

**TOWNSHIP OF MANSFIELD  
BURLINGTON COUNTY  
MEETING MINUTES  
October 12, 2011  
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, Committeewoman Janice DiGiuseppe, CFO Joseph Monzo, Solicitor Michael Magee, Clerk Linda Semus.**

**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 3, 2011. 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 7, 2011.

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

**RESOLUTION 2011-10-1  
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: personnel and litigations, specifically Rockwell v. Mansfield, Titzell v. Mansfield, and Fink v. Mansfield.
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, Committeewoman Janice DiGiuseppe, CFO Joseph Monzo, Engineer Len Faiola, Attorney Michael Magee, Police Chief Ron Mulhall, Clerk Linda Semus and Deputy Clerk Barbara Crammer.**

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

**Attorney Magee** explained that the purpose of the executive session was to discuss personnel and litigation, specifically Rockwell v. Mansfield, Titzell v. Mansfield and Fink v. Mansfield...

**Mayor Puglia** opened the regular meeting followed by the flag salute and a moment of silence.

**BILL LIST**

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

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

**FINANCE:**

**a. Bill List presentation amendments**

**CFO Monzo** said he had Bonnie prepared the fullest detail report that is available which was given to **Committeewoman DiGiuseppe**. **CFO Monzo** explained the report which consisted of 40 pages. Any other type of report would have to be done manually or **CFO Monzo** could possibly contact the bill list vendor to amend the bill list format. **Committeewoman DiGiuseppe** said she would like to have this tabled until she had sufficient time to review it.

**Deputy Mayor Higgins** said that, although they do get the bill list several days ahead, would it be possible to have the bills available, separated by department, prior to the meeting as he would rather look at the invoice rather than a list. This was just a suggestion. **Clerk Semus** said the bill list is available during the meeting as well as all day on the day of the regular meeting. Usually they are also available the Friday before.

**b. Janitorial Contract**

**CFO Monzo** spoke of the prior conversations about the state contract for janitorial services. He said they are a non-profit organization that uses certain organizations that do the cleaning. An appointment has been set up with them with Jef Jones this Friday. They will be informed of our needs after which we will make a comparison with the current contractor. This organization will be performance based as opposed to specific task oriented. Upon meeting with Mr. Jones, they will give us a price. **Committeewoman DiGiuseppe** said she would like to see a copy of the scope of work done currently. If the quotes are available at the next meeting, this will be discussed.

**c. Mansfield/Springfield Area Seniors Association**

The annual donation to the Association was discussed. **Clerk Semus** explained that Mansfield Township has 21 members in the association. Springfield has 14. They were given \$1,800 last year, this being the number given the past several years. **Clerk Semus** explained portions of their budget which the Association had tried to reduce. The Association had requested their money from the 2011 budget. Springfield Township gave them \$400.00. **Committeewoman DiGiuseppe** asked how this donation came about. **Mayor Puglia** explained that, at first, it was a local organization to which the Township had given them money. **Clerk Semus** noted that they would appreciate whatever we would give them. **Mayor Puglia** suggested \$800. A motion was offered by **Committeeman Clark** and second by **Committeeman Gable** to give them \$800.00. Motion carried on a Roll Call Vote, recorded as follows:

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

**ENGINEER’S REPORT**

**Engineer, Len Faiola** referred to this October 11th report and added that he had presented a proposal dated today for zoning map revisions. He was contacted by Harry McVey and explained that, in conjunction with TDR revision for the revised ordinances, the zoning map needs to be revised to coincide with the ordinance revisions prior to the next months Planning Board meeting. **Engineer Faiola** prepared a proposal for the revisions in the amount of \$1,600. He asked the Committee to act on this proposal at this meeting.

**Engineer Faiola** referred to the letter sent by **Attorney Magee** to the DEP urging them not to have the public hearing on the Waste Water Management Plan. The DEP had responded saying they had taken everything under advisement but hadn’t made a decision yet. Last week, **Engineer Faiola** sent them another letter reinforcing this. The DEP’s division that deals with stream encroachment and wetlands set a letter to Margolis enterprises indicating that they want to re-examine the permits they had granted to Margolis with respect to their stream encroachment problems and their wetlands permits, claiming there is more data that they need to consider and maybe they would be asked to change their design to accommodate more storm water flow. **Engineer Faiola** said he took that as an opportunity to write a letter to the Waste Water Management people to indicate that the people who have had concerns expressed regarding the Waste Water Management had to do with drainage issues at the Margolis site. Let this other concern

dealing with wetlands permits be the venue to address drainage. Do without the public hearing so we can move forward with the rest of the Waste Water Management Plan. This way it won't hold up and affect further the public health and safety of the village of Columbus. **Engineer Faiola** said he sent them the letter. They thanked him and said they were still thinking about it. He said he will call them every couple of days. **Attorney Magee** said that the attorney for Margolis has been very aggressive. **Engineer Faiola** felt the situation is ridiculous.

**Engineer Faiola** said the EMS generator is about 90% complete. Some gas piping has to be completed.

**Engineer Faiola** referred to the DOT has just listed its annual request for grants for the Safe Streets to School Program. If there are any questions, he would be happy to discuss this.

**Engineer Faiola** said he had contacted Doug Borgstrom to coordinate what the Township's request would be for the FEMA funds which are available. He will send a letter of interest outlining what we are specifically looking for tomorrow so we will hold our place in line for funds that are available. Then we will fine tune exactly how we will cost out our response to the County FEMA.

**Mayor Puglia** referred to road opening inspection fees. The application fee has been paid, but not the inspection fee. PSE&G had informed us that they don't pay inspection fees to any townships within the county. **Engineer Faiola** said there will be a cost associated with the inspection and it has never been the town's position to absorb this cost. **Engineer Faiola** felt we should go back to PSE&G and possibly deny any road opening permits until they follow our procedures. **Engineer Faiola** recommended that a letter be sent to PSE&G indicating that this is the township's policy and the township shouldn't bear the costs to make sure they repair the township roads to our standards and specifications. **Engineer Faiola** will help put the letter together with **Clerk Semus**. **Clerk Semus** spoke of a moratorium on certain roads, specifically Mansfield Road East.

