

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY
MEETING MINUTES
October 26, 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 **Deputy Mayor Higgins** and second by **Committeeman Clark** to go into executive session by adoption of the following Resolution. Motion carried.

**RESOLUTION 2011-10-10
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 on-going litigations, specifically Titzell v. Mansfield, Fink v. Mansfield, Dulo v. Mansfield, Wesley United Methodist Church v. Mansfield, and Tindall 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, Committeeman Fred Clark, CFO Joseph Monzo, Engineer Len Faiola, Attorney Michael Magee, Clerk Linda Semus and Deputy Clerk Barbara Crammer.**

A motion was offered by **Committeeman Clark** 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 Titzell v. Mansfield Fink v. Mansfield, Wesley United Methodist Church v. Mansfield, Dulo V. Mansfield and Tindall v. Mansfield.

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

A motion was offered by **Committeewoman DiGiuseppe** and second by **Committeeman Clark** to remove Number 7 item from the agenda. Motion carried.

BILL LIST

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

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

ENGINEER'S REPORT

Engineer Len Faiola updated the written report explaining that there has been some discussion with the DEP in respect to their decision about having a public hearing on the Waste Water Management Plan. Yesterday, they said they were going to postpone the decision due to questions about the Margolis tract. However, this afternoon, he learned that they no longer have an intention of holding this off. As of now, they want to respond to comment letters that have been submitted to the DEP and, after those responses, they will move forward with executing the agreement. He felt this is good news. **Engineer Faiola** will inform the Township of progress as it happens.

Engineer Faiola distributed a sketch which outlines an issue holding up the project. He asked the Committee to authorize a change order which he explained through the sketch. The original design was to have a gas service just for the generator. Usually, this will cost about \$4,000 to \$5,000. PSE&G quoted about \$10,000 which has been negotiated down to around \$7,000 but they refuse to put anything in writing. **Engineer Faiola** still felt this was too high. A second avenue was found to modify the design. Instead of its own meter, we would replace the existing meter and run a pipe from the existing service to the generator. This will cost about \$4,900 as opposed to \$7,000 plus. He recommended going with this avenue to save the township the difference. He asked for action tonight so he can give the contractor direction to get it done within the next three or four days.

CFO Monzo explained that, in the ordinance we adopted per Ordinance 2011-6, there is a balance available of under \$3,000. If approved, the difference would have to come from either our budget somewhere or from the squad itself. **Mayor Puglia** explained that he went there with George Grouser who thinks we should be about to get PSE&G do it and not charge us the extra \$1,000 which is needed because they are going to be the beneficiary of this generator as it goes on once a week and it is a big generator. **Engineer Faiola** said he will press the issue with PSE&G. In that case, **Engineer Faiola** modified his request to authorize the change order for \$3,900 to have the contractor do the pipe work that is necessary. A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Gable** to approve the change order. Motion carried on a Roll Call Vote, recorded as follows:

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

Engineer Faiola said the application for the Safe Routes to School Program is due in December. He said he would like to meet with **Committeeman Clark** to go through some potential opportunities and then bring the ideas back to the Committee for their recommendation. A motion was offered by **Committeeman Gable** second by **Committeeman Clark** to meet with **Engineer Faiola** in regards to the Safe Route to School program. Motion second by **Deputy Mayor Higgins** and carried.

Committeewoman DiGiuseppe asked **Engineer Faiola** if he had any information on the trees at Four Seasons. He responded saying he hasn't heard. She also questioned about the Maintenance Bond. **Engineer Faiola** said it was not released. The dates on the bonds expired but this doesn't mean the bonds are completely gone. It depends on the negotiated agreement between the homeowners association and the township. He will review the agreement. **Engineer Faiola** referred to the four sink holes, three of which are associated with a prior repair. The prior repairs are in a paved area next to the catch basin. The sink holes are not in the paved area but behind the curb next to the other repair. He said that water leaks and the soil is moving. There is a potential for the curb to sink and it has to be repaired quickly so further damage is not incurred. It is a rather simple fix. K Hovnanian has been asked to address the four issues but haven't heard back from them yet. We need to decide whether to let this linger throughout the winter and wait for K. Hovnanian to respond and they may not. Or do we go ahead and do it and make sure the cost is incorporated into any settlement that we are

