

TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY
MEETING MINUTES
May 25, 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** (in attendance until 6:45PM), **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 **Committeeman Gable** and second by **Committeewoman DiGiuseppe** to go into executive session by adoption of the following Resolution. Motion carried.

RESOLUTION 2011-5-3

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: **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**. **Mayor Arthur Puglia** returned from a County meeting to rejoin the Township Committee at 8:35 pm.

A motion was offered by **Committeewoman DiGiuseppe** and second by **Committeeman Clark** 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 discussions.

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

RESOLUTION

RESOLUTION 2011-5-4

RESOLUTION TO RESCIND RESOLUTION 2011-4-13 ENTITLED "RESOLUTION TO AMEND INTRODUCED 2011 BUDGET" WHICH WAS ADOPTED AT THE APRIL 28, 2011 MANSFIELD TOWNSHIP COMMITTEE MEETING.

WHEREAS, the Township Committee adopted Resolution 2011-4-13 during the April 28, 2011 Township Committee Meeting; and

WHEREAS, because of procedural requirements in the adoption of municipal budgets, it is hereby necessary to rescind said Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey, that Resolution 2011-4-13 be and is hereby rescinded.

A motion was offered by **Committeewoman Committeewoman DiGiuseppe** made a motion to adopt the foregoing resolution. Motion second by **Committeeman Gable** and carried on a Roll Call Vote, recorded as follows:

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

PUBLIC HEARING: 2011 INTRODUCED BUDGET

CFO Monzo explained that the budget was introduced on April 13, 2011 and set the public hearing for tonight. We are required to have a public hearing on the introduced budget. We cannot adopt the budget this evening as it has to be amended based on the failed referendum. The Department of Community Affairs is still not complete with their review of our budget. **Deputy Mayor Higgins** opened the public hearing.

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

**RESOLUTION 2011-5-4A
 RESOLUTION TO AMEND INTRODUCED 2011 BUDGET**

WHEREAS, the local municipal budget for the year 2011 was introduced on the 13th 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

	<u>From</u>	<u>To</u>
General Revenues		
Miscellaneous Revenues - Section F		
Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations		
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>		
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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

A: General Appropriations with Caps		
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

A motion was offered by **Committeeman Gable** to introduce Resolution 2001-4-5A. Motion second by **Committeewoman DiGiuseppe** and carried on a Roll Call Vote, recorded as follows:

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

CFO Monzo said there will be a public hearing on the amended budget and the adoption of the budget on June 22, 2011 at 7:30. He further explained the referendum

question to increase the appropriation to the First Aid Squad for from \$160,000 to \$250,000 which resulted in a negative vote. Therefore the Committee just took the action to amend the budget to reduce the appropriation to the First Aid Squad back to \$160,000 as it was last year. The public hearing on that amendment only will be held on June 22. After the public hearing we should be able to adopt the budget as amended if the Department of Community Affairs had completed their review.

BILL LIST

Committeewoman DiGiuseppe made a motion to amend the bill list. Motion second by **Committeeman Clark** and carried on a Roll Call Vote, recorded as follows:

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

CFO Monzo explained the amendment to the bill list. The Township had received a letter from an organization known as **ASCAP**, The American Society of Composers, Authors and Publishers, a national and world wide organization which is a union for performing artists. Townships, School Boards, and other organizations are required to pay a royalty to enable us to legitimately play a song which has a copyright attached to it. Since we have Field Day and other events, the \$309.00 covers us for any event where we may have a song played.

A motion was offered by **Committeewoman DiGiuseppe** to approve the amended bill list. Motion second by **Committeeman Clark** and passed on a Roll Call Vote, recorded as follows:

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

ENGINEER'S REPORT

Engineer Staszewski explained that the conceptual floor plans for the Millennium Building have been reviewed by Mr. Jones for construction code compliance. He had no comments. At this time, we are moving forward with final plans. It should be ready for bid after next week's meeting with the architect. He advised the Township Committee to review the plans if they so desire.