**Engineer Faiola** referred to Mansfield Road West wherein he reviewed the pre-construction video and compared it to the photos he took after the construction. He drafted a letter he will sign indicating his findings, specifically that the road was in deteriorated condition before but it had about 10 to 12 years of useful life before something major would have to be done to it mainly because it is lightly traveled. However, if you look at the after shots, the Turnpike has fractured the road even further than what it was before. His fear is that, it is unsafe right now and after a few freeze and thaw cycles, we will have pot holes and craters in the road. His letter will inform them that the cracks are further damaged and the road life has been lowered from 10 years to about 2 or 3. In addition, they were traveling with heavy wheel loads when they weren't suppose to as they were suppose to come off the turnpike with this traffic. He is recommending that they spot repair just like they have and then overlay the entire roadway this fall before the winter hits and the pot holes show up. This will be in their interest to seal it up and prevent moisture from getting into the road. He will send the letter and, hopefully, they will agree. He will send the letter to the turnpike and copy the contractor.

**Committeeman Clark** said a phone call from a resident indicated that they back their trucks up from Route 206 to their site and, by doing so, they did damage to the road. In one instance, the truck went off the road and a portion of the road caved in.

**Deputy Mayor Higgins** referred to **Engineer Faiola's** report in regard to the municipal building conceptual floor plans and the comment that they are awaiting the Township's final approval. **Engineer Faiola** clarified his report stating that there were some last minute changes to be done to parts of the floor plan at the Millennium. He said that, before the plans are finalized, he wanted the Committee to review them one more time. **Deputy Mayor Higgins** also asked the status of Joyce Court and stated that he wants an answer. **Engineer Faiola** said he has heard from no one. He said he can go in person to the DOT and make an issue of this directly. **Deputy Mayor Higgins** asked why the work at the Mapleton Villages is slow. **Engineer Faiola** said we are using grant

funds from the CDBG to take care of the project. **Clerk Semus** felt we had discussed this and we weren't going to utilize any of the Community Development for the handicapped sidewalks at Mapleton. She felt the entire grant was being used at the Millennium Building. **Engineer Faiola** said he will communicate with **Engineer Staszewski** about this.

The request for money for the zoning map change was discussed. The proposal of Remington & Vernick is to be reviewed by Harry McVey after which it is to be discussed at the next meeting...

**Deputy Mayor Higgins** referred to IIA of the Engineer's October 11<sup>th</sup> report. He felt that the last sentence of the first paragraph should be deleted since it states that currently, revisions are 98% complete, and are awaiting Township final approval. This should be deleted since the Township does not have the plans yet. Also, IVA should be amended since the scope of work should not be included in the Municipal Building Accessible Doorway and Site Improvement bid. A motion was offered by **Deputy Mayor Higgins** and second by **Committeewoman DiGiuseppe** to take action on the above. Motion carried on a Roll Call Vote, recorded as follows:

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

**RESOLUTIONS**

**RESOLUTION 2011-10-2**

**RESOLUTION ACCEPTING THE BID OF \$234,924.00 BASE BID ALONG WITH ALTERNATE A2, 12' HIGH CHAINLINK FENCE WITH GATES FOR \$8,430.00 FOR A TOTAL CONTRACT AMOUNT OF \$243,354.00 FROM ELLA CONSTRUCTION OF MONTCLAIR, NEW JERSERY FOR THE CONSTRUCTION OF THE MANSFIELD INDOOR TRAINING FACILITY**

**WHEREAS**, the Township has solicited bids for the construction of a training facility in the Township; and

**WHEREAS**, bids were received and opened on September 20, 2011, with the lowest qualified bidder, and the only bid below the budgeted amount, being that of Ella Construction, LLC, of 180 Bloomfield Avenue, Montclair, New Jersey 07042, in the amount of Two Hundred Thirty Four Thousand Nine Hundred Twenty-Four Dollars and No Cents (\$234,924.00) as the base bid along with Alternate A2, 12' high chain link fence with gates for Eight Thousand Four Hundred Thirty Dollars and No Cents (\$8,430.00) for a total contact amount of Two Hundred Forty Three Thousand Three Hundred Fifty Four Dollars And No Cents (\$243,354.00); and

**WHEREAS**, the bid has been reviewed and is in compliance with the specifications and bidding requirements and has the endorsement of the Engineers, Land Engineering & Surveying Co., Inc; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in that amount; and

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

1. The Township Committee hereby awards a Contract Ella Construction, LLC for the construction of the Mansfield Indoor Training Facility in accordance with the Township's specifications and their proposals for the total amount of \$243,354.00; and
2. This award is made available through the following accounts:  
02-286-54-000-290
3. The Mayor and Township Clerk, as necessary, are herby authorized to execute a Contract and any related documents necessary to effectuate this award in a form substantially the same as that included in the specifications.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeewoman DiGiuseppe** to adopt Resolution 2011-10-2. Motion carried on a Roll Call Vote, recorded as follows:

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

**RESOLUTION 2011-10-3**

**RESOLUTION TO AMEND RESOLUTION 2009-1-22 FOR THE PURPOSE OF ADDING ADMINISTRATIVE ASSISTANT WITH SALARY RANGE FOR THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY**

**WHEREAS**, Resolution 2009-1-22 established positions and salaries within the Township of Mansfield; and

**WHEREAS**, there exists a need for the position of admin assistant within the Township Clerk's Office, and

**NOW, THEREOFRE, BE IT RESOLVED** that Township of Mansfield, County of Burlington, State of New Jersey hereby amends Resolution 2009-1-22 as follows:

Under Municipal Clerk/Administrator's Office the position of Administrative Assistant is hereby added at a salary range of \$10.00 to \$17.00 per hour.