going to have with K. Hovnanian. **Engineer Faiola** said he would rather go in that direction only because the small problems may get bigger. He will speak to Jef Jones for direction and have someone fix it. A motion was offered by **Committeewoman DiGiuseppe** and second by **Deputy Mayor Higgins** to do as **Engineer Faiola** recommended and to also notify the homeowners and the property management company. Motion carried on a Roll Call Vote, recorded as follows:

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

A motion was offered by **Deputy Mayor Higgins** and second by **Committeewoman DiGiuseppe** to accept **Engineer Faiola's** reports. Motion carried

RESOLUTIONS

RESOLUTION 2011-10- 11

RESOLUTION TO AMEND RESOLUTION 2011-1-19 REAUTHORIZING PETTY CASH FUNDS FOR CALENDAR YEAR 2011 AND ADDING CONSTRUCTION TO THE LIST OF AUTHORIZED PETTY CASH FUNDS

WHEREAS, NJS A 40A:5-21 authorizes the establishment of Petty Cash funds in municipalities by application and resolution; and

WHEREAS, the Division of Local Government Services, New Jersey Department of Community Affairs, has authorized petty cash funds for the Township of Mansfield, Burlington County, as follows:

Type	Date Authorized	Amount Authorized	Bonding Required
Police	8/20/85	\$100	\$0
Finance	1/08/93	\$250	\$0
Recreation	2/28/91	\$200	\$0
Construction	10/26/11	\$200	\$0 ; and

WHEREAS, it is the desire of Mansfield Township, Burlington County, to reauthorize such funds for Calendar Year 2011 as follows:

Type	Custodian	Amount Authorized	Bonding Required
Police	Ron Mulhall	\$100	\$0
Finance	Joseph P. Monzo	\$250	\$0
Recreation	Christine Alpin	\$200	\$0
Construction	Jeffrey K. Jones	\$200	\$0 ;and

WHEREAS, such custodians shall maintain records for these funds in a manner conducive to proper accounting and auditing procedures;

NOW, THEREFORE BE IT RESOLVED that the Committee of the Township of Mansfield, Burlington County hereby authorizes such action and that two copies of this Resolution be filed with Division of Local Government Services, New Jersey Department of Community Affairs.

CFO Monzo said this resolution is to go to the state for approval.

A motion was offered by **Committeeman Gable** and second by **Committeeman Clark** to adopt Resolution 2011-10-11. Motion carried on a Roll Call Vote, recorded as follows:

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

**RESOLUTION 2011-10-12
 APPLYING OVERPAYMENT OF TAXES**

WHEREAS, taxes were overpaid on the properties listed below, and

WHEREAS, a resolution is needed to credit a payment to another property with the same owner,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that the Tax Collector shall apply the overpayment of taxes to the following:

FROM		TO	
Block 9.01, Lot 1.14 Qfarm Dennis & Kristen Schmidt	\$ 7.76	Block 9.01, Lot 1.14 Dennis & Kristen Schmidt	\$ 7.76

A motion was offered by **Committeeman Clark** and second by **Committeewoman DiGiuseppe** to adopt Resolution 2011-10-12. Motion carried on a Roll Call Vote, recorded as follows:

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

RESOLUTION 2011-10-13
A RESOLUTION OF THE TOWNSHIP OF MANSFIELD APPOINTING RYAN E. DONNELLY
AS HHS FIRE SUB-CODE/INSPECTOR

WHEREAS, at this time in Mansfield Township there is a need for a Fire Subcode Official holding the H.H.S. (High Rise-Hazardous Specialist) level designation to review plans and to carry out field inspection activities for Class I, II, and III structures; and

