

**TOWNSHIP OF MANSFIELD**  
**BURLINGTON COUNTY**  
**MEETING MINUTES**  
**April 28, 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, Committeeman Alfred Clark, Committeeman Sean Gable, Committeewoman Janice DiGiuseppe, Solicitor Michael Magee, and 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 **Committeewoman DiGiuseppe** and second by **Deputy Mayor Higgins** 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: Pending litigation, personnel issues, and contract discussions.
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 Len Faiola, Attorney Michael H. Magee, Clerk Linda Semus, and Deputy Clerk Barbara Crammer.**

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

**Attorney Magee** explained that the purpose of the executive session was to discuss personnel issues, pending litigation, and contract negotiations.

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

**PRESENTATION: 2010 Annual Audit – Kevin Frenia of Holman & Frenia,PC**

**CFO Monzo** explained that, statutorily, the township is required to have an audit performed by an independent auditor. Holman and Frenia are the township auditors and have presented their 2010 audit to him as well as the committee. Kevin Frenia is here tonight to make a small presentation and to answer any questions. There is a resolution that is required of the Governing Body that basically states that they have read the

findings and recommendations of the audit after which the State of New Jersey is to be sent a copy of the audit.

**Kevin Frenia** reviewed the audit which is basically the Township's financial statement. They have added an audit opinion. Basically, they looked at three things: the internal controls, compliance with state, federal, and grant regulations and how the financial statements perform. The financial statements are presented as required by regulations sent out by the Division of Local Government Services, the Department of Consumer Affairs. Although not in accordance with GAP, we are in accordance with the methodologies we are suppose to use.

The internal controls were reviewed in compliance with specific regulations. The Township received a clean opinion on the internal controls. There was one problem with compliance.

The Balance Sheet listed the current fund which is where the bulk of our expenditures come from in the budget. The cash and surplus are down a little bit which is pretty normal for the municipalities in the State. The fund balance went from about 2 million last year to 1.1 million this year. A lot of surplus was utilized in the 2010 budget. The surplus is down considerably but not unusual considering the state of affairs in NJ these days. We realized about \$45,000 less in revenue than we anticipated which is one of the reasons for the decrease in surplus. About 3.4 million in taxes was collected, more than the 2.9 million anticipated. That helped to stabilize the fund balance. There were three over-expenditures in the budget indicating that more was charged to the budget than anticipated. This was the compliance issue mentioned earlier. Mr. Frenia referred to the notes to the financials which he felt should be studied by the Committee as it gives a good idea of how things flow through the township. He advised the Committee to also review the section on the Grants and recommended we do utilize all the grant funds and spend them as they were intended to be spent. Mr. Frenia referred to the capital ordinances and the amounts still available under the ordinances. He spoke of the debt service requirements. The township has issued 5.3 million worth of bond anticipation notes which have been funded and which will have to be paid annually through the budget.

Mr. Frenia referred to the comments and recommendation section and gave a brief overview. He noted the three budge appropriation line items that were overspent as well as an appropriation reserve line item that was overspent. He noted how budget transfers can be used to provide sufficient money for the expenditures. Overall, the Township's finances are in good shape. It was a good audit, something we have had for several years. Mr. Frenia then asked if anyone had any questions.

**Deputy Mayor Higgins** questioned how much reserve was put into this year's budget. **CFO Monzo** said over a million dollars, almost the entire amount. Mr. Frenia said it was \$945,000. This was the maximum amount of allowable surplus. **Deputy Mayor Higgins** noted that we spent \$180,000 for the Georgetown project. It is still shown as a receivable. If we get the money refunded and paid back, we can increase our fund balance by \$180,000 for next year.

**Deputy Mayor Higgins** asked about post retirement health benefits and the unfunded liability. Mr. Frenia explained the health benefits the township is responsible for relating to retirement. It includes not only employees who have retired but also those who will retire in the future. **CFO Monzo** said the number is provided to us by the State of New Jersey as they are our health care. **Deputy Mayor Higgins** questioned whether other towns are looking into changing health costs for retiring individuals. Mr. Frenia said, not yet, but it is something being considered.