Engineer Staszewski said he reviewed the drainage behind the properties on Mill Lane. Since the repairs were conducted, there had been some erosion and it is evident that the erosion has resulted in additional stagnant water. The property owner will be notified to readjust the situation.

Engineer Staszewski said he forwarded RFP's in regard to the Millennium solar project to **Attorney Magee** for review. He said they are working with the roofer to determine if the addition of the roof replacement would be feasible.

At the last meeting, the Committee approved three additional phone lines at the Millennium, one for the new fire alarm panel and two for the existing fire alarm panel. At this point, neither of the fire alarm panels is able to call out of the building since the old elevator panel in the official building failed. A proposal had been received for under \$500. to modify the existing panel in the Fire Department to make that co-compliant. Therefore, we will be able to get final code review from the state and close out the elevator project.

Committeeman Gable noted that approval was given to make repairs to the alarm panels a couple of months ago. Therefore, the invoice had been approved. **Engineer Staszewski** asked that he is forwarded a copy of the paper work. Because of

this, **Engineer Staszewski** said the contractor can proceed and the project can be finalized.

A pre-construction meeting for the EMS generator has been set up for next week.

The Homeowners president from the Mapleton Villages contacted the engineer regarding a concern of the installation of the handicapped ramp within the development. In January, the Committee had agreed to use a part of the Community Development Block Grant or the DOT grant to address the deficiency. Since that time, we were not awarded the DOT grant and the Community Block Grant is still pending. **Clerk Semus** said a grant had been received this past week. Since we have received the grant, **Engineer Staszewski** said we could proceed with this.

A settlement agreement had been received from K. Hovnanian regarding Four Seasons. It was sent to **Attorney Magee** who indicated that it was satisfactory and will be approved later during the meeting. He noted that the agreement was acceptable to the Homeowner's Association.

Engineer Staszewski questioned the generator and boiler permits. **Clerk Semus** said she spoke with Mr. Jones who recommended that R& V go out to bid for the permits.

Committeeman Higgins asked if we have a date for the conceptual floor plans. He was told there are completed plans. **Committeeman Higgins** questioned when we can go out to bid and then turn the plans over to Florence for review. He was told that, after the meeting with the architects next Wednesday and, with no significant changes, we should be able to do that during the following week of June 15th. **Engineer Staszewski** said he would like to allow for sufficient time, during the process, for a pre-bid meeting and any addendum.

Committeewoman DiGiuseppe asked if the engineering company prepares the RFP that goes out. **Engineer Staszewski** said they prepare the bid specifications for advertising.

Committeeman Gable asked **Engineer Staszewski** if he was confident this will be done by June 15th. **Engineer Staszewski** said yes, as long as there are no significant changes during the coordination effort.

Deputy Mayor opened the meeting to the public for comment on the Engineer's Report. Hearing no comments or questions, the public portion was closed. A motion was then offered by **Committeeman Gable** and second by **Committeewoman DiGiuseppe** to accept the Engineer's report. Motion carried.

ORDINANCE

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.

Clerk Semus read the Ordinance 2011-7 by title.

Attorney Magee said that the ordinance was sent to the Planning Board as required by law. After considering the proposal, the Planning Board made certain recommendations which were commented on by our planner who suggested that, although well intended, the ordinance prepared by himself and **Attorney Magee** accomplished the goal and he didn't feel the changes were necessary. Therefore he recommended that we adopt the ordinance as originally proposed and thank the Planning Board for their input. **Attorney Magee** said the Planning Board had recommended a licensing process which he felt was not conducive to this purpose. They also recommended a specific surface but the Committee felt this was the individual property owner's decision. Another recommendation was private walkways but we have requirements currently on the books for private walkways.

Deputy Mayor Higgins opened the public hearing.