WHEREAS, Ryan E. Donnelly is so qualified and licensed as such by the State of New Jersey and is available as needed; 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 October 26, 2011 at the Municipal Complex at 7:30 PM that Ryan E. Donnelly is hereby appointed as Fire Sub-Code Official holding the H.H.S. (High Rise-Hazardous Specialist) level designation at a compensation of \$1,500.00 per year, effective immediately, with no benefits and holidays.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeewoman DiGiuseppe** to adopt Resolution 2011-10-12. Motion carried on a Roll Call Vote, recorded as follows:

AYE: HIGGINS, DIGIUSEPPE, CLARK, GABLE, PUGLIA

NAY: NONE ABSENT: NONE ABSTAIN: NONE

REPORTS: Clerk, Tax, Court, EMS, Construction, Historical Society, COAH, Zoning, Police

ORDINANCE

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, who 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 curblineline to curblineline, 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 15th 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 ¼ 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 the 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, refill, properly tamp 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 guaranty 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.
 - (4) 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, ~~whenever 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.

Mayor Puglia opened the public hearing.

Michelle Gable, 24776 E. Main Street, asked if this ordinance is for road opening permits as well as access permits. She was told yes.

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

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Gable** to adopt Ordinance 2011-11. Motion carried on a Roll Call Vote, recorded as follows:

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

ORDINANCE 2011-12

AN ORDINANCE HEREBY AMENDING AND SUPPLEMENTING CHAPTER 24 OF THE CODE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40:48-2.62 indicates that it is the responsibility of every municipality to investigate and prosecute complaints related to clothing donation bins placed within its jurisdiction; and

WHEREAS, in order to carry out this responsibility, a municipality must adopt an ordinance setting forth the duties and responsibilities of persons and/or entities utilizing clothing donation bins, including provisions related to fees and penalties associated with such use; and

WHEREAS, the Township Committee believes that it is in the best interest of the residents of the Township of Mansfield to adopt an ordinance for the administration and regulation of clothing donation bins in order to protect the health, safety and welfare of the citizens of Township of Mansfield;

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

The Code of the Township of Mansfield shall be and is hereby amended and supplemented as follows, with the addition of the following:

Chapter 24

HAWKERS, PEDDLERS, SOLICITORS AND CANVASSERS

ARTICLE I. DEFINITIONS

§. 24-2 Definitions.

Clothing Donation Bin means any receptacle or container made of metal, steel, or other material designed or intended for the collection and temporary storage of donated clothing or other materials.

Solicit or Solicitation means the request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind or value. Solicitation shall include, but not be limited to, the use or employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value. A solicitation shall take place whether or not the person making the solicitation receives any contribution.

§24-3 CLOTHING DONATION BINS

A. Permit required.

No person or entity shall place, use, or employ a clothing donation bin within the Township of Mansfield for solicitation purposes unless the organization placing, using or employing the clothing donation bin has obtained a permit for a period of one (1) year issued by the Township Clerk.

B. Annual permit fee.

The annual permit fee is twenty-five (\$25.) dollars per bin and will be used to offset the costs involved in enforcing this article.

C. Application requirements.

The application for obtaining a permit shall include:

- (1) The location where the bin would be situated, as precisely as possible;
- (2) The manner in which the person or entity anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;
- (3) The name and telephone number of the bona fide office of any person or entity which may share or profit from any clothing or other donations collected via the bin, at which such person or entity can be reached during normal business hours. For the purposes of this article, an answering machine or service unrelated to the person or entity does not constitute a bona fide office; and
- (4) Written consent from the property owner to place the bin on their property.

§24-4 Renewal application requirements.

In addition to the initial application requirements, renewal applications must include:

A. A statement on the manner in which the applicant has used, sold, or dispersed any clothing or other donation collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the applicant anticipates it may make in this process during the period covered by the renewal;

B. The name and telephone number of the bona fide office of any person or entity which shared or profited from any clothing or other donations collected via the bin, and of any persons or entities which may do so during the period covered by the renewal; and

C. If the location of the bin is to be moved, the new location where the bin is to be situated, as precisely as possible and written consent from the property owner of the new location.

§. 24-5 Placement of bins; maintenance.