**Deputy Mayor Higgins** commented on some of the over-expenditures. **CFO Monzo** explained about the salaries for Streets and Roads as a result of the December 25 and 26 storms. Money could not be transferred because of the meeting schedules. This also put social security over. The other over-expenditure was a miscalculation on the assessor's budget. This could not be covered by the end of the year. Therefore, it is included in the 2011 budget.

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

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

**RESOLUTION 2011-4-8**

**A RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE GOVERNING BODY OF MANSFIELD TOWNSHIP, BURLINGTON COUNTY, HAVE REVIEWED, AS A MINIMUM, THE SECTIONS OF THE 2010 ANNUAL AUDIT ENTITLED "GENERAL COMMENTS AND RECOMMENDATIONS"**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Township Clerk as per the requirements of N.J.S.A. 40A-5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS**, the local Finance Board has promulgated NJAC 5:30-6-5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "General Comments AND Recommendations"; and

**Whereas**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the annual audit entitled "General Comments AND Recommendations" as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to NJC 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52-27BB-52 – "A local officer or a member of a Local governing body, who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the Provision of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Mansfield hereby states that it has complied with NJAC 5:30-6-5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**Resolution 2011-4-9**

**CFO Monzo** explained that, since the public hearing and possible adoption of the budget will not take place until May 25<sup>th</sup>, we are required to have sufficient appropriations. Therefore he is putting forth another temporary budget. This will allow the Township to pay their obligations until we adopt our budget.

A motion was offered by **Committeeman Clark** and second by **Committeewoman DiGiuseppe** to adopt Resolution 2011-4-9. Motion carried on a Roll Call Vote, recorded as follows:

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

**BILL LIST**

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

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

**ENGINEER'S REPORT**

**Engineer Len Faiola** referred to his report dated April 21. He requested action to be taken this meeting regarding the generator at the EMS in concurrence with the potential award of the contract. A bid tabulation has been prepared and should be available to the Committee for review. He recommended the award be done.

**Engineer Faiola** prepared a draft letter to the contractor for the Turnpike Authority regarding the damage which has taken place on Sharp's Road. They are using it as a cut through for access to their site. **Engineer Faiola** asked for approval to issue the letter. **Committeeman Clark** question whether a PSO would be recommended as he was concerned over the severity of the damage. **Engineer Faiola** said the road would need to be reconstructed and he wanted to get the letter to them so they could budget for it and make sure it is fixed as soon as they are finished using the road.

**Engineer Faiola** said he drafted a RFP seeking a Power of Purchase Agreement for the potential solar project on the Millennium Building. Before it is sent out, he wants to discuss with **Deputy Mayor Higgins** an important aspect of it. One of the goals was, not only have solar on the roof, but also to have the contractor fix the roof. A structural inspection revealed significant cost involved in repairing the roof. In conversations with two different solar developers, one said the cost of repair is so high, he wouldn't bid on a Power of Purchase Agreement because he can't make money himself. We need to look at the overall cost. The roof has to be repaired because it is leaking in several spots. Although we may get part of the repair in a POP agreement, we can't get 100% of it. **Engineer Faiola** wants to confer with **Deputy Mayor Higgins** to discuss different aspects. There is a portion of the roof that needs to be fixed now. The other portion could wait.

**Engineer Faiola** asked for action from the Committee to activate three of the telephone lines that are inactive but in the building. They need the emergency panel connected with the elevator to a means of communication to the Fire Company. This is one of the last requirements by Code in order to close out the project. **Engineer Faiola** felt we could do this temporarily as the best long term solution is to do voice over IP for the whole building, something which would be cheaper and faster. Three lines need to be turned on in the mean time, two for the fire department and one for the elevator. This would cost about \$400 annually and would be temporary as a computer based system and it would be cost effective.

**Engineer Faiola** said a contribution was negotiated from K. Hovnanain for the cost of replacing about 30 trees. They would rather have funds donated and have the Township or Homeowners Association of the Village to do the work. They offered \$300 per tree and are waiting for acceptance. The Homeowners Association has already agreed and would be willing to do it themselves but they are waiting for the township to approve. **Committeewoman DiGiuseppe** said the Homeowner's Association has negotiated with negotiated with K. Hovnanian to have a letter stating that the money is specifically for the tree planting. **Committeeman Clark** noted that wires were left on some trees along Mansfield Road East outside the fence. The wires grew into the tree and, if there were a heavy wind, the tree would snap at that point. **Engineer Faiola** was not sure these trees are specific to the 30 trees being discussed but he will double check.