**Clerk Semus** explained that this was omitted from the amendment of the 2001 resolution. In order to hire a part time employee, the position and range must be adopted.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Gable** to adopt Resolution 2011-10-3. Motion carried on a Roll Call Vote, recorded as follows:

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

**RESOLUTION 2011-10-4**  
**RESOLUTION TO ALLOW PAYMENT OF DELINQUENT SPECIAL ASSESSMENT**  
**INSTALLMENT AND TO REINSTATE INSTALLMENT PLAN**

**WHEREAS**, on February 28, 2007, the Township Committee of the Township of Mansfield adopted Ordinance 2007-8 authorizing assessments for sewer improvements for the Lynwood Farms development; and

**WHEREAS**, this ordinance authorized the assessments to be paid in 20 annual installments; and

**WHEREAS**, N.J.S.A.40:56-35 stated that if an installment remained unpaid for 30 days, then the whole assessment, or balance shall become immediately due; and

**WHEREAS**, N.J.S.A.40:56-35 was amended to include the provision for the delinquent installment to be paid with interest, and the installment plan reinstated.

**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 October 12, 2011 hereby authorizes the Tax Collector to accept the delinquent installment with interest and reinstate the installment plan.

**CFO Monzo** explained that our original ordinance established a special assessment for Lynnwood Farms which was in accordance with state law NJSA 40:56-35 at that time. It basically said that, if a property's special assessment became delinquent, after 30 days the entire amount was due and payable, NJSA 40:56-35 was amended by Legislature. Therefore our resolution says we agree with the amendment which means it is not due and payable all at one time. It can be charged interest and go on an installment plan. We are amending our original resolution to follow the statute which changed.

A motion was offered by **Committeewoman DiGiuseppe** and second by **Committeeman Clark** to adopt Resolution 2011-10-4. Motion carried on a Roll Call Vote, recorded as follows:

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

**RESOLUTION 2011-10-5**  
**REFUND OF TAX OVERPAYMENT**

**WHEREAS**, Property Taxes were overpaid on the property listed below; and

**WHEREAS**, this overpayment was due to deletion of a block and lot resulting in an over bill for 2011, and the refund is due to the homeowner;

**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 October 12, 2011 hereby authorizes the refunding of the following by the Tax Collector.

Block	Lot	Property Owner	Address	Amount
58	43 Qfarm	N.A.K. Realty %	Kinkora Road	\$201.82
58	44.01	First Investors Corp.	2637 Kinkora Road	<u>\$327.95</u>
			Total	\$529.77

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Gable** to adopt resolution 2011-10-5. Motion carried on a Roll Call Vote, recorded as follows:

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

**RESOLUTION 2011-10-6**  
**(This Resolution was not adopted)**

**RESOLUTION 2011-10-7**

**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
50.02	13	Bruce Waite	\$1,449.86 (Effective 9/30/11)

A motion was offered by **Committeeman Clark** and second by **Committeeman Gable** to adopt Resolution 2011-10-7. Motion carried on a Roll Call Vote, recorded as follows:

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

**RESOLUTION 2011-10-8**

**REFUND OF TAX OVERPAYMENT**

**WHEREAS**, Property Taxes were overpaid on the property listed below; and

**WHEREAS**, this overpayment was due to deletion of a block and lot resulting in an over bill for 2011, and the refund is due to the homeowner;

**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 October 12, 2011 hereby authorizes the refunding of the following by the Tax Collector.

Block	Lot	Property Owner	Address	Amount
33.04	9.01	Mansfield Investments	14 Sheffield Drive	\$482.06

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Clark** to adopt Resolution 2011-10-8. Motion carried on a Roll Call Vote, recorded as follows:

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

**RESOLUTION 2011-10-9**

**APPOINTMENT OF MUNICIPAL POSITIONS/BOARDS/EMPLOYEES**

**BE IT HEREBY RESOLVED** that the following individual is hereby appointed as Alternate JIF Fund Commissioner/Representative effective September 28, 2011, to the office listed below.

FUND COMMISSIONER/JIF REPRESENTATIVE:  
JANICE DIGIUSEPPE

A motion was offered by **Committeeman Gable** and second by **Committeeman Clark** to adopt Resolution 2011-10-9. Motion carried on a Roll Call Vote, recorded as follows:

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

**ORDINANCES**

**ORDINANCE 2011-10**

**ORDINANCE RE-APPROPRIATING \$291,499.41 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE RENOVATIONS AND IMPROVEMENTS TO VARIOUS MUNICIPAL BUILDINGS IN AND BY THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF BURLINGTON, NEW JERSEY**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF BURLINGTON, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

**Section 1.** Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$291,499.41 of the proceeds of obligations originally made available pursuant to the following bond ordinances of the

Township of Mansfield, in the County of Burlington, New Jersey are no longer necessary for the various purposes for which the obligations previously were authorized:

<u>Ordinance Number and Section</u>	<u>Improvement Description and Date of Adoption</u>	<u>Amount to be Re-appropriated</u>
1995-08	Reconstruction of Mill Lane, finally adopted 6/14/95	\$3,052.53
1999-22	Acquisition of real property, finally adopted 9/22/99	7,243.00
2001-16	Acquisition of farmland, finally adopted 10/24/01	7,012.43
2002-03	Improvement to Rd 68 and Harvest lane, finally adopted 2/27/02	2,500.00
2002-23	Acquisition of farmland, finally adopted 8/28/02	45,738.11
2007-02	Open space property acquisitions, finally adopted 1/24/07	19,527.86
2007-17	Various capital improvements, finally adopted 9/12/07	85,425.48
2008-08	Various capital improvements, finally adopted February 27, 2008	<u>121,000.00</u>
	Total	<u>\$291,499.41</u>

**Section 2.** The \$170,499.41.41 proceeds described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 are hereby re-appropriated for roof reconstruction at the New Township Municipal Building/Firehouse, as shown on and in accordance with the plans and specifications on file in the office of the Clerk, which plans were approved, including the acquisition and installation of equipment, site work and all work and materials necessary and incidental thereto.