A. Mansfield Township shall not grant an application for a permit to place, use, or employ a clothing donation bin if it determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a clothing donation bin within one hundred (100) yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases; or the placement of a bin where it interferes with vehicular or pedestrian circulation.

B. The person or entity placing, using or employing a clothing donation bin shall maintain the bin

and the area surrounding the bin such that there shall be no accumulation of clothing or other donations outside the bin.

§24-6. Display of permit.

The following information shall be clearly and conspicuously displayed on the exterior of the clothing donation bin:

- A. The permit number and its date of expiration, stating that a copy of the permit application is on file with the Township Clerk;
- B. The name and address of the person or entity placing, using or employing the bin, and of any other person or entity which may share or profit from any clothing or other donations collected via the bin; and
- C. The telephone number of the bona fide office of the person or entity placing, using or employing the bin, and, if applicable, the telephone number of the bona fide office of any other person or entity which may share or profit from any clothing or other donations collected via the bin. For the purposes of this subsection, an answering machine or service unrelated to the person or entity does not constitute a bona fide office.

§24-7 Receipt and investigation of complaints.

A. The Zoning Officer shall receive and investigate, within thirty (30) days, any complaints from the public about a clothing donation bin. Whenever it appears to the Zoning Officer that a person or entity has engaged or is engaging in any act or practice in violation of this article, the person or entity placing, using or employing the bin shall be issued a warning, stating that if the violation is not rectified, or a hearing with the Township Committee is not requested, within forty-five (45) days, the bin will be seized or removed at the expense of the person or entity placing, using or employing the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person or entity placing, using or employing the bin, such warning shall be affixed to the exterior of the bin itself.

B. In the event that the person or entity placing, using or employing the bin does not rectify the violation or request a hearing within forty-five (45) days of the posting of the warning, Mansfield Township may seize the bin, remove it, or have it removed, at the expense of the person or entity placing, using or employing the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the Chief Financial Officer of the Township, to be used for general municipal purposes.

C. In the event that the person or entity placing, using or employing the bin requests a hearing, the Township Committee shall hold such hearing within thirty (30) days of the request. If the violation is found to be substantiated, the Township Committee may order that the clothing donation bin be seized or removed, at the expense of the person or entity placing, using or employing the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the Chief Financial Officer of the Township, to be used for general municipal purposes.

§. 24-8 Additional penalties, remedies.

In addition to any other penalties or remedies authorized by the this article or the laws of this state, any person or entity who violates any provision of this article or the provisions of N.J.S.A. 40:48-2.60, et seq., which results in seizure of the clothing donation bin shall be:

A. Subject to a penalty of up to twenty thousand (\$20,000.) dollars for each violation. The Township may bring this action in the Mansfield Township Municipal Court or the Superior Court of New Jersey as a summary proceeding under the Penalty Enforcement Law of 1999, (N.J.S.A. 2A:58-10 et seq.), and any penalty monies collected shall be paid to the Chief Financial Officer of the Township, to be used for general municipal purposes; and

B. Deemed ineligible to place, use, or employ a clothing donation bin for solicitation purposes pursuant to this article and N.J.S.A. 40:48-2.61. A person or entity disqualified from placing, using, or employing a clothing donation bin by violating the provisions of this article or N.J.S.A. 40:48-2.60 et seq., may apply to the Township Committee to have that person's or entity's eligibility restored. The Township Committee may restore the eligibility of a person or entity who:

- (1) Acts within the public interest; and

C. Demonstrates that they have made a good faith effort to comply with the provisions of this article and N.J.S.A. 40:48-2.60 et seq., and all other applicable laws and regulations, or had no fraudulent intentions.

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 **Deputy Mayor Higgins** and second by **Committeeman Gable** to introduce Ordinance 2011-11-12 and hold the public hearing on November 9, 2011. Motion carried.

