

TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY
MEETING MINUTES
April 13, 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 R. Puglia, Deputy Mayor Robert Higgins** (arrived at 6:10pm), **Committeeman Alfred Clark, Committeeman Sean Gable, Committeewoman Janice DiGiuseppe, Solicitor Michael Magee, and Clerk Linda Semus.** **Sandy Morris and Elaine Fortin** were present from 6:14 to 6:39pm.

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 Gable** and second by **Committeewoman DiGiuseppe** to go into executive session by adoption of the following Resolution. Motion carried.

RESOLUTION 2011-4-1

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, pending litigation specifically Titzel vs. Mansfield, PBA vs. Mansfield, and potential contract negotiations.
3. It is anticipated at this time that the above subject matter will be made public when the matter has 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 R. Puglia, Deputy Mayor Robert Higgins, Committeeman Sean Gable, Committeeman Alfred Clark, Committeewoman Janice DiGiuseppe, CFO Joseph Monzo, Engineer Tim Staszewski, Attorney Michael H. Magee, Clerk Linda Semus, and Deputy Clerk Barbara Crammer.**

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

Attorney Magee explained that the purpose of the executive session was to discuss pending litigation, specifically Titzel v. Mansfield, Monson v. Mansfield, PBA/Fink/PERC v. Mansfield, contract negotiations and personnel issues.

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

PROCLAMATION

The following proclamation was read into the record by **Clerk Semus**.

ELKS NATIONAL YOUTH WEEK

WHEREAS, the Benevolent and Protective Order of Elks has designated the week beginning May 2nd as Youth Week to honor America's Junior Citizens for their accomplishments, and to give fitting recognition of their services to Community, State and Nation, and

WHEREAS, Bordentown Elks Lodge BPOE #2085 will sponsor an Observance during that week in tribute to the Junior Citizens of this Community, and

WHEREAS, no event could be more deserving of our support and participation than one dedicated to these young people who represent the nation's greatest resource and who in the years ahead will assume the responsibility for the advancement of our free society, and

WHEREAS, our Youth need the guidance, inspiration and encouragement which we alone can give in order to develop those qualities of character essential for future leadership and go forth to serve America, and

WHEREAS, to achieve this worthy objective we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey, do hereby proclaim the week of May 1st as Youth Week, and urge all departments of government, civic, fraternal and patriotic groups and our citizens generally, to participate wholeheartedly in its observance.

Given under their hand and seal of the Township of Mansfield, County of Burlington this 13th day of April, 2011.

ENGINEER REPORT

Engineer Staszewski said he received verbal approval from the reviewing party of the DEP in regard to the Waste Water Management Plan. It is his understanding it will go to the section chief for approval by the end of the month and then publication in May. It was felt that this is a big step for Mansfield Township. We get to take possession of a farm. In addition, Pulte is anxious to get started on that development, plus Margolis.

Engineer Staszewski said the Millennium Building floor plans for mechanical and electric are submitted for code review. As soon as Jef responds, we will move forward.

The turnpike did complete the temporary paving and restoration within the roadway of Mill Lane. He met with the resident with respect to the drainage in the rear yards. The turnpike has agreed to repair the ditch or the swale in their right-of-way. He does not have a schedule for that repair at this time. In regard to the other issue with the resident, the resident was notified and was willing to repair that area within 30 days.

Engineer Staszewski reached out to the DOT in regard to the intersection of Joyce Court and Route 68. He had some response from the Traffic Division indicating it was passed on to the Construction Division. He does not have a response from them yet.

Engineer Staszewski said he has a preliminary roof layout for the Millennium building solar. He has some preliminary calculations of the load on the building. He has a meeting this week with Len to finalize that. Then they will have the RFP for review by the next meeting.

K. Hovnanian for Four Seasons is willing to make a settlement for the tree restoration. They have offered \$300 a tree. The Association for Four Seasons is willing to accept that. However, he is waiting for additional information regarding a guarantee about the trees from K. Hovnanian before he makes his recommendation.