The \$121,000.00 proceeds described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 are hereby re-appropriated for various improvements to the Millennium Building, as shown on and in accordance with the plans and specifications on file in the office of the Clerk, which plans were approved, including the acquisition and installation of equipment, furnishings, site work, and all work and materials necessary and incidental thereto.

**Section 3.** The capital budget of the Township of Mansfield is hereby amended, if necessary, to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 4.** This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**CFO Monzo** referred to prior discussions about the renovations to the roof at the Millennium Building which will cost about \$300,000. Because the money was not currently available within the structure we had if we were going to do the other work, at Deputy Mayor Higgins' request, **CFO Monzo** looked at the existing ordinances we had. Since there is money left from other ordinances, the money can be taken to use for the roof work at the Millennium. **Deputy Mayor Higgins** further explained how excess funds were taken from the prior ordinances and put together for this project.

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

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Gable** to adopt Ordinance 2011-10. Motion carried on a Roll Call Vote, recorded as follows:

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

**ORDINANCE 2011-11**

**AN ORDINANCE TO AMEND CHAPTER 18 ENTITLED  
STREET EXCAVATION**

**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; and

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

ARTICLE I

Definitions

§ 18-1. Definitions and Terms

ARTICLE II

Regulations for Permits

- § 18-2 Permit required
- § 18-3 Adherence to terms of permit
- § 18-4 Commencement of work
- § 18-5 Notice Requirements
- § 18-6 Work Hours
- § 18-7 Time of Year
- § 18-8 Permits non-transferable
- § 18-9 Expiration of permits
- § 18-10 State of county highways
- § 18-11 Revocation of permit

ARTICLE III

Application Procedure

- § 18-2 Duties and responsibilities of authorized applicants

ARTICLE IV

Regulations for Openings

- § 18-13 Construction requirements
- § 18-15 Temporary paving
- § 18-16 Additional regulations

ARTICLE V

Deposits and Fees

- § 18-17 Fees
- § 18-18 (Reserved)

ARTICLE VI

Liability Insurance

- § 18-19 Insurance requirements

ARTICLE VII

Openings in New Streets

- § 18-20 Notice prior to paving
- § 18-21 Restrictions upon excavations in new streets

ARTICLE VIII

Emergency Openings

- § 18-22 Emergency repairs

ARTICLE IX

Miscellaneous

- § 18-23 Maps of utility
- § 18-14 Final Paving
- § 18-24 Notice to property owners and tenants
- § 18-25 Violations and penalties
- § 18-26 Streets in subdivision

ARTICLE I  
Definitions

**§ 18-1. Definitions and Terms.**

The following words, when used in this chapter, shall have the meaning ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

**APPLICANT** – Any person who makes application for a permit.

**COAPPLICANT** - Person doing the road opening work on behalf of the Applicant and who is jointly and severally responsible and liable along with the Applicant, for compliance with all terms and conditions of the Ordinance and any penalty or claim filed by the Township as a result of any violation of the Ordinance.

**EMERGENCY** – Any unforeseen circumstances or occurrence, the existence of which constitutes a clear and immediate danger to persons or properties.

**IMPROVED ROAD** – Any road surfaced with pavement such as asphalt, concrete, bituminous concrete, brick, or similar pavement and any road having concrete base.

**PERMITTEE** – Any person who has been issued a permit and is obligated to fulfill all the terms of this chapter.

**PERSON** – Any natural person, partnership, firm, association, utility, corporation or authority created pursuant to statute, which is directly responsible for work being performed under the Utility Opening Permit Application. Whenever used in any section prescribing and imposing a penalty, the term “person” as applied to associations shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

**ROAD** – The actual road surface area from curb line to curb line, which may include travel lanes, parking lanes, and deceleration and acceleration lanes. Where there are no curbs, the road is that portion between the edges of the paved, or hard surface, width.

**STREET** – A public street, public easement, public right-of-way, public highway, public alley, public way or public road accepted or maintained by the township and any state or county road over which the township may have acquired jurisdiction by agreement.

**TOWNSHIP** – The Township of Mansfield in the County of Burlington, State of New Jersey.

**TOWNSHIP ENGINEER** – The person duly appointed Township Engineer, his/her authorized deputy, representative or inspector.

**TOWNSHIP SUPERINTENDENT OF PUBLIC WORKS** – The person duly appointed Township Superintendent of Public Works or any person authorized to act as his or her representative.

**UNIMPROVED ROAD** – Any cinder, dirt, or gravel road without oil treatment and all other roads under the jurisdiction of the Township of Mansfield.

ARTICLE II  
Regulations for permit

**§ 18-2. Permit Required.**

It shall be unlawful for any person to cut, break into, excavate or open any street (**improved or unimproved**) of the Township without first securing a permit from the Township Clerk as required herein.

A street opening permit is required when any of the following occur:

1. Excavation, including the digging, displacing, undermining, opening, boring, tunneling, auguring, or in any manner breaking up any street sidewalk, curb, or area within the Township right-of-way.
2. Excavation in/or under the surface of any street, installation of any street improvements, construction, removal or alteration of any improvements which are located within the right-of-way or public access (sidewalk).
3. The placement or deposition within the right-of-way of mulch, stone, brick, block, dense graded aggregate or excavated material which obstructs the intended flow of storm water or public access (sidewalk).
4. Any other action which interferes or disturbs the surface of the streets or improvements within the Township right-of-way.

**§ 18-3. Adherence to Terms of Permit.**

No person to whom a permit has been granted shall perform any work in any amount or quantity greater than that specified in the permit, except that upon the written approval of the Township Engineer and/ or Township Superintendent of Public Works, additional work may be done under the provisions of the permit in any amount not greater than 10% of the amount specified in the permit. Any deposit submitted in connection with the original permit shall be deemed to cover any such additional work as may be approved pursuant to this section within the limit mentioned herein.

**§18-4. Commencement of Work.**

Work for which a permit has been issued shall commence with 45 days after the issuance of the permit thereof. If not so commenced, the permit shall be automatically terminated. Permits thus terminated may be renewed upon the payment of an additional permit fee as originally required.

