

**TOWNSHIP OF MANSFIELD  
BURLINGTON COUNTY  
MEETING MINUTES  
February 8, 2012  
Executive Session  
6:00 PM**

The regular executive session meeting of the Mansfield Township Committee was held on the above shown date with the following in attendance: **Mayor Arthur Puglia, Deputy Mayor Robert Higgins, Committeeman Sean Gable, Committeeman Fred Clark, Solicitor Michael Magee, and Clerk Linda Semus. Committeewoman DiGiuseppe** was not in attendance.

**Mayor Puglia** called the meeting to order followed by the following opening statement.

Public notice of this meeting pursuant to the Open Public Meetings Act NJSA 10:4-6 to 10:4-21 has been satisfied. Notice of this meeting was properly given in the annual notice, which was adopted by the Mansfield Township Committee on January 9, 2012. Said Resolution was transmitted to the Burlington County Times and the Trenton Times, filed with the Clerk of the Township of Mansfield, posted on the official bulletin board at the Municipal Complex, filed with the members of this body and mailed to each person who has prepaid any charge fixed for such service. All of the mailing, posting, and filing having been accomplished as of January 9, 2012.

A motion was offered by **Committeeman Clark** and second by **Committeeman Gable** to go into executive session by adoption of the following Resolution. Motion carried.

**RESOLUTION 2012-2-1**

**RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION**

**WHEREAS**, Section 7 of the Open Public Meetings Act, Chapter 213, P.L. 1975 [NJSA 10:4-12(B)] permits the exclusion of the public from a meeting in certain circumstances; and,

**WHEREAS**, this public body is of the opinion that such circumstances presently exists;

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

1. The public shall be excluded from discussion of, action on and reviewing the Minutes of the hereinafter specified matters.
2. The general nature of the subject matter to be discussed is as follows: pending litigation, contract negotiations, and personnel. Issues.
3. It is anticipated at this time that the above subject matter will be made public when the matters have been resolved and approved for release by the Township Solicitor.

Regular Meeting  
7:30PM

The regular meeting of the Mansfield Township Committee was held on the above shown date with the following in attendance: **Mayor Arthur Puglia, Deputy Mayor Robert Higgins, Committeeman Sean Gable, Committeeman Fred Clark, CFO Joseph Monzo, Engineer Tim Staszewski, Attorney Michael Magee, Clerk Linda Semus and Deputy Clerk Barbara Crammer. Committeewoman DiGiuseppe** was not in attendance.

A motion was offered by **Committeeman Clark** and second by **Committeeman Gable** to come out of executive session. Motion carried.

**Attorney Magee** explained that matters discussed in executive session were personnel, contract negotiations and litigation.

The meeting was called to order by **Mayor Puglia** followed by the flag salute and a moment of silence.

**ENGINEER'S REPORT**

**Engineer Staszewski** had distributed the most recent Millennium Building floor plans to the Committee. He asked them to review the plan and offered to meet and review the plan with them if they want.

**Engineer Faiola** had previously reported a time frame in regard to the EMS generator installation. The time frame had been provided by the sales department of PSE&G. When the PO was delivered to PSE&G and delivered to the construction

department, the construction department would not uphold the time frame given by the sales department. We are anticipating the date of installation by Friday. If he doesn't hear from them, he will report back to Linda.

He received a phone call from the DEP reviewer who, through their public comment response, identified that in 2011, an ordinance was passed that repealed a 2008 ordinance which established a buffer zone to stream and lake corridors. The buffer ordinance was a requirement for the waste water management plan to be adopted. In response to that, there is an ordinance on the agenda tonight for first reading that would re-establish the 2008 ordinance. The ordinance was repealed in 2011 because there was a mapping component to the ordinance that modifies the zoning map. There is a proposal in front of the Committee at this meeting to create the zoning overlay that would be amended into the overall zoning map of the township. He asked for authority to proceed with the proposal. This is the last final hurdle holding up the adoption of the waste water management plan.

**Deputy Mayor Higgins** asked **CFO Monzo** if there were sufficient funds for the mapping. He was told yes.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Gable** to amend the agenda to address the zoning mapping. Motion carried.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Gable** to approve the scope of services. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: HIGGINS, GABLE, CLARK, PUGLIA**  
**NAY: NONE ABSENT: DIGIUSEPPE ABSTAIN: NONE**

**Deputy Mayor Higgins** referred to shared court services with Springfield Township. Certain information had originally been given to the assigning judge who has responded to us and, in turn the township has to respond to his letter. Initially we had told him the facilities would be completed by 2012. **Deputy Mayor Higgins** asked for direction on this statement. He suggested that he tell them we will be way into construction if not completed. **Engineer Staszewski** said this would be appropriate. He noted that we have to go out for proposals, accept proposals, and make sure we have enough money. It will become an issue if we have to pass an ordinance for additional funding. **CFO Monzo** said that we will probably have to amend the existing funding ordinances that we already have.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Clark** to accept the Engineer's report. Motion carried.

## **ORDINANCES ORDINANCE 2012-1**

### **CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Committee of the Township of Mansfield in the County of Burlington finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Committee hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 46,736 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Mansfield, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final in cap appropriations of the Township of Mansfield shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5% amounting to \$ 4,837,209 and that the CY 2012 municipal budget for the Township of Mansfield shall be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**Mayor Puglia** opened the public hearing. With no comments or questions, the public hearing was closed.

A motion was offered by **Committeeman Gable** and second by **Committeeman Clark** to adopt ordinance 2012-1. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: GABLE, CLARK, HIGGINS, PUGLIA**  
**NAY: NONE ABSENT: DIGIUSEPPE ABSTAIN: NONE**

**ORDINANCE 2012-2**

**AN ORDINANCE AMENDING CHAPTER A70 ENTITLED "LANDUSE FEES" OF THE TOWNSHIP OF MANSFIELD, AND ESTABLISHING AN INCREASE TO THE ZONING PERMIT APPLICATION FEE**

**BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey as follows:

**WHEREAS**, the Township Committee has determined that it is in the best interests of the Township, given the circumstances surrounding the ordinance, to increase the zoning application fee; and

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Township Committee for the Township of Mansfield, in the County of Burlington and State of New Jersey, as follows:

**Chapter A70-1- U. is hereby amended increasing the zoning permit application fee from \$25.00 to \$35.00.**

**REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

**A. Repealer.** Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

**B. Severability.** In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

**C. Effective Date.** This Ordinance shall take effect upon proper passage in accordance with the law.

A motion was offered by **Committeeman Gable** and second by **Committeeman Clark** to introduce Ordinance 2012-2 and hold the public hearing on February 22, 2012 at 7:30PM. Motion carried

**ORDINANCE 2012-3**

**AN ORDINANCE TO RE-ESTABLISH BUFFER AND CONSERVATION AREA REGULATIONS AS AN OVERLAY OR AS A DEVELOPMENT RESTRICTION ON LANDS ADJACENT TO STREAMS, LAKES, OR OTHER SURFACE WATER BODIES WITHIN THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY**

**BE IT ORDAINED AND ENACTED** by the Township Committee for the Township of Mansfield, County of Burlington and State of New Jersey that:

**I. INTENT AND PURPOSE**

The governing body of the Township of Mansfield finds that lands adjacent to streams, lakes, or other surface water bodies that are adequately vegetated provide an important environmental protection and water resource management benefit. It is necessary to protect and maintain the beneficial character of areas by implementing specifications for the establishment, protection, and maintenance of vegetation along the surface water bodies within the jurisdiction of Township of Mansfield, consistent with the interest of landowners in making reasonable economic use of parcels of land that include such designated areas. The purpose of this Ordinance is to designate Assicunk Creek Buffer /Conservation Zones, and to provide for land use regulation therein in order to protect the streams, lakes, and other surface water bodies of Township of Mansfield; to protect the water quality of watercourses, reservoirs, lakes, and other significant water resources within Township of Mansfield; to protect the riparian and aquatic ecosystems of Township of Mansfield; to provide for the environmentally sound use of the land resources of Township of Mansfield, and to complement existing state, regional, county, and municipal stream corridor protection and management regulations and initiatives. The specific purposes and intent of this Ordinance are to:

**A.** Restore and maintain the chemical, physical, and biological integrity of the water resources of

Township of Mansfield;

- B. Prevent excessive nutrients, sediment, and organic matter, as well as biocides and other pollutants, from reaching surface waters by optimizing opportunities for filtration, deposition, absorption, adsorption, plant uptake, biodegradation, and denitrification, which occur when stormwater runoff is conveyed through vegetated buffers as stable, distributed sheet flow prior to reaching receiving waters;
- C. Provide for shading of the aquatic environment so as to moderate temperatures, retain more dissolved oxygen, and support a healthy assemblage of aquatic flora and fauna
- D. Provide for the availability of natural organic matter (fallen leaves and twigs) and large woody debris (fallen trees and limbs) that provide food and habitat for small bottom dwelling organisms (insects, amphibians, crustaceans, and small fish), which are essential to maintain the food chain;
- E. Increase stream bank stability and maintain natural fluvial geomorphology of the stream system, thereby reducing stream bank erosion and sedimentation and protecting habitat for aquatic organisms;
- F. Maintain base flows in streams and moisture in wetlands;
- G. Control downstream flooding; and
- H. Conserve the natural features important to land and water resources, e.g., headwater areas, groundwater recharge zones, floodways, floodplains, springs, streams, wetlands, woodlands, and prime wildlife habitats.

## II. STATUTORY AUTHORITY

The Township of Mansfield is empowered to regulate land uses under the provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., which authorizes each municipality to plan and regulate land use in order to protect public health, safety and welfare by protecting and maintaining native vegetation in headwaters areas, groundwater recharge zones, floodways, springs, streams, wetlands, woodlands, and prime wildlife habitats. Township of Mansfield is also empowered to adopt and implement this Ordinance under provisions provided by the following legislative authorities of the State of New Jersey:

- A. Water Pollution Control Act, N.J.S.A. 58:10A et seq.
- B. Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.
- C. Spill Compensation and Control Act, N.J.S.A. 58:10-23 et seq.
- D. Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.
- E. Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.

## III. DEFINITIONS

**Administrative Authority** means the Planning Board or Board of Adjustment or Construction Office with all of the powers delegated, assigned, or assumed by them according to statute or ordinance.

**Applicant** means a person applying to the Planning Board, Board of Adjustment or the Construction Office proposing to engage in an activity that is regulated by the provisions of this ordinance, and that would be located in whole or in part within a regulated Riparian Buffer Conservation Zone.

**Category One (C1) Waters** shall have the meaning ascribed to this term by the Surface Water Quality Standards at N.J.A.C. 7:9B-1.15, which have been identified for protection from degradation in water quality characteristics because of their clarity, color, scenic setting, and other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources.

**Category Two Waters** means those waters not designated as Outstanding Natural Resource Waters or Category One in the Surface Water Quality Standards at N.J.A.C. 7:9B-1.15 for purposes of implementing the antidegradation policies set forth at N.J.A.C. 7:9B-1.5(d).

**Floodway** shall have the meaning ascribed to this term by the Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq.) and regulations promulgated there under published at N.J.A.C.

7.13 et seq., and any supplementary or successor legislation and regulations from time to time enacted or promulgated.

**Intermittent Stream** means surface water drainage channels with definite bed and banks in which there is not a permanent flow of water. Streams shown as a dashed line on either the USGS topographic quadrangle maps or the USDA County Soil Survey Maps of the most recent edition that includes hydrography are included as intermittent streams.

**Lake, pond, or reservoir** means any impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water, excluding sedimentation control and stormwater retention/detention basins and ponds designed for treatment of wastewater.

**Perennial stream** means a stream that flows continuously throughout the year in most years.

These streams usually appear as a blue line on USGS topographic quadrangle maps or on USDA County Soil Survey Maps.

**Water Resource Buffer Conservation Zone (WRBCZ)** means an area of land or water within or adjacent to a Surface Water Body within the municipality and designated on the Water Resource Buffer Conservation Zone Map promulgated by Township of Mansfield in accordance with Section IV of this Ordinance.

**Water Resource Buffer Conservation Zone Management Plan** means a plan adopted by the Township Committee of the Township of Mansfield by resolution after a public hearing establishing Water Resource Management Plan for the Township of Mansfield. The plan shall be prepared by a landscape architect, professional engineer or other qualified professional, and shall evaluate the effects of any proposed activity/uses on any WRBCZ. The plan shall identify existing conditions, all proposed activities, and all proposed management techniques, including any measures necessary to offset disturbances to any affected WRBCZ.