Colleen Herbert, 2 Millennium Drive, was concerned over how this affects the possibility of vacant adjacent properties and the ability to have another business open. She was concerned that adjacent areas may remain vacant because of an outdoor café. Mrs. Herbert recommended that this is kept in good order and is policed. She said she didn't want it to be shoddy and that it stays family oriented.

Judy Harrison, Mansfield Road West, asked about outdoor smoking at the establishments. She was told there is a five foot setback required. Mrs. Harrison was concerned about walking through smoke to get into the establishment.

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

A motion was offered by **Committeeman Clark** and adopted by **Committeewoman DiGiuseppe** to adopt Ordinance 2011-7. Motion carried on a Roll Call Vote, recorded as follows:

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

ORDINANCE 2011-8

BOND ORDINANCE AMENDING BOND ORDINANCE #2008-08 OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF BURLINGTON, NEW JERSEY FINALLY ADOPTED FEBRUARY 27, 2008, AS AMENDED BY BOND ORDINANCE #2009-09 FINALLY ADOPTED MAY 13, 2009 AND BOND ORDINACNE #2010-15 FINALLY ADOPTED NOVEMBER 10, 2010, IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT.

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

Section One. Section 3(a) of bond ordinance #2008-08 of the Township of Mansfield, in the County of Burlington, New Jersey (the "Township"), finally adopted February 27, 2008, as amended by bond ordinance #2009-09 of the Township, finally adopted May 13, 2009, and as further amended by bond ordinance #2010-15 of the Township, finally adopted on November 10, 2010 is hereby amended to read as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Bonds or Notes</u>	<u>Down Payment Amounts</u>	<u>Period of Usefulness</u>
(a) Recreation improvements including canopies for the baseball fields, fencing, lighting and parking at the Civic Center and Hedding Parks	\$90,000	\$85,500	\$4,500	15 years
(a)(1) Improvements to the Mansfield Township soccer complex	<u>400,000</u>	<u>380,000</u>	<u>20,000</u>	15 years
Totals	<u>\$490,000</u>	<u>\$465,500</u>	<u>\$24,500</u>	

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

A motion was offered by **Committeeman Gable** and second by **Committeewoman DiGiuseppe** to introduce Ordinance 2011-8 and hold the public hearing on June 22. Motion carried.

CONSENT AGENDA

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

MINUTES: April 28, 2011

RESOLUTIONS:

RESOLUTION 2011-5-5

RESOLUTION TO CANCEL RESERVES IN THE CAPITAL FUND

WHEREAS, there exists in the capital fund spending reserves that were established for specific projects; and

WHEREAS, these projects have been completed, and

WHEREAS, there are funds remaining in these reserves, and

WHEREAS, the Township would like to make these reserves available as revenue for the 2011 budget,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Burlington that the reserve balances for Mansfield Rd East (\$ 24,264) and Public Road (\$ 78,759) be hereby cancelled to capital fund balance

RESOLUTION 2011-5-6

RESOLUTION TO CANCEL TAXES

WHEREAS, 2010 taxes were misapplied to Block 42.13, Lot 3, and

WHEREAS, when the error was corrected, it resulted in an open balance of \$10.21 on Block 42.13, Lot 3, and

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, at their regular meeting held on May 25, 2011 hereby authorizes the Tax Collector to cancel the amount of \$10.21 for the Tax Year 2010.

RESOLUTION 2011-5-7

REFUND OF TAX OVERPAYMENTS

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

WHEREAS, this overpayment was due to a payment by Corelogic Real Estate Tax Service Corporation, and they are requesting a refund;

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey at their regular meeting held on May 25, 2011 hereby authorizes the refunding of the following to Corelogic Real Estate Tax Service by the Tax Collector.