DISCUSSION

a. Mt. Pleasant Road Speed reduction by County

Clerk Semus said the school parents approached the Superintendent of Schools asking determining that they would like to see a speed reduction on Mt. Pleasant Road. The County did a study and have changed the speed to 40 miles per hour in that particular area from Island Road up to and past the Orleans development. **Deputy Mayor Higgins**

further explained that the residents contacted him and the Chief of Police who recommended we speak to the county who did a survey on the speed and, as a result, reduced the speed limit. **Mayor Puglia** said the police chief will be contacted for speed checks on the road. Maybe that will give the message to those using the road.

b. Recreation Recommendations

Clerk Semus explained that the Recreation Committee had requested the removal of one of their committee members and replace with another due to a scheduling conflict and the current member not being able to attend the meetings. **Committeeman Gable** explained that Dave Ongaro can't make the meetings and hasn't all year because of his full agenda. Because of his willingness to step aside, the Recreation Committee would like to appoint Paul Norwood to the Committee. Paul has three children involved who play basketball and softball. **Deputy Mayor Higgins** noted they are replacing someone from soccer. He felt someone from soccer should be placed on the Committee. He said he has, in the past, asked for a list of members of Recreation and the sport they represent but hasn't received it. **Committeeman Gable** said this appointment would be until the end of the year after which we could revisit the appointment. **Clerk Semus** was asked to send a letter to Recreation asking for a list of members and the sport they are involved with. Even though we could appoint this person tonight, we are looking for someone to replace the same sport. A motion was offered by **Committeeman Gable** and second by **Committeewoman DiGiuseppe** to appoint Paul Norwood to the Recreation Committee until the end of 2011. Motion carried.

Committeeman Gable referred to report that Recreation paid for the key card system in the amount of \$1,800 for Georgetown Park to be paid out of the concession revenue account. They need to formally approve the payment at the Recreation meeting. There was discussion about the source of funding.

c. GovDeals

Clerk Semus explained that the Chief of Police asked if the committee had made a decision in regard to which pricing plan they would like to use and whether employees are allowed to bid on the auction. **CFO Monzo** had said that it cannot be done while the employee is working. The fee option has to be decided. Documents had been distributed today and will be reviewed and discussed at the next Township meeting.

PUBLIC COMMENT

Mayor Puglia opened the meeting for public comment.

Lou Wargo, Main Street, referred to the salt dome on Route 206 and suggested the Township should look into this for road maintenance in the winter. **Committeeman Gable** said the township had approached them a couple of times and have put them in contact with Mr. Jones. The issue is how they would weight the salt so they could determine how much they gave us. If they could work it out on their end, they are willing. They are not going to buy any additional equipment to weigh it. That is where the problem is and it doesn't seem they are going to resolve it to accommodate us.

Mr. Wargo questioned on the progress at the Millennium. **Mayor Puglia** said we are working on getting the roof repaired. We should go out to bid the first week in November. After the roof is repaired, we have a new plan to start the administrative building. Mr. Wargo felt this has been years and years and a 10 million dollar building.

Engineer Faiola asked **Committeeman Gable** how they would propose loading the township vehicle. **Committeeman Gable** said they have a front end loader but they need to weigh the scoop. **Mr. Faiola** said, if they have a fixed bucket, they could figure out the volume and, if they fill it up and get the average density of the salt, they could calculate the weight. However, this would depend on who made the scoop. They would be comfortable doing this but we would have to determine whether we agree with this process. However, they need authorization.

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

MAYOR AND COMMITTEE COMMENTS:

Committee DiGiuseppe thanked the residents for coming out to the meeting.

Deputy Mayor Higgins said we are working on an ordinance in regard to people missing too many meetings. **Attorney Magee** said this would be available at the November 9th meeting. In addition, **Deputy Mayor Higgins** questioned whether we passed a resolution agreeing with the County regarding farmland preservation and whether we are required for the 15%. **Attorney Magee** said he was unable to find a form of obligation without an endorsement but he did determine that the trust fund establishes a percentage depending on the purchase price of the land. He would agree that, in the event the committee does not want to incur any obligation, they shouldn't endorse it.

MOTION FOR ADJOURNMENT

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Gable** to adjourn. Motion carried.

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

Barbara A. Crammer
Deputy Clerk

Linda Semus
Municipal Clerk

Approved: November 9, 2011