**Surface Water Body** means any perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein. In addition, any state open waters identified in a letter of interpretation issued by the New Jersey

Department of Environmental Protection Land Use Regulation Program shall also be considered surface water bodies.

#### **IV. ESTABLISHMENT OF WATER RESOURCE BUFFER/ CONSERVATION ZONES**

A. Water Resource Buffer/Conservation Zones (WRBCZs) shall be delineated as follows:

1. In the case of Category One (C1) waters, the WRBCZ shall equal the Special Water Resource Protection Area, and shall be measured as defined at N.J.A.C. 7:8-5.5(h). Special Water Resource Protection Areas are established along all waters designated as C1 at N.J.A.C. 7:9B and perennial or intermittent streams that drain into or upstream of the C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys within the associated HUC 14 drainage.

2. For areas adjacent to surface water bodies designated Category Two Waters for Trout Production (FW2-TP) the WRBCZ shall be measured from the defined edge of the intermittent or perennial stream, or centerline if the bank is not defined, and from the defined edge of a lake, pond or reservoir at bank-full flow or level, and shall extend 150 feet horizontally outward from the perpendicular. Where steep slopes (in excess of 10 percent) are located within the designated widths, the WRBCZ shall be extended to include the entire distance of this sloped area. For areas adjacent to other surface water bodies, the WRBCZ shall be measured from the top of bank of an intermittent or perennial stream, or centerline if bank is not defined, and from the defined edge of a lake, pond or reservoir at bank-full flow or level, and shall extend 75 feet horizontally outward from the perpendicular. Where steep slopes (in excess of 15 percent) are located within the designated widths, the WRBCZ shall be extended to include the entire distance of this sloped area to a maximum of 300 feet.<sup>1</sup>

3. For areas adjacent to surface water bodies for which the Floodway has been delineated, the WRBCZ shall cover the entire Floodway area, or the area described in Section IV.A.1. or IV.A.2., whichever area has the greatest extent. Floodway delineations shall be based upon the State's adopted floodway delineations. However, requests for alterations to the adopted delineations can be provided to the New Jersey Department of Environmental Protection for consideration if site specific information is available.

B. Overlay zoning districts. The WRBCZ is an overlay to the existing zoning districts. The provisions of the underlying district shall remain in full force except where the provisions of the WRBCZ differ from the provisions of the underlying district, in which case the provision that is more restrictive shall apply. These provisions apply to land disturbances resulting from or related to any activity or use requiring application for any of the following permits or approvals:

1. Building permit
2. Zoning variance
3. Conditional use
4. Subdivision
5. All other permits or approvals required to be obtained for land development.

C. A map of the WRBCZs of the entire municipality of Township of Mansfield, including all land and water areas within its boundaries, which designates Surface Water Bodies, is included as part of this Ordinance, and is appended as Appendix A. Maps of the municipality on which these designations have been overlain shall be on file and maintained by the offices of the Clerk of Township of Mansfield. This map conforms to all applicable laws, rules and regulations applicable to the creation, modification and promulgation of zoning maps.

D. It shall be the duty of the Engineer of Township of Mansfield, every second year after the adoption of this Ordinance, to propose modifications to the map delineating Water Resource Buffer Conservation Zones required by any naturally occurring or permitted change in the location of a defining feature of a surface water body occurring after the initial adoption of the WRBCZ map, to record all modifications to the WRBCZ map required by decisions or appeals under Section XI, and by changes made by the New Jersey Department of Environmental Protection in surface water classifications or Floodway delineations. Floodway delineations shall be based upon the State's adopted floodway delineations. However requests for alterations to the adopted delineations can be provided to the Department for consideration if site-specific information is available. All changes to the WRBCZ maps shall be adopted by the Township Committee by resolution after a public hearing.

E. The applicant or designated representative shall be responsible for the initial determination of the presence of an WRBCZ on a site, and for identifying the area on any plan submitted to the Township of Mansfield in conjunction with an application for a construction permit, subdivision, land development, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the municipal engineer, governing body, or its appointed representative, and, where required, by the New Jersey Department of Environmental Protection.

F. The municipal Master Plan provides the legal basis for zoning and land use regulation at the local level. The technical foundation for local WRBCZs in this municipality should be incorporated into the Master Plan. A technical report on the need for Water Resource Buffer/Conservation Zones in Township of Mansfield may be adopted as part of the Master Plan (N.J.S.A 40:55D-28b(11)). The technical report should include the following information: a statement setting forth the rationale and need to protect WRBCZs; reference to the methods used to designate and delineate WRBCZs.

#### **V. USES PERMITTED IN WATER RESOURCE BUFFER/CONSERVATION ZONES**

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<sup>1</sup> NOTE: Municipalities have the ability to include a series of options, as long as the minimum requirements of the Stormwater Management Rules are met. If an existing municipal ordinance includes more stringent buffer requirements, or if the municipality wished to propose more stringent requirements, then the more stringent requirements should be applied.

A. For Category One (C1) WRBCZs, permitted uses are governed by N.J.A.C. 7:8-5.5(h), unless otherwise exempt. If exempt from NJAC 7:8-5.5(h), the uses shall be governed by this ordinance as if the WRBCZ was not a Category One (C1) WRBCZ.

B. Any other WRBCZ area shall remain in a natural condition or, if in a disturbed condition, including agricultural activities, at the time of adoption of this ordinance may be restored to a natural condition. There shall be no clearing or cutting of trees and brush, except for removal of dead vegetation and pruning for reasons of public safety or for the replacement of invasive species with indigenous species. There shall be no OK altering of watercourses, dumping of trash, soil, dirt, fill, vegetative or other debris, regrading or construction. The following uses are permitted either by right or after review and approval by the municipality in WRBCZs. No new construction, development, use, activity, encroachment, or structure shall take place in an WRBCZ, except as specifically authorized in this Section. The following uses shall be permitted within an WRBCZ:

1. Open space uses that are primarily passive in character shall be permitted by right to extend into an WRBCZ, provided near stream vegetation is preserved. These uses do not require approval by the Zoning Enforcement Officer or compliance with an approved WRBCZ Management Plan. Such uses include wildlife sanctuaries, nature preserves, forest preserves, fishing areas, game farms, fish hatcheries and fishing reserves, operated for the protection and propagation of wildlife, but excluding structures. Such uses also include passive recreation areas of public and private parklands, including un paved hiking, bicycle and bridle trails, provided that said trail have been stabilized with pervious materials.

