ORDINANCE:

Mayor Jewell introduced Ordinance 2009-01 Towing Ordinance:

Ordinance :~~2008-15~~2009-01

AN ORDINANCE TO AMEND CHAPTER IV OF THE CODE  
OF THE TOWNSHIP OF MANSFIELD TO PROVIDE FOR

A NEW ARTICLE III ENTITLED TOWING.

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

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

Section I.

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

CHAPTER IV  
ARTICLE III  
TOWING

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

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

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

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

*Township* shall mean the Township of Mansfield.

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

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

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

4-9.1 Approval and licensing required.

- A. No person shall engage in the business of towing or storing automobiles or other motor vehicles at the direction of the Township of Mansfield without first obtaining approval and a Township tow operator's license from the Township of Mansfield. The Township of Mansfield is hereby authorized to issue up to a maximum of 6 tow operator's licenses at any one time pursuant to this Ordinance.

- B. Nothing herein shall require the rendering of road service or for the provision of towing and storage services within the Township other than at the request of the Township.

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

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

4-9.3 Application for approval; required information.

- A. Applicants for a tow operator's license under this Article shall file an application with the Chief of Police. The form of the application shall be furnished by the Chief of Police, and applicants are responsible for securing these applications. There shall be paid at the time of submission of the application a nonrefundable one-time application fee of \$75.00. The application shall include the following information and certification:

- (1) The full name and address of the applicant and, if different, the owner(s) of the towing service. The application must state the type of business entity which is operating the business, i.e., sole proprietorship, partnership or corporation. If the application is made for a corporation, it shall state the name and addresses of the officers and directors thereof, its registered agent and the names and residential addresses of every stockholder owning more than 10% of the issued stock. If the application is made on behalf of a sole proprietorship or partnership, all parties having an equity interest in the towing service shall be listed.
- (2) The year, make and type of each tow vehicle used in said business, its serial number, registration number and registered owner(s) and applicable licenses held by each owner or operator.
- (3) The address where each tow vehicle shall be regularly garaged, the telephone number or numbers and the hours during which service is available at those numbers, and the names, addresses and New Jersey driver license numbers of all operators.
- (4) The location, size and features of the storage lot or space in which towed vehicles will be stored, including the number of spaces available. The storage lot(s) shall be designated either as:
  - (a) Inside building; a vehicle storage facility that is completely indoors, having one or more openings in the walls for storage and removal of vehicles that is secured by a locking device on each opening;

- (b) Outside secured; a vehicle storage facility that is not indoors and is secured by a fence, walls or other man-made barrier that is at least six feet high and is installed with a passive alarm system or a similar on-site security measure. The facility is to be lighted at night; or
  - (c) Outside unsecured; a vehicle storage facility that is not indoors and is not secured by a fence, wall or other man-made barrier, and all other storage facilities not defined above as inside building or outside secured.
- (5) The name and address of the insurance carriers, and the policy numbers of all insurance policies as required by this Article.
  - (6) A copy of the operator's current fee schedule for towing and storage services.
  - (7) A statement that on-call towing and storage services will be available 24 hours per day, every day of the year.
  - (8) A statement that the procedures required by this Article shall be complied with at all times.
  - (9) A statement that all tow vehicles are equipped with two-way radios or cellular phones.
  - (10) A statement that the Chief of Police or his designee may at any reasonable time conduct an inspection of the tow vehicles or storage facility of any applicant for the purpose of determining compliance with this Article.
  - (11) Whether the tower wishes to be designated as a light-duty tower or heavy-duty tower, or both.
  - (12) Such other information as the Chief of Police may prescribe. In this regard, applicants shall be responsible for the costs of fingerprinting and background checks as required by the Chief of Police.

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

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

- A. Light-duty. A light-duty tower shall be able to handle all makes of passenger cars and small trucks up to one ton, such as pickup and small panel trucks. The garage from which a light-duty tower originates must be equipped with a portable car dolly. Each light-duty tower shall be equipped with the following:

- (1) Dual rear wheel or equivalent.
- (2) Power-take-off controlled winch with a minimum cable thickness of 3/8 inch or equivalent.
- (3) Comparable weight equal to the vehicles to be towed, with a minimum of 10,000 pounds.
- (4) A three-eighths-inch safety chain. The lift chain and safety chains shall not be attached in any form or manner to the same part of the wrecker.
- (5) Two double-faced rear flashing amber lights mounted high enough to be seen over the towed vehicle.
- (6) A three-hundred-sixty-degree rotating amber beacon light mounted over the cab.
- (7) All lights shall be of such candle power and intensity as to be visible ¼ of a mile away or shall be equal to the candle power of the lights on Township police vehicles.
- (8) Tower shall own at least two flatbed trucks and one conventional wrecker for the removal of vehicles from roadways. A flatbed truck will be used when, in the opinion of the tower and the police officer on the scene, to tow the vehicle by conventional means would result in further damage.