Engineer Staszewski said he got a call from the turnpike informing him there is a pipe failure on the west side of Mansfield Road West. There is a 15 inch corrugated pipe under the road that failed creating a dip in the road. The turnpike agreed to take care of the problem but, first, was looking for a recommendation from him on how to do so. He will make the recommendation to replace the pipe and do some asphalt work as restoration.

Deputy Mayor Higgins asked if we were going to include the roof in the solar panels. **Engineer Staszewski** responded saying his structural engineer who specializes in roofs is meeting with Jef tomorrow to inspect it for condition as well as structure. There are some leaks and areas which pond water. He needs to get a cost estimate on that and roll it into the cost of the PPA to see if it is still viable. Then he will make a recommendation to the Committee on what direction to take.

Committeeman Gable questioned the status of the elevator at the Millennium Building. **Engineer Staszewski** said the contractor is to modify the fire panel to accept whatever was installed for the elevator. The contractor has not been responsive to that. He will reach out to them as to when the project will be completed.

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

BILL LIST

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

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

Deputy Mayor Higgins said that, some time ago, we discussed limiting the cost for animal expenses, specifically when one was injured. Discussion had indicated that maybe we should have a cut off. He asked if anything had been done about that. He was told no. **Deputy Mayor Higgins** referred to a pit bull abandoned in New York and taken Garden State. There had been a web site for contributions and, within 5 days, they had to stop taking contributions for its medical care. He felt that maybe we should think about that in the future.

2011 BUDGET INTRODUCTION

CFO Monzo said that Resolution 2011-4-1 is the introduction of the 2011 Mansfield budget. This year, \$6,691,000.00 is being recommended which is \$300,000 less than the budget that was adopted in 2010. The budget calls for a tax rate increase of 2 cents per \$100. The home assessed at an average of \$340,000 will see a \$68.00 annual increase. One of the most important items is our request for a referendum from the voters on April 27th for \$90,000. **Mr. Monzo** spoke of the change in the law and the levy cap from a 4% cap to a 2% cap and also eliminate the town's ability to go to the Local Finance Board if they needed to exceed the calculated maximum. In its place, they have put in a mechanism where the town would have to go to the budget to exceed the maximum. We are one of 14 municipalities in the State of New Jersey doing this. We are asking for \$90,000 to fund what we believe is a sustainable level of appropriation for the Mansfield Township First Aid Squad. Last, year, the appropriation was \$200,000 but we had to pass an emergency for \$45,000 during the course of the year to keep the squad operational. During the two previous years, we had to fund them over and above what the original appropriation was although money was used through transfers for this. The \$90,000 put in the budget is to cover \$45,000 for last year's emergency, with the remainder for this year. **CFO Monzo** had a meeting last Tuesday at Homestead where he spoke to members of that development and some from Four Seasons. He will speak to Four Seasons next Thursday to basically pitch the idea that the township is looking for the first time ever to exceed the cap. We need 50% plus one voter in order for this \$90,000 to be included in the 2011 budget. If the vote fails, then we will have to make amendments to cut back to the levy cap. The calculated levy cap was a 1.3 cent increase which would be about \$44.00 on a \$340,000 house. So the \$90,000 we are seeking represents \$24.00 a year on an average assessment of \$340,000. The public hearing is set

for May 25th. If we have to do an amendment, that is the time that would be done. Also included in the budget is a sewer utility revenue and appropriation for \$35,000. A resolution was passed during a prior meeting setting the rates for sewer billing for Lynnwood Farms. The expected expenses are \$35,000.

Lou Wargo, from the audience, asked how **Mr. Monzo** arrived at the figures. He explained that the Tax Assessor gave him the price for an average assessment for residential property in Mansfield Township. He further explained how he calculated the tax increase which came to \$68.00. This is pending approval of the referendum. Mr. Wargo felt \$340,000 was a high number. **Mr. Monzo** went on to explain the reassessment which had been held and how it doubled the value of the properties in the township.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Clark** to introduce the budget by adoption of Resolution 2011-4-2 and hold the public hearing on May 25th at 7:30PM. Motion carried on Roll Call Vote, recorded as follows:

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

Resolution 2011-4-2

(A copy of this resolution is spread on the following pages.)