2. Fences, for which a permit has been issued by the Construction Code Office, to the extent required by applicable law, rule or regulation.

3. Crossings by farm vehicles and livestock, recreational trails, roads, railroads, storm water lines, sanitary sewer lines, water lines and public utility transmission lines, provided that the land disturbance is the minimum required to accomplish the permitted use, subject to approval by the Zoning Enforcement Officer, provided that any applicable State permits are acquired, and provided that any disturbance is offset by buffer improvements in compliance with an approved WRBCZ Management Plan and that the area of the crossing is stabilized against significant erosion due to its use as a crossing.

4. Stream bank stabilization or riparian reforestation, which conform to the guidelines of an approved WRBCZ Management Plan, or wetlands mitigation projects that have been approved by the Department of Environmental Protection, subject to approval by the Zoning Enforcement Officer and subject to compliance with an approved WRBCZ Management Plan.

## **VI. PERFORMANCE STANDARDS FOR RIPARIAN BUFFER CONSERVATION ZONES**

A. All encroachments proposed into Category One (C1) WRBCZs shall comply with the Requirements at N.J.A.C. 7:8-5.5(h) and shall be subject to review and approval by the New Jersey Department of Environmental Protection, unless exempt. If exempt, the encroachment shall be subject to the provisions of VI.B below.

B. For all other WRBCZs, the following conditions shall apply:

1. All new major and minor subdivisions and site plans shall be designed to provide sufficient areas outside of the WRBCZ to accommodate primary structures, any normal accessory uses appurtenant thereto, as well as all planned lawn areas.

2. Portions of lots within the WRBCZ must be permanently restricted by deed or conservation easement held by Township of Mansfield, its agent, or another public or private land conservation organization which has the ability to provide adequate protection to prevent adverse impacts within the WRBCZ. A complete copy of the recorded conservation restriction that clearly identifies the deed book and pages where it has been recorded in the office of the clerk of the applicable county or the registrar of deeds and mortgages of the applicable county must be submitted to the municipality. The applicant shall not commence with the project or activity prior to making this submittal and receiving actual approval of the plan modification and receipt of any applicable permits from the Department of Environmental Protection. The recorded conservation restriction shall be in the form approved by the municipality and shall run with the land and be binding upon the property owner and the successors in interest in the property or in any part thereof. The conservation restriction may include language reserving the right to make the minimum changes to accommodate necessary regulatory approvals upon the written consent of the municipality, provided such changes are otherwise consistent with this chapter. The recorded conservation restriction shall, at a minimum, include:

a. A written narrative of the authorized regulated activity, date of issuance, and date of expiration, and the conservation restriction that, in addition, includes all of the prohibitions set forth at N.J.S.A. 13:8B-2b(1) through (7);

b. Survey plans for the property as a whole and, where applicable, for any additional properties subject to the conservation restrictions. Such survey plans shall be submitted on the surveyor's letterhead, signed and sealed by the surveyor, and shall include metes and bounds descriptions of the property, the site, and the areas subject to the conservation restriction in New Jersey State Plane Coordinates, North American Datum 1983, and shall depict the boundaries of the site and all areas subject to the conservation restriction as marked with flags or stakes onsite. All such survey plans shall be submitted on paper and in digital CAD or GIS file on a media and format defined by the municipality. The flags or stakes shall be numbered and identified on the survey plan; and

c. A copy or copies of deeds for the property as a whole that indicate the deed book and pages where it has been recorded in the office of the clerk of the applicable county or the registrar of deeds and mortgages of the applicable county.

3. Any lands proposed for development which include all or a portion of an WRBCZ shall as a condition of any major subdivision or major site plan approval, provide for the vegetation or re-vegetation of any portions of the WRBCZ which are not vegetated at the time of the application or which were disturbed by prior land uses, including for agricultural use. Said vegetation plan shall utilize native and non-invasive tree and plant species to the maximum extent practicable in accordance with an approved Riparian Buffer Conservation Zone Management Plan, described in Section X.

4. For building lots which exist as of the date of adoption of this ordinance, but for which a building permit or a preliminary site plan approval has not been obtained or is no longer valid, the required minimum front, side, and rear setbacks may extend into the WRBCZ, provided that a deed restriction and/or conservation easement is applied which prohibits clearing or construction in the WRBCZ.

5. All stormwater shall be discharged outside of, but may flow through an WRBCZ and shall comply with the Standard For Off-Site Stability in the “Standards for Soil Erosion and Sediment Control in New Jersey”, established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. (See N.J.A.C. 2:90-1.3.)

6. If stormwater discharged outside of and flowing through an WRBCZ cannot comply with the Standard For Off-Site Stability cited in Section VI.5, then the stabilization measures in accordance with the requirements of the above standards may be placed within the WRBCZ, provided that:

- a. Stabilization measures shall not be placed closer than 50 feet from the top of the bank at bank-full flow or level of affected surface water bodies.
- b. The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall conditions of the RBCZ will be maintained to the maximum extent practicable;
- c. A conceptual project design meeting shall be held with the appropriate municipal staff and Soil Conservation District staff to identify necessary stabilization measures; and
- d. All encroachments proposed under this section shall be subject to review and approval by the Administrative Authority.

## **VII. NONCONFORMING STRUCTURES AND USES IN WATER RESOURCE BUFFER CONSERVATION ZONES**

Nonconforming structures and uses of land within the WRBCZ are subject to the following standards:

- A. All legally existing but nonconforming structures or uses may be continued.
- B. Any proposed enlargement or expansion of the building footprint within a Category One (C1) RBCZ shall comply with the standards in N.J.A.C. 7:8-5.5(h).
- C. For all other WRBCZs:

1. Encroachment within the WRBCZ shall only be allowed where previous development or disturbance has occurred.

2. Existing impervious cover shall not be increased within the WRBCZ as a result of encroachments where previous development or disturbances have occurred.

3. Discontinued nonconforming uses may be resumed any time within one year from such discontinuance but not thereafter when showing clear indications of abandonment. No change or resumption shall be permitted that is more detrimental to the WRBCZ, as measured against the intent and purpose under Section I, than the existing or former nonconforming use. This one-year time frame shall not apply to agricultural uses that are following prescribed Best Management Practices for crop rotation. However, resumption of agricultural uses must be strictly confined to the extent of disturbance existing at the time of adoption of this ordinance.