**§ 18-5. Notice Requirements.**

A minimum of 24 hours written notice to the Township Engineer and Township Superintendent of Public Works shall be given prior to the commencement of work except in cases of emergency as provided in Article VIII.

Five (5) days written notice is required for openings which require traffic detours.

**§ 18-6. Work hours**

No openings shall be done on weekends, Township holidays, or outside the normal working hours of 7:00 a.m. to 3:30 p.m. without the written permission of the Township Engineer and/or Township Superintendent of Public works unless in case of emergency. Failure to provide notice as required under Section 18-5 may result in revocation of the permit and issuance of a stop work order. If special conditions require work on the weekend, night, or Township holidays, the permittee shall obtain written approval of

the Township Engineer and/or Township Superintendent of Public Works for all overtime costs incurred for inspection of work.

**§ 18-7. Time of year**

With the exception of an emergency, no permits will be issued for road openings between December 15 and March 15<sup>th</sup> or where conditions exist due to severe weather, freeze, frost, etc. without written permission from the Township Engineer and/or Township Superintendent of Public Works.

**§18-8. Permits Non-transferable.**

Permits are not transferable from one person to another and the work shall not be made in any place other than the location specifically designated in the permit.

**§ 18-9. Expiration of Permits.**

Every permit shall expire at the end of the period of time which shall be set out in the permit. If the permittee shall be unable to complete the work within the specified time, he shall, prior to expiration of the permit, present in writing to the Clerk a request for an extension of time, setting forth therein the reasons for the requested extension. If such an extension is necessary, and not contrary to the public interest, the permittee may be granted additional time by the Township Clerk in writing for the completion of the work upon recommendation of such extension by the Township Engineer.

**§18-10. State and Count Highways.**

The provisions of this chapter shall not be applicable in those instances where the highway is maintained by the State of New Jersey or by the County of Burlington, except in such cases where the township may have special arrangements with the state or county.

**§ 18-11 Revocation of Permit.**

- A. Any permit may be revoked by the Township Committee, after notice to the permittee, for:
  - (1) Violation of any condition of the permit or of any provision of this chapter.
  - (2) Violation of any provision of any other applicable ordinance or law relating to the work.
  - (3) Existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or properties of others.
- B. Written notice of any such violation or condition shall be served upon the permittee or his agent engaged in the work. The notice shall contain a brief statement of the grounds relied upon for revoking the permit. Notice may be given either by personal delivery thereof to the permittee or by certified or registered United States mail addressed to the permittee.
- C. A permittee may be granted a period of 48 hours from the date of the notice to correct the violation and to proceed with the diligent prosecution of the work authorized by the permit before said permit is revoked, provided written notification of the violation correction has been submitted to the township by permittee.
- D. When any permit has been revoked and the work authorized by the permit has not been completed, the township shall cause such work to be done as may be necessary to restore the street or part thereof to as good a condition as before the opening was made. All expenses incurred therein by the Township shall be recovered from the deposit the permittee has deposited with the Township.

ARTICLE III

**Application Procedure**

**§ 18-12. Duties and Responsibilities of Applicants.**

It shall be the duty and responsibility of each applicant to:

- A. Make a written application for such permit with the Township Clerk on such forms as the Township shall prescribe. No work shall commence until the Township Engineer and/or Township Superintendent of Public Works has approved the application and plan and the applicant has paid and provided all fees, deposits and certificates required by this chapter. The Clerk shall issue a permit within 14 days after receipt of the Township Engineer and/or Township Superintendent of Public Works approval of the permit application and all required fees, deposits and certificates from the applicant.
- B. Include, in the application, information stating the kind, character and purpose of the proposed excavation or opening and such other information as may be reasonably required to fulfill the requirements of this chapter.
- C. Furnish in triplicate a scaled plan showing the location of the work to be performed under said permit. If approved by the Township Engineer and/or Township Superintendent of Public Works, one copy of such plan shall be returned to the applicant at the time the permit is granted.
- D. Obtain a permit for each and every opening.
- E. Agree to save the Township, its officers, employees and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under said permit. The acceptance of any permit under this chapter shall constitute such an agreement by the applicant whether the same is expressed or not.
- F. Pay a permit and engineering review fee and security deposit in accordance with the requirements of Article V herein.
- G. Furnish a certificate of insurance as required by Article VI of this chapter, or, in the case of a public utility or authority, furnish a self-insurer certificate issued by the Security Responsibility Bureau of the Division of Motor Vehicles, Department of Law and Public Safety for the State of New Jersey.
- H. Keep the original copy of the permit and an approved copy of the plan in the possession of the party or parties actually doing the work, and when required, exhibit same to the Township Engineer and/or Township Public Works Superintendent, duly authorized inspectors, or in the instances of county or state highways, to the respective inspectors of these authorities.
- I. Agree to perform the work under said permit in accordance with the regulations established under Article IV herein and such further conditions as may be imposed by the Township Engineer and/or Township Public Works Superintendent.

- J. If it is determined by the Township Engineer and/or Township Superintendent of Public Works that it is necessary, provide a video or photograph of the proposed opening and surrounding areas to protect the Township and adjoining property owners from damages during construction.

ARTICLE IV  
**Regulations for Openings**

**§ 18-13 Construction Requirements.**

The Township Engineer and/or Township Superintendent of Public Works is hereby authorized and directed to promulgate such written instructions as may be necessary for the construction of the street opening. Such instructions shall include but shall not be limited to:

- A. Limitations on the size of an opening.
- B. Restrictions for the protection of existing subsurface installations, monuments and drainage systems.
- C. Requirements for the storage and removal of excavated materials.
- D. Provisions for safety precautions to be taken by the permittee.
- E. Restrictions as to the periods of day when the work may be performed.
- F. Requirements for backfilling, inspection and final paving cross section for openings.
- G. Requirements for utilization of trenchless technology wherever possible on all piping, trenches and hook ups 15 inches in diameter or less.
- H. Requirements that all non-ferrous material contain a wire or detection device to accurately determine the location after installation.
- I. All metallic structures, including manholes, valve boxes, and inlet castings, to be set  $\frac{1}{4}$  inch below finished road grade.