Block	Lot	Property Owner	Amount
10.08	42	Carol Frascella	\$1,644.77
23	9.02	Michael Morris	\$1,609.85
42.01	15	Sandra Ranieri	\$ 879.35

RESOLUTION 2011-5-8

RESOLUTION OF CONCURRENCE WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION ENDORSING A PLAN OF INTERSECTION IMPROVEMENTS FOR THE INTERSECTION OF U.S. ROUTE 206 AND WHITE PINE ROAD IN MANSFIELD TOWNSHIP

WHEREAS, Mansfield Township has requested left turn prohibitions at the intersection of Route US 206 and White Pine Road in the Township of Mansfield, County of Burlington, and

WHEREAS, the Bureau of Traffic Engineering and Investigations has determined that the request is supported and can be recommended for approval, and

NOW, THEREFORE BE IT RESOLVED, by Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey at their regular meeting held on May 25, 2011 that the Committee endorses the left turn prohibitions at Route US 206 and White Pine Road as indicated.

<u>Intersection</u>	<u>Turn Prohibited</u>	<u>Movement Prohibited</u>
Route US 206 and White Pine Road	Left	From southbound on Route US 206 to eastbound only onto White Pine Road
Route US 206 and White Pine Road	Left	From westbound on White Pine Road to southbound onto Route US 206

RESOLUTION 2011-5-9

RESOLUTION APPOINTING AN ON-CALL, AS NEEDED, TEMPORARY SUBSTITUTE UFC INSPECTOR/FIREFIGHTER SMOKE DETECTOR INSPECTOR DUSTIN SPENCER

WHEREAS, it is in the best interest of the Township to establish an on-call, as needed, temporary substitute employee list for the Township's UFC Inspector/Firefighter Smoke Detector Inspector for the Mansfield Township Fire Department and to efficiently and economically cover the needs of the Township; and,

WHEREAS, Dustin Spencer has been interviewed by the Township Fire Chief, Douglas J. Goodenough and the Fire Code Official and Franklin Fire Company President Douglas Borgstrom , and has

been found to meet the qualifications for said positions; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey at their Regular Meeting held May 25, 2011 at 7:30 pm at the Municipal Complex, that **Dustin Spencer** be appointed as an on-call, as needed temporary substitute UFC Inspector/Firefighter Smoke Detector Inspector, effective May 26, 2011, not to exceed a total of sixteen (16) hours per week, with the wages as stipulated in the approved Budget of \$10.00 for same and as certified by the CFO/Treasurer.

A motion was offered by **Committeewoman DiGiuseppe** and second by **Committeeman Clark** to approve the consent agenda. Motion carried.

DISCUSSION/ACTION

A motion was offered by **Committeewoman DiGiuseppe** and second by **Committeeman Gable** to amend the agenda to include (j): settlement agreement and mutual general release. Motion carried.

a. Application for volunteer memberships to the Franklin Fire Company: Elias Horta and Michael A. Crum

A motion was offered to **Committeeman Gable** and second by **Committeeman Clark** to accept the above two volunteers as members of the Franklin Fire Company. Motion carried.

b. 60 Augusta Drive – Foreclosure Property

Attorney Magee informed the Committee that this is one of our affordable units which has been in a holding pattern for quite some time. In the past, we have taken money from the COAH account and substitute ourselves for the lender once they get to the point of the sheriff's sale. Then we could maintain the restriction. We can attach a condition to the sale that the owner has to qualify through our housing agent. He was putting the Committee on notice that we may be looking to do soon. This unit is a larger unit which has a greater resale value. Therefore it may take longer to find a qualified purchaser. If that is the case, we might incur some expenses such as monthly association fees, sewer, and water. Since we will use our COAH fund, it won't come from taxpayer's money.

c. Recreation Committee – increase of softball registration fee.

The Recreation Committee has sent a request to increase softball registration fees from \$60. to \$65. **Committeeman Gable** said the increase is requested to cover the cost of having the registrations done on line. This is for fall softball.

Deputy Mayor Higgins was concerned that user fees cannot cover administrative costs. The money should cover uniforms, etc and go to the benefit of the participants. The administrative fees have to come out of the recreation budget.