Engineer Staszewski said that the reason for the following ordinance was to award a contract received on the 22nd. The guarantee was 60 days and the public hearing date for May 25th puts us behind the 60 day period. **CFO Monzo** said to ask the contractor to waive the 60 days. If the contractor will not waive the 60 days, there will have to be a special meeting before the 25th.

ORDINANCE

ORDINANCE 2011-6

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF AN EMERGENCY GENERATOR FOR THE FIRST AID SQUAD IN AND BY THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING \$55,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$52,250 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL 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. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Mansfield, in the County of Burlington, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$55,000, including the sum of \$2,750 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$52,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of an emergency generator for the First Aid Squad.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its

date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$52,250, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$4,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Agenda Amendment: A motion was offered by **Committeeman Gable** and second by **Committeewoman DiGiuseppe** to amend the agenda to reflect that the public hearing on Ordinance 2011-6 will be held on Thursday, April 28, 2011 instead of May 25th as noted on the agenda. Motion carried on a Roll Call Vote, recorded as follows:

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

A motion was offered by **Committeeman Gable** and second by **Deputy Mayor Higgins** to introduce Ordinance 2011-6 with a public hearing on April 28th at 7:30PM. Motion carried on a Roll Call Vote, recorded as follows:

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

MINUTES:

March 23, 2011. A motion was offered by **Committeewoman DiGiuseppe** and second by **Committeeman Gable** to approve the minutes of the March 23, 2011 meeting. Motion carried on a Roll Call Vote, recorded as follows:

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

March 28, 2011. A motion was offered by **Deputy Mayor Higgins** and second by **Committeewoman DiGiuseppe** to approve the minutes of March 28, 2011. Motion carried on a Roll Call Vote, recorded as follows:

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

CONSENT AGENDA

CFO Monzo asked the Committee to pull Resolution Number 2011-4-6 noting that Assembly Bill 3412 has been around for a while and he didn't think it has much of a chance of passing. He explained that the purpose of the bill is, if the town has the burden of a tax appeal, this bill would have the burden shared with the county and the school districts. Now, it is the entire burden of the township. **Mr. Monzo** feels that, if the bill passes at some point, the school board will lobby for a bill that says if they share in the burden of the tax appeals, they will share in the gravy of added assessments. For a town like ours, this is a horrendous, and bad, trade-off. For a town with large tax appeals, it may be a fair trade-off. There are some other ways they are trying to lessen the burden on property tax assessment appeals in NJ. The biggest issues is the fact that the appeal calendar got moved from April to October several years ago. When it was in April, towns knew the appeals and were able to plan for them through the budget process. In October, the budget has already been adopted for 6 months, they is no recourse except to use fund balance to pay back the tax appeals. There is some conversation at the state level to change the appeal date back to April and to find other ways to lessen the burden through the levy cap. **CFO Monzo** said he would like to review the bill and provide the Committee with added assessments vs. appeals over the last ten years to see what share we would have given away for added assessments vs. what share would have been borne by the school and county for appeals.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Clark** to approve the following consent agenda. Motion carried on a Roll Call Vote,

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

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Clark** to remove Resolution 2011-4-6. Motion carried.

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

AYE: HIGGINS, CLARK, GABLE (see abstention), **DIGIUSEPPE, PUGLIA**
NAY: NONE **ABSTAIN: GABLE** (from Res.2011-4-5) **ABSENT: NONE**

RESOLUTION 2011-4-3
A RESOLUTION AUTHORIZING MANSFIELD TOWNSHIP TO EXECUTE AN AGREEMENT WITH BURLINGTON COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT ACT OF 1974

BE IT RESOLVED AND ENACTED, by the Township Committee of Mansfield Township, County of Burlington and State of New Jersey to authorize an Agreement with Burlington County for cooperative participation in the Community Development Act of 1974.