**§ 18-14. Final Paving.**

- A. Final paving is to comply with the requirements in the New Jersey Department of Transportation (NJDOT) Standard Specifications for Road and Bridge Construction 2001, as amended by the latest addendum of the NJDOT, herein referred to as NJDOT Standard Specifications. A lesser specification may be allowed after review by the Township Engineer and/or Township Superintendent of Public Works.
- B. Surface Restoration:
  1. No permittee shall commence restoration on any street foundation or surface until the Township Engineer and/or Township Superintendent of Public Works has determined that settlement of the subsurface is complete and the area properly prepared for restoration.
  2. The street surface shall be permanently restored twelve (12) inches beyond the excavation on all sides by milling the surface surrounding the excavation to a depth of two (2) inches to extend the surface course restoration. The permanent restoration shall consist of a minimum of six (6) inches of dense graded aggregate, four (4) inches of bituminous stabilized base course and two (2) inches of FABC-1 surface course applied with appropriate tack coat to the adjacent pavement surface or a pavement cross section consistent to the existing pavement section.
  3. At the discretion of the Township Engineer and/or Township Superintendent of Public Works, the surface restoration shall extend the whole width of the travel lane.
  4. For road openings down the center of the cartway, surface restoration shall extend across the full width of the paved road (both travel lanes).
  5. The permittee is responsible for the full restoration of the roadway surface, including re-striping, installation of raised pavement markings, speed humps and signage.
  6. Any concrete sidewalks disturbed, damaged or disrupted during the excavation or trench opening shall be replaced with concrete sidewalk conforming to all applicable standards of the Township of Mansfield.
  7. Where concrete curbing and/or gutters are disturbed, damaged or removed, curbing and gutters of the exact configuration as the existing shall be constructed. Concrete shall be Portland cement concrete, air-entrained, conforming to the NJDOT Standard Specifications for Class B concrete and shall have a minimum compressive strength of 4,000 pounds per square inch after twenty-eight (28) days.
  8. All top soiled, seeded or otherwise unpaved areas disturbed in the course of the work shall be top soiled with a minimum thickness of not less than four (4) inches of loam-type topsoil. Fertilizer, lime and other soil conditioners needed to promote the proper growth of grass shall be incorporated and thoroughly worked into the topsoil. Seed or sod of species suitable for growth in the location and environment, and conforming to the requirements of the NJDOT Standard Specifications, shall be placed in all unpaved areas.
  9. All gravel shoulder areas disturbed during excavation or trench opening shall be restored and graded to provide and maintain the proper flow of drainage and to provide adequate lateral support of the abutting pavement structure. The gravel material shall be soil aggregate, Type I-6, conforming to the requirements of NJDOT Standard Specifications Section 901. The soil aggregate or gravel shall be a minimum thickness of not less than eight (8) inches compacted thickness.
  10. All concrete drive aprons disturbed during the course of excavation or trench opening shall be replaced in accordance with all applicable standards for concrete drive aprons, as set for in Article V, Section 12, Township of Mansfield Unified Development Ordinance, and shall be constructed of Portland cement concrete, air-entrained, Class B concrete, having a twenty-eight (28) day compressive strength of 4,000 pounds per square inch and a minimum concrete thickness of six (6) inches.
  11. Unless this requirement is waived at the time of approval, all restoration of roadway joints are to be thermally fused.
  12. In the event of the failure to restore the street opening properly within a reasonable time after the opening has been made or to maintain the restored street properly for a period of one year from the date of the aforesaid certificate of proper restoration, the Township may, upon three

(3) days written notice to the person receiving the permit, under-take the restoration or maintenance work and have recourse to deposit for compensation.

**§ 18-15. Temporary Paving.**

Upon notice to the Township Engineer and/or Township Superintendent of Public Works, and under his inspection, the permittee shall immediately, after completing the work and restore the excavation or opening with a temporary paving cover as follows: 10 inches of compacted gravel (Type 5A) in all areas and two inches of approved bituminous temporary patch material (cold patch) in paved cartways. The temporary paving cover shall be left in place and maintained by the applicant for a minimum of 90 days and a maximum of 120 days, after which the temporary paving cover and required portion of compacted gravel shall be removed and replaced with the final paving required by the Township Engineer and/or Township Superintendent of Public Works. Improvements to the temporary paving that are deemed necessary due to settlement prior to approval for final paving, shall reset the minimum number of days for temporary paving to be maintained by the permittee to 60 days from the date of repair.

**§ 18-16. Additional Regulations.**

- A. Unless written permission is obtained from the Township Engineer and/or Township Superintendent of Public Works, no permittee shall be allowed permission to cut, break into, excavate or open a street for a greater distance than 300 feet at one time or keep the same open for a period longer than one week. During the entire period the street is being cut, broken into, excavated or opened by the permittee, there shall be provided by the permittee a space at street level of at least 12 feet in width for the purposes of allowing vehicles free and unimpeded use of the same. In no event shall a permit be valid for a period of time in excess of 135 days after its issuance without the written approval of the Township Engineer and/or Township Superintendent of Public Works.
- B. All cuts, breaks, excavations and openings shall conform in size to the application on which the permit is based and shall be performed in neat, even and rectangular sections. All excavations to a depth of six feet or more shall be shored and braced or provided with an acceptable shield to support the walls of the trench for the protection of workmen and to prevent the unintentional widening of the trench unless otherwise permitted by the Township Engineer and/or Township Superintendent of Public Works.
- C. If in the opinion of the Township Engineer and/or Township Superintendent of Public Works, any cut, excavation or opening would be dangerous if left exposed, the permittee shall erect a suitable barrier or railing around the same in such manner as to prevent danger to pedestrians or vehicles and place upon such barrier or railing and upon any building materials and appliances suitable and sufficient warning lights during the period or darkness. In any event, suitable and sufficient warning lights shall be maintained by the permittee during periods of darkness in the vicinity of the cut, excavation or opening. The barriers and lighting shall conform to the Department of Transportation Manual of Uniform Traffic Control Devices and any amendments. In addition to the permittee placing his name and phone number where he can be reached at all times on the barriers, the permittee shall also notify the Township Superintendent of Public Works and local municipal authority of the condition of the unfinished excavation and furnish the above with his name and phone number where he can be reached at all times
- D. All permittees shall keep the area of their work clear of dirt and debris at all times and shall carry away and dispose of all excess dirt, debris and other material resulting from their work.
- E. At the discretion of the Township Superintendent of Public Works, the Road Opening Permit applications and associated inspections may be reviewed and approved by the Township Engineer. In this case the term Township Superintendent of Public Works is interchangeable with the Township Engineer throughout this Ordinance.