A motion was made by **Committeeman Gable** to increase the softball registration fees from **\$60 to \$65**. The motion was second by **Committeewoman DiGiuseppe** and carried on a Roll Call Vote, recorded as follows:

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

d. Draft Reforestation Agreement

Attorney Magee said he received the final agreement today. The plan had been reviewed by the DEP and NJ Turnpike and there was a minor adjustment in the agreement. He explained to the public that Mansfield was able to accomplish the agreement without incurring any significant expenses. We did not go in any suit but basically piggy backed on the neighbor's law suit. The agreement will be sign by **Mr.**

Magee and sent overnight to the Attorney General's Office for her signature followed by signatures by the NJ Turnpike. After that, we will receive our first check. **Attorney Magee** has a meeting tomorrow with Mr. Kaz and Mr. Czhot from the Northern Burlington County Regional School System and Mary Pat Robbie from the County to talk about the plan. The agreement received today is acceptable giving us the money we were promised. It was the same agreement entered into by Chesterfield, Bordentown, East Windsor, Hamilton, and Robbinsville.

CFO Monzo questioned whether the \$799,053 was based on the number of trees at \$300. per tree. He questioned the mathematics and was informed that the number of trees had been reduced on the final plan. **Mr. Monzo** said it was his understanding that the Township would get the money. He was told this is correct. **Mr. Monzo** further explained that any expenditures from the tree fund will have to be made in accordance with the local public contracts law. Any purchases will have to be bid by the Township. He also confirmed that the 2012 and 2013 funding for this is contingent upon the state budget for the same periods of time. He was told we have to file a grant application each year. **Attorney Magee** explained the process that will be taken. They give us a check, we go through bid procedures after which they come out and inspect the work including the location of the trees. Then we pay the bills. There is a provision that the trees are kept alive for at least two years. There will be several bids over the course of a few years.

Deputy Mayor Higgins explained that, as a result of the turnpike expansion and the number of trees that they cut down to expand the land, the township is going to receive \$300 per tree for 2664 trees for a total of \$799,053. **Attorney Magee** said there is a possibility of receiving more depending on whether it is part of the state budget.

A motion was offered by **Committeewoman DiGiuseppe** and second by **Committeeman Clark** to authorize execution of the agreement. Motion passed on a Roll Call Vote, recorded as follows:

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

e. Combining Planning & Zoning

A memo had been received from the Planning and Zoning Secretary in regard to the combination of planning and zoning and whether the Committee would be interested in combining the two boards. **Attorney Magee** explained the Municipal Land Use Act which allows certain municipalities, of less than 15,000 people, to combine the Planning and Zoning Boards if there is an ordinance that provides you to do so. The intent behind the law is to help those municipalities who have trouble having a regular attendance of the members of the boards. Since we are less than 15,000 people, we are eligible, assuming we have an ordinance to permit combining of the Planning and Zoning Boards.

Committeeman Clark said he was on the Zoning Board for eight years and Planning Board for three. He questioned whether there was a problem filling the board. **Clerk Semus** said there was a problem with attendance at the meetings. **Committeeman Clark** said he always felt it was a good idea to have two boards because it gives more people in town more of a chance to be involved. But, if we are having a problem with attendance, we might have to lean on one board.

Deputy Mayor Higgins understood that there is a problem with attendance at the Zoning Board.

Judy Harrison, Mansfield Road West, said her husband is on the Zoning Board and had only voted once since being appointed to the Board as he is an alternate. That in

itself indicates that there has not been an attendance problem. She felt there is more of a need for participation in the audience though.

Committeeman Clark stressed the need for a full board for the consideration of those applicants who have paid professionals with them. It is not fair if we don't have enough people to vote. **Mr. Clark** felt that, if there are enough members attending the meetings, then we should keep both boards as is.

Mrs. Harrison felt there are plenty of people attending the board meetings.

Committeewoman DiGiuseppe said she was on the Zoning Board and never saw a problem.