**Deputy Mayor Higgins** referred to intersection improvements on Route 68 and Joyce Court and asked whether we have had conversation with the state as they are moving forward quickly on that road. **Engineer Faiola** said the conversation is the same, he submitted to the traffic bureau who submitted it to the construction. This was to have been taken care of. He has been calling for three weeks but no call back yet so we don't know where it stands.

**Committeeman Clark** questioned whether the farmer will be paying his third on Gaunt's Bridge. **Attorney Magee** said we are way behind others who are owed money.

A motion was offered by **Committeewoman DiGiuseppe** to execute an agreement with K. Hovnanian directing them to provide \$300 per tree for the final tree punch list to the Homeowners Association at Four Seasons to replace the damaged or dying trees accompanied by a letter stating the money is specifically for the planting of

the trees. The motion was second by **Deputy Mayor Higgins** and carried on a Roll Call Vote, recorded as follows:

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

A motion was offered by **Committeeman Gable** and second by **Committeewoman DiGiuseppe** to authorize turning on the phone lines at the Millennium Building to conclude the project. Motion carried on a Roll Call Vote, recorded as follows:

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

Action on the authorization for the construction management proposal for the generator at the EMS will take place later in the meeting.

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

## **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 therefor.

**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.

**Mayor Puglia** opened the public hearing.

Lou Wargo questioned whether **Committeeman Gable** could vote on the alarm system for the Fire House. **Attorney Magee** said this was permissible since it was not to benefit the Fire Company but it was to get the elevator operating. Mr. Wargo further commented on the million dollar beautiful Fire House at the Millennium Building. It has all facilities needed in case of emergency. He felt that, if the township municipal building had to be evacuated, it would probably be relocated at the Fire Company as there are facilities available for an emergency. The Police Department and Emergency Squad could also locate at the Fire Company. He felt a generator is not needed at the Emergency Squad. **Committeeman Gable** explained that the approval of a generator at the Emergency Squad building will allow them to continue to run their operation to serve their community. To move to the fire house would not be feasible. Mr. Wargo felt they should take a dry run to see if it would work. He felt a generator was not a necessary expense for the Emergency Squad as other generators are available and this would save money. In case of saving money, Mr. Wargo felt we are spending it. He added that he didn't think the Committee can say no. **Committeeman Gable** further explained that the squad would have no access to their computers, servers or phone service and they wouldn't be able to serve the community as they do at their location.

**CFO Monzo** asked the engineer to respond as to the code requirements at a First Aid Squad building.

**Engineer Faiola** said the best management practices of the DCA as well as endorsement by JIF is that you have to do everything you can to prevent degradation of response time. If there is an emergency, if they have to move to the Fire Co. to operate, if a call comes in, they could be late to an emergency call which may cause someone's life or health in some fashion. That would make JIF raise our premiums as a consequence. This is the logic behind having emergency power at specific locations.

**Committeewoman DiGiuseppe** questioned whether the insurance company had questioned if the rates have gone up because there was no generator. **Engineer Faiola** saw he was not aware of this but he does know this one of their best management practices. They are encouraging that the generator be installed there.

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

A motion was offered by **Committeeman Gable** and second by **Deputy Mayor Higgins** to adopt Ordinance 2011-6. Motion carried on a Roll Call recorded as follows:

**AYE:** **GABLE, HIGGINS, CLARK, DIGIUSEPPE** (although concerned about spending money), **PUGLIA**  
**NAY:** **NONE**      **ABSENT:** **NONE**      **ABSTAIN:** **NONE**

**ORDINANCE 2011-7**

**AN ORDINANCE AMENDING PART OF ORDINANCE 1978-8, CHAPTER 65, WHICH INCLUDES THE ACCESSORY USES IN THE TOWNSHIP OF MANSFIELD, AND ESTABLISHING STANDARDS FOR "OUTDOOR CAFÉ" SEATING**

**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 of the Township of Mansfield enacted, in or about December 19, 1978, (Ordinance 1978-8) an Ordinance; and

**WHEREAS**, the Township Committee has determined that it is in the best interests of the Township, given the circumstances surrounding the ordinance, to amend part of Ordinance 1978-8, Chapter 65; and