ARTICLE V

Deposits and Fees

§ 18-17. Fees

- A. If the application and plan conform to the requirements of this chapter, provide for the work to be performed in accordance with the current New Jersey State Highway Specifications and are approved by the Township Engineer and/or Township Superintendent of Public Works, the Township Clerk shall issue the permit upon receipt of the following:
  - (1) Administration fee: \$50 per application.
  - (2) Engineer review fee: \$200 per application.
  - (3) Performance and maintenance guaranty: as set forth in Subsection B.
  - (4) Inspection fee: as set forth in Subsection C.
- B. Performance and maintenance guaranty. Prior to the issuance of a permit, the applicant shall deposit a performance and maintenance guaranty as follows:
  - (1) Amount. The amount of the guarantee required will be determined by the Township Engineer and/or Township Superintendent of Public Works and will be set forth on the latest permit application form at the time of the application submission. The amount shall be computed on the basis of costs required to make proper restorations or repairs, as per the Township Engineer's bond estimate. An annual blanket bond in the amount of \$10,000 may be posted to avoid the inconvenience and expense of obtaining individual bonds for each permit requested.
  - (2) Form. The form of the guaranty shall be subject to the review and approval of the Township Attorney and shall be issued by an institution authorized to transact business in the State of New Jersey.
  - (3) Maintenance. The guaranty shall encompass a maintenance guaranty once the permanent restoration has been completed and accepted by the Township. Upon completion of final and

permanent restoration and acceptance by the township, the performance guaranty will be returned subject to a maintenance guaranty of 50% being posted. The maintenance guaranty shall remain in effect for a five year period for a 5 foot deep or more trench, and a two-year period of time for all others. The guaranty shall be released to the permit holder upon satisfactory completion of all restoration and repairs during the two or five-year maintenance. The two or five-year maintenance period shall commence after final inspection of the work performed under the permit and the acceptance of the work by the Township.

(3) Utilities. For all utilities under the jurisdiction of the Board of Public Utilities, a blanket corporate bond acceptable to the Township Attorney in the amount of \$25,000 may be deposited with the Township in full force and effect in lieu of a separate bond or escrow for each required permit as surety for the performance and maintenance period. The maintenance period shall be for a period of two or five years and shall commence after the final inspection of the work performed under the permit and the acceptance of the work by the Township.

C. Inspection Fees. Prior to the issuance of a permit, the applicant shall make a deposit for inspection fees in an amount to be determined by the Township Engineer and/or Township Superintendent of Public Works. The amount shall be calculated at 5% of the total site improvement cost, including excavation and restoration or based on the number of hours spent by the Township Engineer and/or Township Superintendent of Public Works to inspect the work covered under the permit, computed at his/her hourly rate, whichever is greater.

§ 18-18. (Reserved)

ARTICLE VI  
Liability Insurance

§ 18-19. Insurance Requirements.

Each applicant, prior to receipt of a permit, shall provide the Township with an acceptable certificate of insurance indicating that he is insured against claims for damages for personal injury as well as claims for property damage which may arise from or out of the performance of the work, ~~whether such~~ performance is by himself, his sub-contractor or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards and underground work by equipment on the street and shall include protection against liability arising from completed operations for a period of time to be determined by the Township Committee. The amount of the insurance shall be \$1,000,000 single limit. Public utilities and authorities may be relieved of the obligation of submitting such certificates if they are insured in accordance with the requirements of this chapter.

ARTICLE VII  
Opening in New Streets

§ 18-20. Notice Prior to Paving.

When the Township shall improve or pave any street, the Township Clerk shall first give notice to all persons owning property abutting on the street about to be paved or improved and to all public utilities and authorities operating in the township, and all such persons, utilities and authorities shall make all connections as well as any repairs thereto which would necessitate excavation of the street within 30 days from the giving of such notice. The time shall be extended if permission is requested in writing and approved by the Township Engineer and/or Township Supervisor of Public Works.

§ 18-21. Restrictions upon Excavations in New Streets

- A. Unless it is determined that an emergency exists involving underground storm or drain water, gas, water, sewer, telephone, cable or electric utilities, no street opening permit will be issued for a period of 60 months after a new pavement has been constructed, or the existing pavement has been resurfaced, on the affected street.
- B. In the event that the newly paved or resurfaced street ~~be~~ is dedicated to the Township, the sixty-month period shall be deemed to begin on the date of acceptance by the township of the affected street.
- C. A waiver on restrictions for street openings unless otherwise stipulated, may only be granted at the approval of the Township Committee.
- D. Existing utility companies failing to act upon the Notice of Moratorium, and thus opening the street will be subject to penalties of \$\$1,000.00 per day, until the utility company acts on the Notice of Moratorium.