- SECTION I.** Certain federal funds are available to Burlington County under Title I of the Housing and Community Development Act of 1987. Public Law 93-383, as amended; and
- SECTION II.** It is necessary to establish a legal basis for the County and its people to benefit from this Program; and
- SECTION III.** An Agreement has been proposed under which Mansfield Township and the County of Burlington in cooperation with the other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8A-1 et seq., and
- SECTION IV.** It is in the best interest of Mansfield Township that the Agreement entitled "Agreement between the County of Burlington and certain municipalities located therein for the establishment of a cooperative means of conducting certain community development activities", a copy of which is on file at the Municipal Clerk's Office.
- SECTION V.** The Township of Mansfield shall enter into the agreement with the County of Burlington mentioned with all supplements and agreements thereto. The Mayor and Clerk are hereby authorized and directed to execute the Agreement on behalf of the Township of Mansfield and affix thereunto the Official Seal.
- SECTION VI.** All resolutions or parts of resolutions which are inconsistent herewith are hereby repealed in the extent of their inconsistency.
- SECTION VII.** This Resolution shall take effect immediately after passage and publication as provided by law.

RESOLUTION 2011-4-4
A RESOLUTION URGING THE SWIFT PASSAGE OF A-3430, A3431, AND A-3432

WHEREAS, injuries that occur on sidewalks that abut commercial property are the responsibility of the commercial property owner; and

WHEREAS, courts have ruled that injuries that occur on sidewalks that abut residential property are not the responsibility of the homeowner even when the homeowner is responsible for the maintenance and repair of the sidewalk by municipal ordinance; and

WHEREAS, courts have ruled that the municipality, not the homeowner, is liable for accidents on defective sidewalks notwithstanding the municipal ordinance; and

WHEREAS, under the provisions of Title 59, public entities are immune from injury "caused solely by weather" on streets and sidewalks; and

WHEREAS, despite this language, in many cases municipalities and other public entities still have been forced to pay large amounts of money in damages when courts ruled that because other factors contributed to the accident, the Title 59 immunity didn't apply because the accident was not "solely" caused by weather;

WHEREAS, municipalities and other public entities have also been forced to pay large amounts of money in damages for accidents occurring on other public property that were substantially caused by weather; and

WHEREAS, also under the provisions of Title 59, public entities are immune from injury "caused by a condition of any unimproved public property, including but not limited to any natural condition of any beach;" and

WHEREAS, despite this language, in many cases municipalities still have been forced to pay large amounts of money in damages for claims by swimmers injured in the ocean; and

WHEREAS, public entities have also incurred large costs in defending lawsuits by persons injured while walking on municipal boardwalks; and periodically reviewing and repairing the boardwalk; and

WHEREAS, Assemblyman Burzichelli has introduced a package of legislation, A-3430, A-3431, and A-3432 to strengthen immunity from tort claims involving weather, sidewalks, beaches, boardwalks and similar public properties;

NOW, THEREFORE BE IT RESOLVED, by the governing body of Mansfield Township, that the Legislature is urged to pass A-3430, A-3431, and A-3432 to strengthen municipality's immunity from tort claims.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Governor of the State of New Jersey and the New Jersey League of Municipalities.

**RESOLUTION 2011-4-5
APPROVING THE 2010 LOSAP CERTIFICATION LIST FOR
QUALIFICATION OF FRANKLIN FIRE COMPANY VOLUNTEER
HOURS**

WHEREAS, pursuant to N.J.S.A. 40A:14-191, emergency service organizations participating in a Length of Service Awards Program (LOSAP) shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit for the previous year, and;

WHEREAS, the certification shall be based on records maintained by the emergency service organization in accordance with the sponsoring agency's adopted point system, and;

WHEREAS, the required certification has been presented by the Franklin Fire Company to the Local Plan Administrator within, and;

WHEREAS, Local Plan Administrator has reviewed the annual list, requested supporting documentation from Franklin Fire Company to substantiate the information provided, and is satisfied that the list is complete and accurate;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that the certified list of volunteer members of the Franklin Fire Company who have qualified for credit under LOSAP for the year 2010 is hereby approved, and

BE IT FURTHER RESOLVED that the approved certification list was posted at the office of the Municipal Clerk, and returned to Franklin Fire Company for posting at its location, for a period of 30 days to allow sufficient time for membership review and posting.