B. Heavy-duty. All towers classified as heavy-duty shall be equipped with the following:

- (1) Dual rear wheels.
- (2) Manufacturer rating: gross vehicle weight of 32,000 pounds. Manufacturer rating may be obtained from the factory where the truck originates. Other written evidence of gross vehicle weight may be accepted by the Township if verified.
- (3) Power-take-off controlled winch with a minimum cable thickness of 5/8 inch.
- (4) Two double-faced rear flashing amber lights mounted high enough to be seen over the towed vehicle.
- (5) All lights shall be of such candle power and intensity as to be visible ¼ of a mile away or shall be equal to the candle power of the lights of a Township police vehicle.

- (6) A one-half inch safety chain. The lift chain and safety chain shall not be attached in any form or manner to the same part of the wrecker.
  - (7) Air brakes.
  - (8) Connecting air lines for connection with the compressor and air brake lines of the towed vehicles.
  - (9) Detachable amber flashing lights attached to the rear of the towed vehicle.
  - (10) Two-speed rear axle and differential or dual transmission, five-speed transmission or automatic transmission
- C. In order to be qualified for application approval, the tower must have at least the following number of trucks:
- (1) Light-duty towing; one truck and one flatbed.
  - (2) Heavy-duty towing; one truck.

4-9.5 Application review; conditions for acceptance.

- A. The Chief of Police shall conduct or cause to be conducted such investigation as he deems necessary to determine the truth and accuracy of the information contained in the application and whether the applicant meets the following minimum standards:
- (1) Neither the applicant nor any tow vehicle operator has any criminal convictions or prior motor vehicle infractions which might adversely affect safety or welfare.
  - (2) The applicant has the ability to respond to any request for assistance within 30 minutes.
  - (3) The applicant can provide on-call towing services 24 hours per day, every day of the year.
  - (4) The tow trucks and equipment are in safe and sound condition and in compliance with all applicable laws, rules and regulations.
  - (5) The applicant has the ability to perform mechanical inspections of and minor repairs to disabled vehicles.
  - (6) The applicant owns or has a valid lease to a storage facility in or within 5 miles of the Township in an area legally zoned for such

use, and such storage facility includes a minimum of 6 secured outside and/or inside parking spaces for the storage of impounded vehicles. The definitions related to the various types of indoor and outdoor storage facilities set forth in 4:9.3A(4) shall be applied to determine operator compliance with this provision.

- (7) The applicant is in compliance with and/or has the ability to comply with all other requirements and standards set forth herein or otherwise required by law.
- B. The Chief of Police shall conduct his review and render a report to the Township Committee, recommending either approval or denial of the application within 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.): ~~75.00~~\$85.00 to \$125.00 per towing vehicle dispatched, plus any fees for additional services performed and mileage (~~\$2.00~~4.00 per mile) from the scene.
- B. Light Duty ~~Evening-Night~~ Rate (6:00 p.m. to ~~11:59~~8:00 p.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. Light Duty Overnight Rate (12:00 a.m. to 5:59 a.m.): \$135.00, plus any fees for additional services performed from the scene. The night rate shall apply on Sundays and legal holidays in the State of New Jersey.~~