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

**Article I: Amend part of Ordinance 1978-8.** Ordinance 1978-8, establishing accessory uses in the commercial zones, is hereby amended as follows:

**Section 1.** Section 65-30, Accessory uses, shall be amended by adding a new Subsection B., to read as follows:

- B.** A restaurant, café, coffee shop or bakery shall be permitted to operate outdoor cafes in adjacent courtyards, plazas and on sidewalks as an accessory use, provided pedestrian circulation and access to store entrances shall not be impaired and the following standards and guidelines are met:
1. To allow for pedestrian circulation, a minimum of five feet of sidewalk along the curb and to the entrances of the establishment shall be free of tables and other encumbrances.
  2. Outdoor cafes not occupying sidewalks shall be delineated by permanently placed planters, fencing and/or walls. Outdoor cafes occupying sidewalk areas shall be delineated by moveable enclosures.
  3. Awnings, canopies or large umbrellas shall be permitted and located to provide shade. Colors shall complement building colors.
  4. Outdoor cafes shall provide outdoor trash receptacles.
  5. Tables, chairs, planters, trash receptacles and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located.
  6. Outdoor entertainment is prohibited.
  7. Outdoor cafes shall be located a minimum of 50 feet from all residential lot lines.
  8. Operators or owners of establishments with outdoor cafes shall be responsible for trash pick-up and shall maintain a litter-free and well-kept appearance within and immediately adjacent to the outdoor café.
  9. Outdoor cafes shall not be entitled to additional signage, beyond what is permitted for the main use.

**Section 2.** Section 65-35, Accessory Uses, shall be amended by adding a new subsection D., to read as follows:

**D.** Outdoor cafes, subject to the standards contained in Section 65-30.B.

**Section 3.** Section 65-39.B., Accessory Uses, shall be amended by adding a new subsection B.(2), to read as follows:

**B(2)** Outdoor cafes, subject to the standards contained in Section 65-30.B.

**Section 4.** Section 65-45.4, Accessory Uses, shall be amended by adding a new subsection F., to read as follows:

**F.** Outdoor cafes, subject to the standards contained in Section 65-30.B.

**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.

The above ordinance is to be sent to the Planning Board for their review and recommendation.

A motion was offered by **Committeeman Higgins** and second by **Committeeman Clark** to introduce Ordinance 2011-7 and to hold the public hearing on May 25, 2011. Motion carried.

## **CONSENT AGENDA**

**REPORTS: Clerk, Finance, Zoning, Tax Collector, Construction, Fire, Police, EMS**

**MINUTES: April 13, 2011**

### **RESOLUTION 2011-4-10**

**RESOLUTION ACCEPTING THE BID PROPOSAL IN THE AMOUNT OF \$51,000.00 FROM LANCE ELECTRIC, INC. FOR THE EMS EMERGENCY GENERATOR AT THE MANSFIELD TOWNSHIP EMERGENCY MEDICAL SERVICES BUILDING LOCATED AT 41 FIELDCREST DRIVE, IN THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, and STATE OF NEW JERSEY**

**WHEREAS**, the Township of Mansfield had solicited bid proposals for a new EMS Emergency Electric Generator for the Emergency Medical Service Building; and

**WHEREAS**, the Township of Mansfield received three proposals in connection with same; and

**WHEREAS**, Lance Electric, Inc. provided the lowest qualified bid received by the Municipality; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in that amount; and **NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey that:

1. The Township Committee hereby awards a Contract to Lance Electric, Inc., for the EMS Emergency Generator at the Mansfield Township Emergency Medical Services Building located at 41 Fieldcrest Drive, Columbus, New Jersey, in accordance with the Township's specifications and their proposal in the amount of \$51,000.00, which represents the total amount;
2. This award is made available through the following account: 04-215-20-090-142  
The Mayor and Township Clerk, as necessary, are hereby authorized to execute a Contract and any related documents necessary to effectuate this award in a form substantially the same as that included in the specifications.