DISCUSSION/ACTION:

a. Draft Ordinance for Al Fresco Dining – (Outdoor seating)

Attorney Magee explained that we were approached by some local restaurant owners who were interested to have the ordinance modified to permit outdoor dining. He provided a draft ordinance to see if it is something the Committee would want to consider. It would have to be sent to the Planning Board for their review and recommendations. This was agreeable to the Committee. **Committeeman Gable** said he would like this outdoor seating to be available to any restaurant wishing to do so. **Attorney Magee** will send it to Harry McVey for review and the ordinance will be on the agenda for April 28th after which it is to be sent to the Planning Board for their review on May 23rd, with their recommendations to be sent to the Committee by the regular meeting on May 25th.

b. Tow Company Application List: Bill's Auto Body, Flynn's Towing, Haines Towing, Merrill Auto Body, USA Towing, 2001 Towing

Clerk Semus had received a memo from Chief Mulhall indicating all investigations completed and he is recommending approval of the above towing companies. A motion was offered by **Committeeman Clark** and second by **Committeewoman DiGiuseppe** to approve the towing list as recommended by Chief Mulhall. Motion carried on a Roll Call Vote, recorded as follows:

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

c. Community Forestry Management Plan 2011-2015

The Forestry Management Plan had been distributed to the Committee members. Bob Tallon had secured a grant for the plan and now wants to submit it to the state. He is looking for the Township’s approvals so he can submit it. A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Gable** to approve the Community Forestry Management Plan for 2011-2015. Motion carried on a Roll Call Vote, recorded as follows:

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

d. Update on NJAW purchase of Sewer System

CFO Monzo had drafted a letter for the property owners of Lynnwood Farms before we begin the billing process. He read the letter explaining the history of the process and what the township was doing. It also informed them that bills will be sent out quarterly. He also reached out, once again, to NJ American Water. There had been conversations before to possibly take over the operation of the Lynnwood plant and, maybe the operation of the Columbus plant if it every gets built. After sending them documentation, he received an email which stated: “American Water met with Jef Jones at the pump station site this afternoon. We have some concerns with the station operations and would like to take a closer look at it. We really can’t tell without doing some tests. I have a meeting with our approval group on Tuesday, April 19th and will be recommending that we hire a third party to do some diagnostic tests of the station. If they approve, we will probably be another couple of weeks before we get back to you with a go or no go. We have to do a thorough due diligence to make sure there is economic benefit for New Jersey American Water to acquire the assets.” **CFO Monzo** said that, if they are willing to do that and, if the Committee is willing to allow them to do that, we will basically be selling the plant operation to NJ American Water and the customers will become customers of NJ American Water instead of customers of Mansfield Township. Since the Water Company will be another couple of weeks making a decision, **CFO Monzo** said he would like to hold off sending the letter to the owners in case the water company says yes. If they say no, he wanted permission to send out the letter before the bills go out. Bills will probably go out the first or second week in May. They will be due June 1.

Deputy Mayor Higgins felt we should send the letter now. In the event we do sell it, the letter still has value because they are going to get billed whether from us or from them. This was agreeable by the rest of the Committee. **CFO Monzo** said he will send the letter.

e. Update on drainage on Mill Lane

This had been addressed during the Engineer’s report.

f. Albanesi/Orleans – Update

Attorney Magee said Mr. Albanesi had asked him to look into his approval. Mr. Albanesi had referred to minutes from a preliminary approval. **Attorney Magee** said he reviewed the minutes and resolutions of the preliminary and the final approval. The minutes indicated discussion of a conservation easement of tree plantings along lots 8 through 14. Upon review of the plan specifically called landscape and lighting plan for Covington Manor Estates, he noted that it shows a 20 foot wide conservation easement along the rear of lots 8 through 15 as was discussed in the minutes. There are some lots on the other side of the open space where there are no trees but that was never discussed. Specifically, Lots 8 through 15 showed the 20 foot wide easement showing the two rows of white pine trees. From his perspective, **Attorney Magee** felt the developer has complied with the plan that was signed. A copy of the plan is to be forwarded to Mr. Albanesi.

g. Island Road Speed Limit

A resident had spoken at the last meeting about the speed for Island Road and that no signs had been posted. **Clerk Semus** spoke with Chief Mulhall who is going to have his officers drive through the entire township and tell him where speed limit signs are located so we can match it up against the ordinance. That way we can determine where signs need to be posted. The Island Road issue will be clarified once the officers finish their investigation.