## **VIII. USES PROHIBITED IN WATER RESOURCE BUFFER CONSERVATION ZONES**

A. Any use within a Category One (C1) WRBCZ shall comply with the standards in N.J.A.C. 7:8-5.5(h).

B. For other WRBCZs, any use or activity not specifically authorized in Section V or Section VII shall be prohibited within the WBCZ. By way of example, the following activities and facilities are prohibited:

1. Removal or clear-cutting of trees and other vegetation or soil disturbance such as grading, except for selective vegetation removal for the purpose of stream or riparian area stabilization or restoration projects that require vegetation removal or grading prior to implementation.
2. Storage of any hazardous or noxious materials.
3. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Soil Conservation District.
4. Roads or driveways, except where permitted in compliance with Section V.
5. Motor or wheeled vehicle traffic in any area, except as permitted by this Ordinance.
6. Parking lots.
7. Any type of permanent structure, except structures needed for a use permitted by Section V.
8. New subsurface sewage disposal areas. The expansion and replacement of existing subsurface sewage disposal areas for existing uses is permitted.
9. Residential grounds or lawns, except as otherwise permitted pursuant to this Ordinance.

## **IX. ACTIVITIES PERMITTED IN STREAM BUFFER CONSERVATION ZONES IN THE CASE OF NO REASONABLE OR PRUDENT ALTERNATIVE OR EXTREME HARDSHIP**

A. For Category One (C1) WRBCZs, requests for exemptions that fall under the purview of the Stormwater Management Rules must be authorized by the New Jersey Department of Environmental Protection, as per N.J.A.C 7:8-5.5(h)1.ii.

B. For other WRBCZs, hardship variances may be granted by the Zoning Board of Adjustment in cases of a preexisting lot (existing at the time of adoption of this ordinance) when there is insufficient room outside the WRBCZ for uses permitted by the underlying zoning and there is no other reasonable or prudent alternative to placement in the WRBCZ, including obtaining variances from setback or other requirements that would allow conformance with the WRBCZ requirements, and provided the following demonstrations are made:

1. An applicant shall be deemed to have established the existence of an extreme economic hardship, if the subject property is not capable of yielding a reasonable economic return if its present use is continued or if it is developed in accordance with provisions of this ordinance and that this inability to yield a reasonable economic return results from unique circumstances peculiar to the subject property which:

- a. Do not apply to or affect other property in the immediate vicinity;
- b. Relate to or arise out of the characteristics of the subject property because of the particular physical surroundings, shape or topographical conditions of the property involved, rather than the personal situations of the applicant; and are not the result of any action or inaction by the applicant or the owner or his predecessors in title.

c. The necessity of acquiring additional land to locate development outside the WRBCZ shall not be considered an economic hardship unless the applicant can demonstrate that there is no adjacent land that is reasonably available or could be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity.

2. An applicant shall be deemed to have established compelling public need if the applicant demonstrates, based on specific facts that one of the following applies:

- a. The proposed project will serve an essential public health or safety need;
- b. The proposed use is required to serve an existing public health or safety need; or
- c. There is no alternative available to meet the established public health or safety need.

3. A variance can only be granted if it is shown that the activity is in conformance with all applicable local, state, and federal regulations, and that the exception granted is the minimum relief necessary to relieve the hardship.

C. If the above demonstrations are made, then the encroachment of impervious surfaces (structures or pavement) otherwise permitted by the underlying zoning is permitted to the extent of 750 square feet total. Said encroachment is not permitted closer than 100 feet from the top of the bank at bank-full flow or level of Category Two Waters for Trout Production (FW2-TP), or closer than 50 feet from the top of the bank at bank-full flow or level of other surface water bodies.

D. If such an exception is granted, the applicant shall rehabilitate an environmentally degraded WRBCZ area within or adjacent to the same site, and at least equivalent in size to the WRBCZ reduction permitted, or, if not possible, rehabilitate or expand an RBCZ area at least equivalent in size within a nearby site and, if available, within the same watershed. Rehabilitation shall include reforestation, stream bank stabilization and removal of debris, in accordance with an WRBCZ Management Plan, as described in Section X below.<sup>2</sup>

#### **X. RIPARIAN BUFFER CONSERVATION ZONE MANAGEMENT PLAN**

A. Within any WRBCZ, no construction, development, use, activity, or encroachment shall be permitted unless the effects of such development are accompanied by preparation, approval, and implementation of a Water Resource Buffer/Conservation Zone Management Plan.

B. The landowner, applicant, or developer shall submit to Township Planning Board, or its appointed representative, a Water Resource Buffer Conservation Zone Management Plan prepared by an environmental professional, professional engineer or other qualified professional, which fully evaluates the effects of any proposed uses on the WRBCZ. The Water Resource Buffer Conservation Zone Management Plan shall identify the existing conditions including:

1. Existing vegetation;
2. Field delineated surface water bodies;
3. Field delineated wetlands;
4. The 100-year floodplain;
5. Flood Hazard Areas, including Floodway and Flood Fringe areas, as delineated by the New Jersey Department of Environmental Protection;
6. Soil classifications as found on Soil Surveys;
7. Existing subdrainage areas of site with HUC-14 (Hydrologic Unit Code) designations;
8. Slopes in each subdrainage area segmented into sections of slopes less than or equal to fifteen (15) percent; above fifteen percent but less twenty (20) percent; and greater than twenty (20) percent.

The proposed plan shall describe all proposed uses/activities, and fully evaluate the effects of all proposed uses/activities in an WRBCZ, and all proposed management techniques, including proposed vegetation and any other measures necessary to offset disturbances to the WRBCZ. A discussion of activities proposed as well as management techniques proposed to offset disturbances and/or enhance the site to improve the WRBCZ's ability to function effectively as an WRBCZ shall also be included with the WRBCZ Management Plan submittal to Township of Mansfield.

C. The Plan shall be reviewed and must be approved by the Engineer of Township of Mansfield, in consultation with the Environmental Commission, as part of the subdivision and land development process.

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<sup>2</sup> NOTE: The municipality may require financial contribution be made to an Open Space or Municipal Stormwater Management Plan mitigation plan fund in exchange for this requirement if authorized by the Department. The use of this option is still under consideration by the Department.