### **RESOLUTION 2011-4-11**

**A RESOLUTION AUTHORIZING AN INTERLOCAL SERVICE AGREEMENT FOR THE PROVISION OF SHARED MUNICIPAL COURT AND VIDEO EQUIPMENT BETWEEN THE TOWNSHIP OF MANSFIELD AND THE TOWNSHIP OF SPRINGFIELD**

**WHEREAS**, the Township of Mansfield has video arraignment equipment installed in the Municipal Courtroom that can be extended to the Township of Springfield without detracting from services currently being provided by the Township of Mansfield Municipal Court; and

**WHEREAS**, by joining in the existing video arraignment installation, the Township of Springfield avoids having to incur largely duplicative costs to upgrade its Courtroom; and

**WHEREAS**, it is necessary to set forth the terms and conditions and procedures for the provision of shared video technology between the Township of Mansfield and the Township of Springfield; and

**WHEREAS**, the Interlocal Services Act (NJSA 40:8A-1 et seq) provides the mechanism for local governments to enter into contracts for the joint provision of required services.

**NOW, THEREFORE, BE IT AGREED** by the Township Committee of the Township of Springfield having its offices located at 2159 Jacksonville Road, Jobstown, New Jersey and the Township of Mansfield having its offices located at 24548 East Main Street, P.O. Box 249, Columbus, NJ as follows:

1. **LEAD AGENCY:** The Township of Mansfield will serve as the Lead Agency in this Interlocal Service Agreement since it is the Owner/operator of the video equipment and the Courtroom under this agreement.
2. **TERM:** The term of this Agreement shall be for three (3) years. This term can be extended for an additional three-year term, subject to the successful negotiation of the terms and conditions of the new contract. If either the Township of Mansfield or the Township of Springfield does not intend to renew the Agreement, there must be a 4 months notice of this intention prior to the expiration of the term to allow the Township of Springfield the time necessary to obtain alternative services.
3. **CAPITAL INVESTMENT:** Any Capital investment required by either the Township of Mansfield or the Township of Springfield to implement the video arraignment equipment

shall be the responsibility of the party on whose property the equipment is located unless alternate provisions are specifically developed. To the extent the video arraignment equipment located in Mansfield has to be modified or enhanced to provide service to the Township of Springfield, the Township of Springfield shall pay for such modification or enhancement as the case may be.

4. **SYSTEM OPERATIONAL COSTS:** All operational costs required by either the Township of Mansfield or the Township of Springfield to operate the video arraignment equipment; e.g., media, telephone charges, shall be the responsibility of the party operating the equipment.
5. **FINANCIAL PROCEDURES:** The Township of Mansfield shall invoice the Township of Springfield annually for Springfield's operation of the equipment. The annual fee associated with this Interlocal agreement is \$600.00. All invoices shall be payable within 45 days of the receipt of the properly executed vouchers by the Township of Springfield. Invoices not paid in 45 days shall accrue interest at the legally established rate. Failure of the Township of Springfield to pay a voucher within 75 days of billing shall be grounds for immediate termination of services to the Township of Springfield by the Township of Mansfield.
6. **DISPUTE RESOLUTION:** The Township Administrator for Springfield Township and the CFO or the Township Clerk for the Township of Mansfield shall be responsible for resolving any disputes over the operation and finances of this shared technology agreement. Should they be unable to do so, a meeting will be held with the Mayors and a member of each Township Committee to resolve the dispute. Should these officials be unable to resolve the dispute, the dispute may be referred to binding arbitration as provided by the American Arbitration Association. The distribution of the costs of this arbitration shall be determined by the Arbitrator so selected.
7. **CANCELLATION:** This agreement may be cancelled by the Township of Mansfield or the Township of Springfield after providing a 120-day notice of intention to do so. During this 120-day period both parties shall meet to determine if any differences and disputes can be reconciled.
7. **MISCELLANEOUS:** Any notice required under this agreement shall be served upon the Township Clerk of the Township of Springfield and the Township Clerk of the Township of Mansfield with a copy provided to the Township Attorneys.

#### **RESOLUTION 2011-4-12**

#### **A RESOLUTION APPOINTING PART-TIME TEMPORARY (SEASONAL) MAINTENANCE EMPLOYEES TODD B. CRAMMER**

**WHEREAS**, the Mansfield Township Public Works Department is in need of part-time temporary (seasonal) maintenance employees at this point in time; and

**WHEREAS**, an application for said position was received from **TODD B. CRAMMER**; and

**WHEREAS**, **TODD B. CRAMMER** was interviewed and found to meet the qualifications that best meets the needs of the department.