- ~~DC.~~ 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).
- ~~ED.~~ 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.
- ~~FE.~~ 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 \$100-125.00 to \$150.00 per hour Evening Rate and \$135.00 per hour Overn~~ight 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 Evening Rate and \$150.00 per hour Overn~~ight Rate, with one hour minimum charge, plus costs of any materials used, including but not limited to gasoline.
- H. Storage fees shall not exceed \$30.00 per day, or any part thereof, for outside unsecured storage of motor vehicles under 22 feet in length and shall not exceed \$75 per day, or any part thereof, per unit, for all other motor vehicles.
- I. Storage fees shall not exceed \$35.00 per day, or any part thereof, for outside secured storage of motor vehicles under 22 feet in length and shall not exceed \$85.00 per day, or any part thereof, per unit, for all other motor vehicles.
- J. Storage fees shall not exceed \$40.00 per day, or any part thereof, for inside secured storage of motor vehicles under 22 feet in length and shall not exceed \$100 per day, or any part thereof, per unit, for all other motor vehicles.
- K. ~~Added charges for special services, if needed, shall not exceed \$100.00 per hour per tow truck and/or any additional pieces of equipment necessary to clear the roadway of debris or other prepare the vehicle prior to towing. Winching and recovery charges are subject to conditions pertaining to accident scene and weather conditions,~~\$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 made a motion to approve Ordinance 2009-01 being introduced and requested that the public hearing be set for February 11, 2009 and be advertised as such, which was seconded by Ms. Nerbak.

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

Mayor Jewell introduced Ordinance 2009-02:

ORDINANCE NO. 2009-02

AN ORDINANCE TO AMEND AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE SALARIES AND COMPENSATION FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MANSFIELD AND THE METHOD OF PAYMENT OF SUCH SALARIES AND COMPENSATION.

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

SECTION 1. The ranges of salaries per annum of rates of compensation of the following officers and employees of the Township of Mansfield are determined to be as follows:

|   |          |   |          | per<br>hour |
|---|----------|---|----------|-------------|
| Police Secretary (Temporary or Part-time) | \$14     | - | \$17     |             |
| Prosecutor                                | \$17,392 | - | \$23,908 |             |
| Judge                                     | \$33,817 | - | \$45,465 |             |
| Court Administrator                       | \$43,479 | - | \$62,798 |             |
| Court Deputy Clerk                        | \$37,341 | - | \$49,830 |             |

Mayor Jewell made a motion to approve the introduction of Ordinance 2009-02 and requested that the public hearing be set for February 11, 2009 and be advertised as such, which was seconded by Mr. Baldwin.

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

Mayor Jewell asked if there was anyone that was present with a bid for Washburn Road, there was no comment therefore the receipt of bids was closed at 8:00pm.

WASHBURN ROAD BID OPENING 8:00PM

Mr. Mace opened the bids that were received for Washburn Road and went through the total bid price with the Committee. Mr. Mace stated that he would review the bids for completeness and return his findings to the Township Committee.

Mr. Watters asked how much the grant that was received from the state was for.

Mr. Coppola stated that he believed it was for \$150,000.

COMCAST APPLICATION RENEWAL 8:00 pm

Mr. Smith, Comcast Government Relations, went over some of the questions that were asked by the Township Committee at the last meeting.

Mayor Jewell opened the public comment period.

Mr. Glen Todd, Washburn Road, stated that he felt that the gentleman from Comcast had still not answered any of his questions and asked that the Township Committee consider this when renewing the agreement with Comcast.

Mayor Jewell asked if there were any other comments from the public, seeing as there were none the public comment portion was closed at 8:36pm.

Mr. Kobert, Esq suggested that the Township Committee form a Sub Committee to handle the negotiations with Comcast.

Ms. Nerbak and Mr. Baldwin stated that they would be on the Sub Committee.

Mr. Kobert, Esq. stated that he would get in touch with Mr. Smith to set up a meeting.

COMMITTEE PERSON COMMENTS:

Mr. Tomaszewski stated that Corporal Hydock was going to be out because he is having shoulder surgery, so there will be overtime needed to cover his absence.

Ms. Nerbak stated that Joan Cichy is now out on disability and that the Chief is looking for someone to work temporarily in his office and that he had suggested RJ Streng.

Mr. Baldwin made a motion that the personnel committee interview the temporary person for the police department, which was seconded by Mr. Jewell.

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

Nays: None

Abstain: None

Absent: None

Mr. Baldwin stated that he and someone from Hackettstown were discussing the possibility for a shared service for Fire Life Hazard Use Inspector.

Mr. Baldwin also stated that this storm was the 20<sup>th</sup> time that the Road Department had to be out for this season so far.

Ms. Nerbak stated that she had discussed the Open Space tax being cut back with the Open Space Committee and that they did not agree with the Township Committee cutting back the Open Space tax.

Mr. Baldwin made a motion to adjourn at 9:12pm, which was carried by all.