D. The Water Resource Buffer Conservation Zone Management Plan must include management provisions in narrative and/or graphic form specifying:

1. The manner in which the area within the WRBCZ will be owned and by whom it will be managed and maintained.

2. The conservation and/or land management techniques and practices that will be used to conserve and protect the WRBCZ, as applicable.

3. The professional and personnel resources that are expected to be necessary, in order to maintain and manage the WRBCZ.

4. A re-vegetation plan, if applicable, that includes: three (3) layers of vegetation, including herbaceous plants that serve as ground cover, understory shrubs, and trees that when fully mature, will form an overhead canopy. Vegetation selected must be native, non-invasive species, and consistent with the soil, slope and moisture conditions of the site. The revegetation plan shall be prepared by a qualified environmental professional, landscape architect, or professional engineer, and shall be subject to the approval of the Municipal Engineer, in consultation with the Environmental Commission. Dominant vegetation in the Riparian Buffer Conservation Zone Management Plan shall consist of plant species that are suited to the stream buffer environment. The Engineer of Township of Mansfield may require species suitability to be verified by qualified experts from the Soil Conservation District, Natural Resources Conservation Service, New Jersey Department of Environmental Protection, US Fish and Wildlife Service and/or State or Federal forest agencies.

E. A Water Resource Buffer/Conservation Zone Management Plan is not required where the WRBCZ is not being disturbed and conservation easements/deed restrictions are applied to ensure there will be no future clearing or disturbance of the WRBCZ.

F. Performance of the Water Resource Buffer /Conservation Zone Management Plan shall be guaranteed for a period of two (2) years through a guarantee such as a bond, cash or letter of credit, which shall be provided to the Township of Mansfield prior to the Township of Mansfield issuing any permits or approving any uses relating to the applicable use or activity.

#### **XI. BOUNDARY INTERPRETATION, APPEALS PROCEDURES, INSPECTIONS, CONFLICTS, SEVERABILITY**

A. When a landowner or applicant disputes the boundaries of an WRBCZ, or the defined bank-full flow or level, the landowner or applicant shall submit evidence to the Land Use Coordinator that describes the WRBCZ, presents the landowner or applicant's proposed WRBCZ delineation, and presents all justification for the proposed boundary change. For Category One (C1) WRBCZs, the landowner or applicant must first obtain approval from the New Jersey Department of Environmental Protection. A decision from the Department must be included with the evidence submitted for municipal review.

B. Within 45 days of a complete submission of Section XI.A above, the Engineer of Township of Mansfield, or appointed representative, shall evaluate all material submitted and shall make a written determination, a copy of which shall be submitted to the Land Use Coordinator and the landowner or applicant. Failure to act within the 45-day period shall not be interpreted to be an approval of the proposed boundary change.

C. Any party aggrieved by any such determination or other decision or determination under Section XI.B. may appeal to the Township Planning Board under the provisions of this ordinance. The party contesting the location of the WRBCZ boundary shall have the burden of proof in case of any such appeal.

D. Any party aggrieved by any determination or decision of the Township Planning Board under this Ordinance may appeal to the Township Committee of Township of Mansfield. The Township Committee shall conduct a 'de novo' review of the matter on the record produced by the Township Planning Board. The party contesting the determination or decision shall have the burden of proof in case of any such appeal.

E. Inspections:

1. Lands within or adjacent to an identified WRBCZ shall be inspected by the Township Engineer when:

- a. A subdivision or land development plan is submitted;
- b. A building permit is requested;
- c. A change or resumption of a nonconforming use is proposed;
- d. A discontinued nonconforming use is resumed more than a year later, as described in Section VII.

2. The WRBCZ may also be inspected periodically by representatives from Township of Mansfield if excessive or potentially problematic erosion is present, other problems are discovered, or at any time when the presence of an unauthorized activity or structure is brought to the attention of municipal officials or when the downstream surface waters are indicating reduction in quality. All inspections should be in accordance with local, state and federal requirements for property owner notification and permission. The Township is not engage in conduct monitoring. Rather, is being given the ability by this Ordinance to react to changes in water quality that are brought to light by either the Department or another reputable data collector.

F. Conflicts: All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this ordinance apply.

G. Severability:

1. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.
2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.
3. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

**XII. ENFORCEMENT**

A prompt investigation shall be made by the appropriate personnel of Township of Mansfield, of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude the right of Township of Mansfield, pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Ordinance. Each day a violation continues shall be considered a separate offense.

**XIII. EFFECTIVE DATE**

This Ordinance shall take effect upon final adoption and publication in accordance with the law.

A motion was offered by **Committeeman Gable** and second by **Committeeman Clark** to introduce Ordinance 2012-3 and hold the public hearing on February 22, 2012 at 7:30PM. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: GABLE, CLARK, HIGGINS, PUGLIA**  
**NAY: NONE ABSENT: DIGIUSEPPE ABSTAIN: NONE**

**RESOLUTIONS**

<b>RESOLUTION 2012-2-2</b>					
<b>RESOLUTION FOR THE TRANSFER OF FUNDS IN THE CURRENT FUND IN THE TOWNSHIP OF MANSFIELD FOR THE BUDGET YEAR 2011</b>					
BE IT RESOLVED on this 8th day of February, 2012 by the Township Committee for the Township of Mansfield, County of Burlington, that from the surplus balance in the 2011 budget appropriations reserves transfers be made as follows:					
<u>CURRENT FUND: Inside the CAP to Inside the CAP</u>					
<u>Operating Expenses and Salaries &amp; Wages</u>					
	<u>Title</u>			<u>Transfer From</u>	<u>Transfer To</u>
	Clerk OE				30.00
	Legal OE				2,100.00
	Water				20.00
	Police OE				100.00
	Recreation			2,250.00	
	TOTAL			\$ 2,250.00	\$ 2,250.00

**CFO Monzo** said the above resolution is a matter of course to transfer money into line items that had outstanding bills from 2011. A motion was offered by **Committeeman Clark** and second by **Deputy Mayor Higgins**. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: CLARK, HIGGINS, GABLE, PUGLIA**  
**NAY: NONE ABSENT: DIGIUSEPPE ABSTAIN: NONE**

**RESOLUTION 2012-2-3**

**A RESOLUTION AMENDING THE WORK HOURS FROM PART-TIME TO FULL TIME, WITHOUT BENEFITS FOR EMPLOYEE SANDRA E. MORRIS**

**WHEREAS**, the Mansfield Township is in need of additional help within various department within the Township; and

**WHEREAS**, Sandra E. Morris is a ten year employee recently placed on part-time employment status, after many years of full time employment; and

**WHEREAS**, Sandra E. Morris' long history of employment makes her the best qualified to provide additional help to various departments within the Township; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey at their regular meeting held on February 8, 2012 at the Municipal Complex at 7:30 PM that Sandra E. Morris' employment status is hereby changed from part-time to full time with no medical benefits, and at the same current hourly rate of pay effective January 16, 2012.