**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 April 28, 2011 at the Municipal Complex at 7:30 PM that **TODD B. CRAMMER** is hereby appointed as part time seasonal maintenance employee at the rate of \$10.00 per hour, effective April 21, 2011, with no benefits and holidays, and not to exceed 30 hours per week, from 6:30 am to 12:30 pm Monday through Friday.

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

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

#### **RESOLUTION 2011-4-13**

#### **RESOLUTION TO AMEND INTRODUCED 2011 BUDGET**

**WHEREAS**, the local municipal budget for the year 2011 was introduced on the 13<sup>th</sup> day of April 2011; and

**WHEREAS**, due to the failure of the tax levy cap referendum it is necessary to amend said introduced budget;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Burlington, that the following amendments to the introduced budget of 2011 be made.

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for her certification of the 2011 local municipal budget so amended.

#### **Amendment to the Local Municipal 2011 Budget**

**General Revenues** **From** **To**

<b>Miscellaneous Revenues - Section F</b> <b>Special Items of General Revenue Anticipated with</b> <b>Prior Written Consent of Director of Local Government</b>
---

<b>Services - Public and Private Revenues Offset with Appropriations</b>		
Unappropriated Grants from 2010	0.00	6,487.00
Total Section F: Special Item of General Revenue Anticipated with prior Written Consent of Director of Local Government Services - Public and Private Revenues		
		6,487.00

<u>Summary of Revenues</u>		
3. Miscellaneous Revenues:		
Total Section F:	102,003.94	108,490.94
Total Miscellaneous Revenues	2,206,597.94	2,213,084.94
5. Subtotal General Revenues (Items 1,2,3 AND 4)	3,429,597.94	3,436,084.94
6. Amount to be Raised by Taxes for Support of Municipal Budget		
Total Amount to be Raised by Taxes for Support of Municipal Budget	3,255,066.38	3,165,066.38
7. Total General Revenues	6,684,664.32	6,601,151.32

**1. General Appropriations**

<b>A: General Appropriations with Caps</b>		
Aid to Volunteer Ambulance Services		
Other Expenses	250,000.00	160,000.00
(B) Total operations within Cap	4,176,365.93	4,086,365.93
H-1 Total Appropriations within CAP	4,763,632.65	4,673,632.65

(A) Operations Excluded from "CAPS"		
Public and Private Grants Offset by Revenues		
Unappropriated		
Other Expenses	0.00	6,487.00
Total Public and Private Grants Offset by Revenues	102,003.94	108,490.94
Total Operations Excluded from CAPS		
Detail:		
Salaries and Wages	27,000.00	27,000.00
Other Expenses	75,003.94	81,490.94
H-2 Total Appropriations excluded from CAP	1,341,854.01	1,348,341.01
O- Total Appropriations excluded from CAP	1,341,854.01	1,348,341.01

(L) Subtotal General Appropriations {Items (H-1) and (O)}	6,105,486.66	6,021,973.66
(9) Total General Appropriations	6,684,664.32	6,601,151.32

**CFO Monzo** referred to the township referendum question which would allow us to increase the Mansfield Township First Aid Squad appropriation to \$250,000. \$90,000 was the amount in the question to fund last year's emergency for the squad and to bring

the total appropriation to \$250,000. The question was defeated. We are required to amend the budget so it is now within the township levy cap. The proposed resolution will reduce the appropriation for the Mansfield Township First Aid Squad from \$250,000 to \$160,000. This will reduce the amount of taxation required to be raised by the same \$90,000. The resolution also included about \$6,000 of grants for the prior year that have to be put in the budget so they can be spent. If the resolution is adopted at this meeting, we will hold a public hearing on May 25<sup>th</sup>, along with a public for the introduced budget. We will have two public hearings, as required by law. If agreeable, we will be able to adopt our budget the same evening.

A motion was offered by **Committeewoman DiGiuseppe** and second by **Committeeman Clark** to adopt Resolution 2011-4-13. Motion carried on a Roll Call Vote, recorded as follows:

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

**Mayor Puglia** noted that we will still have the same coverage that we have had. **Deputy Mayor Higgins** said it was discussed that we will be paying attention to their operations throughout the year. Their financial operations have improved the past two years and they are in much better shape. We are not doing anything to endanger them. In event of a special need, we will pass an emergency.