A motion was offered by **Committeeman Gable** and second by **Committeeman Clark** to introduce Ordinance 2011-11 and hold the public hearing on October 12, 2011. Motion carried on a Roll Call Vote, recorded as follows:

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

**APPROVAL OF MINUTES September 28, 2011**

A motion was offered by **Committeeman Gable** and second by **Committeewoman DiGiuseppe** to approve the minutes of the September 28, 2011 meeting. Motion carried on a Roll Call Vote, recorded as follows:

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

## DISCUSSION

### a. GovDeals Auction Services

**Police Chief Ron Mulhall** explained his request to use GovDeals, under state contract, as a means of auctioning off surplus property such as used vehicles. This would be similar to an e-bay type auction. Representing GovDeals was Michael Baker who explained the options in terms of fees. It can go from a 7 1/2 cent fee which can be passed onto the buyer. He further explained how the service works. They have been in business since 2001 and are located in 45 states with 300 entities in New Jersey. This is an on-line auction and the township would see the net. **Chief Mulhall** said he would also have some computer equipment to sell. **CFO Monzo** further explained that the fee is not paid to Gove Deals as it is deducted from the selling price of the product. We are not obligated to make an appropriation in the budget to pay them. It comes in terms of a net sale to us. **Committeewoman DiGiuseppe** noted it was a state contract and any surplus can be utilized, including chairs, etc. **CFO Monzo** said items have to be considered surplus property before they can be auctioned off. No action was required by the Committee on this.

### b. Clothing Bins

**Clerk Semus** said she became aware of the requirement to notify the Director of Consumer Affairs that we have clothing bins. Our Police Officers were responsible for putting the bins in the parkinglot. She asked if there should be an ordinance to establish permit numbers because the Director of Consumer Affairs investigates the bins. **CFO Monzo** explained that there is a requirement for an ordinance to establish that, if there is a clothing bin, it has to be registered and meet certain criteria. There is a \$25 registration fee with enforcement and fines if they don't agree. He said it was introduced last night in South Brunswick due to an advisory from the League of Municipalities. He will provide a copy tomorrow.

**Police Chief Ron Mulhall** explained that the clothing bins are for the DARE program and felt they pre-date the law.

**Committeeman Gable** asked if the newly purchased vehicles are being used. **Chief Mulhall** explained what has to be done yet and explained their future plans.

**Deputy Mayor Higgins** questioned why headlights were moved. **Chief Mulhall** explained why this was occurring.

### c. Application for Blue Light permit for Michael Allen Crum, Member, Franklin Fire Company.

A motion was offered by **Committeeman Gable** and second by **Committeeman Clark** to grant the blue light permit. Motion carried.

### d. Reforestation Project

**Attorney Magee** said an agreement is going to have to be made between the County, Northern Burlington and Mansfield Township in terms of how it is going to be accomplished. **Deputy Mayor Higgins** said he was invited to a meeting a few weeks ago about the project and expressed his dissatisfaction that Bob Tallon was not invited.

Bob Tallon, Axe Factory Road, said he did get a call a couple weeks ago from the County who asked him where we want the trees in our township, specifically park areas in Mapleton, Country Walk, and Hedding Park as well as the school and areas in the county. They are working on it. **Attorney Magee** explained that the Township made a deal that we didn't want to spend our money for the tree plan that the NJ Turnpike and the DEP were requiring for us to qualify for the reforestation money. The County took it upon themselves to incur the expense. In exchange for the tree planting plan expense, the municipality was going to give the county some trees. He got an interlocal services agreement from Mary Pat Robbie. He reviewed the agreement and made comments dealing with the issue of the funds, being specific about the township not spending any funds. He felt the school was unreasonable in their demands and requests. That is what we are working through right now. The tree planting plan that was approved by the DEP and the Turnpike Authority will be utilized. **Attorney Magee** explained that the school

is looking for us to reimburse them for certain costs that weren't permitted under the agreement.

**Deputy Mayor Higgins** noted that, although the program was for trees, the school wants some plants and they want to plant the plants and they want the County to plant the trees. There was a question as to whether the plants would qualify. Bob Tallon said the rules are specific. No specific decisions were made at the meeting. However, **Deputy Mayor Higgins** wanted to inform Bob Tallon of the discussions since he is the one in charge of the program. Bob is to be aware of the problems which exist.

#### **PUBLIC COMMENT**

**John Panacek**, 46 Hockey Drive, noted there has been some changes with traffic flow. Aaronson Road has been out of service for a number of months and now Big Brother has addressed left turn abilities on Route 206 South off White Pine Road. It is difficult for him to get home and to go places now because of the restrictions imposed and the Aaronson Road dilemma. He did understand the safety factor in turning left to Route 206 South from White Pine. However, that is the only road what has been affected and he pointed out you can turn left into the shopping center as well as the Gulf station. Mr. Panacek said Aaronson Road is critical but this has been out of service since the hurricane. He felt the township has money for a chain link fence and he hopes we have money to fix Aaronson Road. He was told it is a County Road and the County is dealing with the bridge. He referred to FEMA money. He hopes we can put pressure on the County Engineer's Office.

**Mr. Panacek** referred to PSE&G and road opening permits. He questioned what would happen in an emergency such as a gas leak. **Engineer Faiola** said they do have the responsibility of repairing the leak immediately. Then, they have to repair the road to meet our specifications. They would then be billed after it happened.

With no further comments or questions, the public comment portion was closed.

#### **MAYOR AND COMMITTEE COMMENT**

**Committeewoman DiGiuseppe** thanked those in attendance for coming.

**Deputy Mayor Higgins** said he tonight's decision reduced the Senior Citizens donation from \$1,600 to \$800. He voted against this decision since he feels the Senior Citizens of this community have been here for a long time. Although Springfield cut their budget, he didn't agree that, just because they cut their budget, we should do the same. He felt the cut from \$1,600 to \$800 was not justified.

**Committeeman Gable** thanked all for coming to the meeting.

**Committeeman Clark** wanted to reassure the people that we are on top of the turnpike since they are not going to walk away from the roads and leave them a mess. We are waiting for a good winter which will tell the story. Once we get a few good freezes and the road deteriorates, we will go back after them. Currently the tape doesn't prove too much.

#### **MOTION TO ADJOURN**

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

**PREPARED BY:**

**RESPECTFULLY SUBMITTED BY:**

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**Barbara A. Crammer, Deputy Clerk**

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**Linda Semus, RMC, Municipal Clerk**

**Approved: November 9, 2011**