**BE IT FURTHER RESOLVED**, Ms. Morris will be entitled to vacation, sick and personal days along with the medical stipend given to all employees who do not take part in the medical benefit.

A motion was offered by **Deputy Higgins** and second by **Committeeman Gable** to adopt Resolution 2012-2-3. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: HIGGINS, GABLE, CLARK, PUGLIA**  
**NAY: NONE ABSENT: DIGIUSEPPE ABSTAIN: NONE**

**RESOLUTION 2012-2-4**  
**RESOLUTION AUTHORIZING PAYMENT FOR THE GROSS ACCRUED UNPAID TIME FOR THE MUNICIPAL CLERK, LINDA SEMUS**

**WHEREAS**, The Municipal Clerk, Linda Semus, was unable to use a portion of her accrued unpaid time in the calendar year 2011; and

**WHEREAS**, the Municipal Clerk, Linda Semus, in order to maintain uninterrupted service in the Clerk's Office, was required to work on what would otherwise be an opportunity to use accrued unpaid time; and

**WHEREAS**, the Municipal Clerk, Linda Semus' ability to use accrued unpaid time was further hampered by the 15 furlough days the loss of a full time Deputy Clerk which position has only been filled on a part-time basis to date; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Mansfield, County of Burlington, New Jersey hereby authorizes the Chief Financial Officer to pay to the Municipal Clerk, Linda Semus, the sum of \$1,488.46 representing the gross accrued unpaid time unable of being carried forward into 2012.

A motion was offered by **Committeeman Clark** and second by **Deputy Mayor Higgins** to adopt Resolution 2012-2-4. **Deputy Mayor Higgins** said this was caused by the furloughs and the cuts which were made the past few years and will not be a policy for the township. It is a one year exception for the employees affected by it. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: CLARK, HIGGINS, GABLE, PUGLIA**  
**NAY: NONE ABSENT: DIGIUSEPPE ABSTAIN: NONE**

**RESOLUTION 2012-2-5**  
**RESOLUTION AUTHORIZING PAYMENT FOR THE GROSS ACCRUED UNPAID TIME FOR THE TECHNICAL ASSISTANT, RETA VARGA**

**WHEREAS**, The Technical Assistant, Reta Varga, was unable to use a portion of her accrued unpaid time in the calendar year 2011; and

**WHEREAS**, the Technical Assistant, Reta Varga, in order to maintain uninterrupted service in the Construction Office, was required to work on what would otherwise be an opportunity to use accrued unpaid time; and

**WHEREAS**, the Technical Assistant, Reta Varga ability to use accrued unpaid time was further hampered by the 15 furlough days and being the only full time Technical Assistant in the Construction Office; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Mansfield, County of Burlington, New Jersey hereby authorizes the Chief Financial Officer to pay to the Technical Assistant, Reta Varga, the sum of \$295.26 representing the gross accrued unpaid time unable of being carried forward into 2012.

A motion was offered by **Committeeman Gable** and second by **Committeeman Clark** to adopt Resolution 2012-2-5. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: GABLE, CLARK, HIGGINS, PUGLIA**  
**NAY: NONE ABSENT: DIGIUSEPPE ABSTAIN: NONE**

**RESOLUTION 2012-2-6**  
**REFUND OF HOMESTEAD REBATE**

**WHEREAS**, a Homestead Rebate Credit for the year 2010 taxes was applied to the properties listed below in 2012; and

**WHEREAS**, the homeowners were declared as a 100% Disabled Veterans in 2011 and are exempt from paying taxes; and the refunds are due to the homeowners;

**NOW THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey at their regular meeting held on

February 8, 2012, hereby authorizes the refunding of the following by the Tax Collector.

Block	Lot	Property Owner	Address	Amount
8	11.04	James Bullock	607 Route 68	\$377.69
23.03	26	Alfred Pacifico	36 Vandevere Lane	\$721.24

A motion was offered by **Committeeman Clark** and second by **Deputy Mayor Higgins** to adopt resolution 2012-2-6. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: CLARK, HIGGINS, GABLE, PUGLIA**  
**NAY: NONE ABSENT: DIGIUSEPPE ABSTAIN: NONE**

**RESOLUTION 2012-2-7**

**CANCELLATION OF TAXES DUE TO VETERAN EXEMPTION**

**WHEREAS**, N.J.S.A.54:4-3.30A allows for the exemption from taxation from real and personal property for any citizen and resident of the State who has a total or 100% permanent disability as defined by this statute; and,

**WHEREAS**, the properties listed below are owned by a 100% Disabled Veteran;

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, hereby memorializes the cancellation of the following 2011 taxes:

Block	Lot	Property Owner	Amount
42.01	47	Michael Wilson	\$475.74 (Effective 9/16/11)

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Clark** to adopt resolution 2012-2-7. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: HIGGINS, CLARK, GABLE, PUGLIA**  
**NAY: NONE ABSENT: DIGIUSEPPE ABSTAIN: NONE**

**BILL LIST**

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Clark** to approve the bill list as submitted. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: HIGGINS, CLARK, GABLE, PUGLIA**  
**NAY: NONE ABSENT: DIGIUSEPPE ABSTAIN: NONE**

**MINUTES: January 25, 2012**

A motion was offered by **Committeeman Clark** and second by **Committeeman Gable** to approve the minutes of the January 25, 2012 meeting. Motion carried on a Roll Call Vote, recorded as follow:

**AYE: CLARK, GABLE, HIGGINS, PUGLIA**  
**NAY: NONE ABSENT: DIGIUSEPPE ABSTAIN: NONE**

**DISCUSSION**

**a. Ordinance recommendations form Planning Board**

The Planning Board has recommended a change to the solar zoning and refers to renewable energy and where it is permitted. **Attorney Magee** suggested having the Committee review it for first reading at the next meeting. They should have their comments to Linda by February 16<sup>th</sup>.