## **DISCUSSION**

### **a. Columbus Baptist Church**

The pastor had dropped off a letter asking the committee to consider waiving the requirement of the escrow fees. He is to be told that the applicant fee can be waived but not the escrow fees since we incur expense for the professionals to do review. The applicant is required to pay for these fees.

### **b. Fee Ordinance – Accessory Apartments and Landlord Tenants**

**Clerk Semus** said she had spoken with Doug Borgstrom about the fee ordinance for accessory apartments and landlord tenants. The owners of accessory apartments are required to have annual fire inspections. Mr. Borgstrom felt that we should either change the inspection fee to coincide with their inspection or to have the inspections coincide with the landlord tenant fees which are every four years. **Committeeman Gable** noted that the annual inspection was a request from the professionals from the Planning Board to make sure the people are complying with the license. **Clerk Semus** also mentioned that some of the fees established for different permits, etc. are antiquated and some might be too much. She asked permission to go through all the fees that we impose on residents or professionals and have one ordinance that lists everything. She would review the fees at the same time.

**Mayor Puglia** asked if we would have to go back to the Planning Board to change the requirement for fire inspections. **Attorney Magee** said this was an enforcement recommended by the Planning Board. There was discussion about determining occupants of the in-law suites and the need to have an inspection to verify same. This will prevent in-law suites from being turned into an apartment. **Mayor Puglia** felt this is too much. **Committeewoman DiGiuseppe** said she felt this is an infringement. There was also a question as to relationships being able to use an in-law suite. **Attorney Magee** is to look at the ordinance and the possibility of longer periods between fire inspections. **Clerk Semus** is to look at the fee ordinance as she requested.

### **c. Bid receipt for Farmland Rental**

**Attorney Magee** requested an amendment to the agenda because we had put out a RFP for a bid on a farm on Island Road. Only one response was received but, after review, he determined it was a non-responsive bid. The Township had named a minimum dollar amount. The response was a per acre and was not responsive to the RFP.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Clark** to amend the agenda to include action on the bid. Motion carried.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Clark** to reject the bid as non-responsive. Motion carried,

**d. Grass Clipping Collection Hours**

**Mayor Puglia** said that residents can drop off grass clippings from 5-7 on Tuesday nights. A motion was offered by **Committeeman Clark** and second by **Deputy Mayor Higgins** to have a yard worker available on Tuesday nights from 5-7 for the purpose of accepting grass clippings. Motion carried.

A motion was offered by **Committeewoman DiGiuseppe** and second by **Committeeman Gable** to amend the agenda to include action regarding a Recreation Committee Member. Motion carried.

**Mayor Puglia** said he wants to resign from the Recreation Committee and appoint **Committeewoman DiGiuseppe**. A motion was then offered by **Deputy Mayor Higgins** and second by **Committeeman Gable** to accept the resignation of **Mayor Puglia** as the liaison to the Recreation Committee and appoint **Committeewoman DiGiuseppe** to take his position. Motion carried.

**PUBLIC COMMENT**

Dan Albanese, Route 206, distributed copies of the minutes of the October 25, 2004 Planning Board meeting with highlighted areas specifically relative to trees being planted along the property line of the Orleans subdivision. Mr. Albanesi read the portions about a 6 foot buffer being required along the property line. He felt it was very clear that the natural growth hedgerow goes along the whole property line. **Mayor Puglia** asked about how many trees would be needed. Mr. Albanesi felt it would be about 150 trees. He felt they should be there but someone left it out of the resolution. He felt someone made a mistake as they didn't write down all of the block and lot numbers subject to the hedge. He felt he will face the repercussion of this mistake. He said he farms the adjacent land and he will be faced with complaints. **Attorney Magee** questioned why we are seeing only a portion of the minutes. Although this is not all of the minutes, he said he did review them as well as the signed landscaping plan which clearly shows a landscape buffer on lots 8 through 14. Mr. Albanesi's requests had been rejected. **Attorney Magee** said he reviewed the entire file and found the landscape plan to be what was discussed. He felt there had been no mistake.