PUBLIC COMMENT

Lou Wargo, W. Main Street, spoke of a two hour meeting with the Privatization Committee held last night. Those in attendance included **Deputy Mayor Higgins**, Jef Jones, Tom Sahol, and residents from Homestead, Four Seasons, Mapleton, and the village of Columbus. He felt Jef Jones knows a lot about the sanitation department and does a good job. In addition, Tom Sahol, Assistant Township Administrator from Florence and a Township Resident, was very well versed in rules and regulations. Mr. Wargo felt it was a good meeting. The next meeting is scheduled for May 24th. He informed the Committee that Florence Township has had privatization for 11 years and it is working. Mr. Wargo said, although, his goal is to save the township money, there are good as well as bad parts to it. Mr. Wargo was concerned over extra weight in the dumping of garbage when there is water in the containers because of outside storage and lack of lids. We are losing money in this way. He felt everyone should be encouraged to use lids or keep cans inside so garbage doesn't get weight and add costs. Although Laverne Cholewa volunteered to take the minutes, Mr. Wargo felt someone from the township should be available to take the minutes.

Robin Blum reflected on the reduction in hours for certain staff and then asked the Township Committee to clarify how they came about determining the 5 people who are affected.

Attorney Magee explained that, during the course of the economic turmoil, the Committee went to the Department Heads and asked them to come up with a plan relative to each department. No area in the township was spared. The Committee felt the reductions made were fair. Notices went to the Court, Clerk's Office, Finance Office, and the Police. Certain positions were not affected as they are statutory positions. It is unfortunate that certain people were affected in the departments but it was not aimed at any specific employees or any specific savings. It was where we can save and how we can save and something that was least destructive in terms of services provided to the public. Ultimately, with the advice of the department heads, the Committee took the action that they did. **Mayor Puglia** noted that, last year, we laid off four police officers, one public safety police director, an administrator, and three trash men. **Mrs. Blum** questioned whether the police officers were still laid off. **Mayor Puglia** said one came back temporarily to fill in a vacancy for a person on disability. In addition, we brought back one special part time. **Mrs. Blum** questioned when the officer on disability will be back. She was told that was not known. She then asked if the person filling in for the police officer will be let go then. She was told yes. **Attorney Magee** reiterated that the Committee depended on the recommendation of the Department Heads who deal with the daily operations.

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

MAYOR AND COMMITTEE COMMENTS

Committeewoman DiGiuseppe thanked everyone for coming out. She hopes to see more and more people as we go through the year as this is the forum to approach

about issues and concerns. She said she is diligently working and trying to understand everything that is going on in the Township and hope that the residents will be satisfied.

Deputy Mayor Higgins said we are continuing our conversations with Springfield. We are working on some numbers and are looking forward to sharing courts. That is a savings we might enjoy toward the end of this year but definitely in the future.

Committeeman Gable gave an update on the request to FEMA for snowplowing reimbursement. The only thing in question is the fees reimbursed to Homestead for snow plowing. These fees may be taken out of the request since they are not public roads. **Committeeman Gable** thanked everyone for coming and he also thanked Lou for serving on the committee for sanitation.

Deputy Mayor Higgins noted that Bob Harrison is also on the committee.

Committeeman Clark thanked Lou Wargo who will probably find that saving money for the township is not an easy job.

Mayor Puglia encouraged everyone to vote on the 27th as we need the support for the ambulance.

CFO Monzo added that the poles will be open from 7AM to 9PM.

MOTION TO ADJOURN

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

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

Barbara A. Crammer
Deputy Clerk

Linda Semus, RMC
Municipal Clerk

Approved: April 28, 2011