**b. Application for the use of Mansfield Township Parks – Northern Bulldogs Baseball, contact Rob Montalbano, Community Park, Sundays from April 1 through June 18, 2012.**

The insurance certificate has been received and this request has been approved by the Recreation Committee. **Committeeman Gable** made a motion to approve this application with the stipulation that fees will be associated with the use of the facility. Motion second by **Committeeman Clark** and carried on a Roll Call Vote, recorded as follows:

**AYE: GABLE, CLARK, HIGGINS, PUGLIA**  
**NAY: NONE ABSENT: DIGIUSEPPE ABSTAIN: NONE**

**c. Application for the use of Mansfield Township Parks – Civic Club Fields for the South Jersey Soccer League, Northern Burlington Men’s Soccer, contact persons: Kelly Shea – Sundays during Spring and Fall Season from 9:00am to 1:00 pm.**

A motion was offered by **Committeeman Gable** and second by **Committeeman Clark** to approve this request with the stipulation that fields usage fees will apply at some point this year once recommendations are received from the Recreation Committee. A Roll Call Vote was taken as follows:

**AYE: GABLE, CLARK, PUGLIA**  
**NAY: NONE ABSENT: DIGIUSEPPE ABSTAIN: HIGGINS**

**d. Thank you note from Recreation Committee**

A thank you note had been received and read into the minutes by Clerk Semus from the Secretary of the Recreation Department, Christine Alpin, for the Committee’s work in helping to obtain the grant for the new indoor facilities. They are looking forward to use of the building and sincerely thank everyone.

**e. Bordentown Road Property – request from residence**

**Mayor Puglia** said he spoke to a property owner who moved to Florida in 1972. They have asked if they can stop paying taxes on their ½ acre parcel. He told them they should speak to an attorney. No response is to be sent to the property owner from the Committee.

**f. White Pine Road – Speeding Concerns**

**Attorney Magee** said the Chief of Police addressed concerns as expressed at the last meeting. There are some recommendations being worked up between our traffic engineer and the Chief. We are going to try to get costs associated with the issue such as grinding of some of the yellow lines and possibly moving the white lines to increase the shoulder between the curb and the white line in an effort to keep the cars away from the two properties. We are waiting to get the recommendations from the Chief and Al Litwornia after consulting with Jef Jones to determine the dollar figure to accomplish this. Speeding is better when police are there. We cannot decrease the speed limit.

**g. Escrow (Professional’s Letter)**

**CFO Monzo** said he had reviewed the escrow billing procedures with respect to our professionals and how they bill us for the escrow accounts. He doesn’t believe the escrow amounts are sufficient to cover all the professional services associated with the review of the application. **Attorney Magee** is working on an ordinance to make some changes. Recommendations had been received from Harry McVey. Therefore, he will work with Linda in preparation for the next meeting. **CFO Monzo** explained that, when there are multiple professionals working on the same application and they see how much money is available, they all try to take a piece of the pie. There might not be enough money for the last professional who presents bills. **CFO Monzo** explained that we might have to go after some applicants who no longer have active applications. He felt the professionals should be sent a letter asking them to send all the billings to the finance department which are recorded as to receipt of the bills, then distributed to the proper departments for payment. He also wanted to set guidelines in terms of when they must submit bills to us on their applications and, if they don’t meet the guidelines, we will consider the billings to be null and void.

**h. Commercial Trash Collection**

**Attorney Magee** said there had been conversations about changing our solid waste ordinance to remove commercial trash collections. He prepared an ordinance for review. Jef Jones had some comments and wanted things reworded. There had been a question as to whether to abandon commercial or have a payment process. He is looking for direction from the Committee as to whether they want to stay in the commercial trash business, have a permit process, or eliminate commercial trash altogether. There were many thoughts to be reviewed. **Mayor Puglia** spoke of the charging a fee for three bags or less at a commercial business. Claudia Teal questioned whether churches would be considered commercial. **Mayor Puglia** said sit would be considered a non-profit organization. It was felt that commercial businesses should be responsible for their own

trash and this should be based on the Tax Assessor's designation. **Attorney Magee** is to work on the ordinance.

**PUBLIC COMMENT**

Bob Tallon, Axe Factory Road, said he received an e' mail from Mary Pat Robbie who said she is ready to plant the trees. **Attorney Magee** said a meeting will be set up for this purpose. Bob Tallon referred to the Watershed Association's study on the storm water and township basins. They have compiled a lot of data which they would like to share with the Planning Board, Zoning Board and engineers to a special meeting. They have a specialist who is knowledgeable in his field. A meeting will enable the Watershed Association to implement their mission statement as well as providing a value to the township as well as our engineers and planners. He said they need about 45 minutes to an hour and would like permission to have the meeting in the municipal building on a Saturday. This was agreeable to the Committee.

Mr. Tallon said the Watershed Association is doing a stream clean up. One of the spots is at the Civic Club and, since they have insurance, he asked if they can do this clean up along the streams. A motion was offered by **Committeeman Clark** and second by **Committeeman Gable** to grant permission for the clean up at the Civic Club area. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: CLARK, GABLE, HIGGINS, PUGLIA**  
**NAY: NONE ABSENT: DIGIUSEPPE ABSTAIN: NONE**

**Clerk Semus** suggested seeing Dottie Worth in regard to applying for a grant for the expenses.

Dick Archer, Mansfield Township Ambulance Squad, asked the Committee not to turn the electric building on with the generator until someone looks at the electric. He said the electric has not been inspected since the beginning. He felt that, if power is turned on, there will be a violent explosion. **Engineer Staszewski** explained that, when PSE&G installs the service, they will do their own inspection of the installation of the generator. Mr. Archer felt this is not enough. **Engineer Staszewski** said he will make sure his inspector is there when they remobilize there.

The public portion was closed

**MOTION FOR ADJOURNMENT**

A motion was offered by **Committeeman Gable** and second by **Committeeman Clark** to adjourn. Motion carried.

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

\_\_\_\_\_  
Barbara A. Crammer  
Deputy Clerk

\_\_\_\_\_  
Linda Semus, RMC  
Municipal Clerk