Mr. Albanesi said he can provide the entire set of minutes and asked **Attorney Magee** to show him exactly what he is talking about. **Attorney Magee** disagreed.. Mr. Albanesi said he could provide all of the committee with the entire set of minutes so they can see what he is talking about. Mr. Albanesi said he would be willing to say he was wrong if someone showed him, in black and white, where it says there shouldn't be a hedgerow. **Attorney Magee** said there was no mistake in the Resolution. In addition, the Township Committee cannot do anything about it. Mr. Albanesi said he would drop the whole thing but asked the Township give him a letter stating an error was made and they realize repercussions will be made against him. He asked if they would be willing to give him a letter. **Attorney Magee** said he would rule against a letter.

**Committeeman Clark** questioned whether he had been given a letter relating to the right to farm. He said this was a condition of his approval. Mr. Albanesi was concerned over dealing with his neighbors causing frictional relationships. He was told he was covered by the right to farm. He reiterated his request for a letter from the Township stating that an error has occurred and that there will be repercussions. He felt future boards should consider this for future reference. Mr. Albanesi also referred to dirt mounds that he didn't realize would be built at the development and which changed the water flow. He said he is injured, injured for a life time. He asked the Township Committee to do something for him. He asked the township to send him a letter stating that, because there are no trees, he has a harder time dealing with it. **Attorney Magee** said he will put a letter together to see if it addresses his concerns. Since Mr. Albanesi felt that **Attorney Magee** has a different outlook than his, he agreed to have **Clerk Semus** draft a letter.

Judy Harrison, Mansfield Road West, in referring to recent disasters in the south, asked what would happen if something of that nature took place around here. How would residents of Mansfield be notified? **Committeeman Gable** said the Emergency Management would notify residents prior to the emergency, thus phone lines would be up and running. The Township is involved in the County plan where there is a reverse 9-1-1. The 9-1-1 would call all of the residents in the county and advise them of the conditions. At the same time, it would be broadcasted over the television and the radio. Mrs. Harrison was concerned over phones or televisions working or even having electricity. Mrs. Harrison felt we needed something better. **Committeeman Gable** then referred her to the FEMA website which contains a lot of information, including recommendations for storm kits as well as battery operated radios. Mrs. Harrison also spoke of animals and what to do with them in an emergency. **Committeeman Gable** said residents would be responsible for items needed in the event of an emergency and they should provide their kits as recommended by FEMA. Residents should be able to shelter in their own homes for three days in the event of an emergency. Mrs. Harrison expressed concern over the animals and what should be done for them. She felt the Committee is not fulfilling their obligation to the people.

Debra DeLaine, 38 Waverly Drive, spoke of a program with the Bordentown and Burlington Police who are participating in a drop off for extra or expired drugs. It will be held this Saturday. She asked to have her poster placed in the town hall window.

**Engineer Faiola** said that flushing drugs is a bad idea since anti-biotics do harm to sewer plants and make them more expensive to run.

Dan Albenesi spoke of radio stations advertising the drug drop-offs. He questioned grass clippings being dropped of on Tuesday nights. He felt that an employee will not have much to do and suggested having a recycling drop-off at the same time. **Mayor Puglia** said he will speak to Jef Jones about this.

Lou Wargo felt we should use a volunteer for this so we don't have to pay anyone.

With no further comments, the public hearing was closed.

## **MAYOR AND COMMITTEE COMMENT**

**Committeewoman DiGiuseppe** thanked residents for attending the meeting.

**Deputy Mayor Higgins** said the sanitation committee met this week and went over the expenses of our operations. They are very good. Another meeting will be held on May 10 where representatives from two contract haulers will attend and explain how they come up with pricing. All of the sanitation ordinances will be reviewed and how they affect businesses and how they affect our operation. **Mayor Higgins** noted that Mansfield Resident, Tom Sahol, assistant administrator in Florence Township, and a member of the sanitation committee had said he felt we are very efficient.

**Committeeman Gable** thanked the people for coming out.

**Mayor Puglia** announced that there will be one meeting in May, June, and July.

## **MOTION TO ADJOURN**

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

PREPARED BY:

\_\_\_\_\_  
Barbara A. Crammer  
Deputy Clerk  
Approved: May 25, 2011

RESPECTFULLY SUBMITTED BY:

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