John Kampo, Vice-Chairman of the Zoning Board said they have never sent anyone home because of the lack of a quorum. Sometimes, Board Members have come in late though.

Deputy Mayor Higgins felt we should leave it as it is. He will question the writer of the memo to get a better understanding of her concerns.

f. Dedication of West Main Street Park

Clerk Semus said a resident sent a request to have a dedication of the streetscape on West Main Street to a resident who had taken a huge part in preparing the park as it is today.

Colleen Herbert, 2 Millennium Drive, said she wrote the letter. She has lived in Mansfield Township for 22 years and, although there has been a great expansion with many people, she felt that the park should be dedicated to Marion Reeves who was instrumental in the creating of the park. She felt a certain amount of history should be preserved and something should show the person who has gone above and beyond. Mrs. Herbert noted that streams have been dedicated as well as the dedicating of the Tim Greco Babe Ruth Field. There is a precedent for this and she felt it is our responsibility to continue the history and to let people know how proud we are of the people who have come before us.

Deputy Mayor Higgins thanked Mrs. Herbert, saying he felt this is very nice. He felt if we are going to go through this process, perhaps we should come up with a formal process. We should have a better understanding of what she has contributed. He appreciates what Mrs. Herbert did and he feels Mrs. Reeves is an exceptional person. He felt we should explore this with the Special Events Committee. Mrs. Herbert asked for a procedure to be initiated so this request can be considered. The special people of the town should be recognized.

g. Cambridge Manor – Common Area Maintenance – Mr. Daetwyler

Clerk Semus said she had spoken to the Property Maintenance Official today and he had gone out to the site. However, it is not getting maintained as quickly and as efficiently as he had thought it would. Now, he will send out a complaint through the court system. This has been an on-going issue year after year. The residents are discouraged and have complained. The owner has not complied with the Official's letters. (The discussion was held for the return of **Attorney Magee** who had stepped away from the meeting)

h. Community Development Block Grant Program

Clerk Semus reported that she had received notice that the grant submitted for the architectural barriers and removals for the Millennium Building in the amount of \$65,000.

g. Cambridge Manor (continued)

Deputy Mayor Higgins asked **Attorney Magee** if there is anything we can do to put more teeth in this and make the property owner respond. **Attorney Magee** explained that, once we site him and schedule him for court, he needs to be fined. Our Property Maintenance Official has to convey to the Prosecutor just how serious the Committee views the violation of the ordinance. **Attorney Magee** will contact the Township Prosecutor to inform him of the situation.

Committeeman Clark said he drove through there today and felt the entrance to the landfill looks better than the entrance to the development. The weeds were only knocked down, they were not cut. Something has to be done. **Committeewoman DiGiuseppe** said she had also been through there and agrees with **Committeeman Clark**.

Dave Dileo, 24 Longwood Lane, speaking on behalf of the other residents, said this is the result of four or five years of frustration. Many communications have resulted in "0" response. (Mayor Puglia returned from a County meeting to rejoin the Township Committee at 8:35 pm) Mr.Dileo read a prepared letter wherein the request was made to have the buffer properly restored, the tilling and planting of grass, maintenance to be consistent with the level of maintenance by the homeowners, the center island weeded and trimmed at a minimum of four times a season, maintenance of the detention basin, possible violation of the length of the island projecting into Public Road, and enforcement of the township ordinances.

Attorney Magee said he would want to meet the engineer at the site with the final approved plan so determination can be made as to compliance. Mr. Dileo also suggested possible DEP violations. **Attorney Magee** will also speak to Mark Tarantino, Municipal Prosecutor.

Mr. Dileo also referred to a trailer which has been placed in a section that is facing the homes.

Marty Daetwyler, 23 Longwood Lane, spoke of the trailer and referred to the final approval that the applicant had agreed to limit construction of any additional buildings on the farm lot to those buildings customary to a farm operation. The trailer is not customary to a farm operation and they would like it removed. He also noted that the owner is not mowing the property being discussed with a mower but with a brush hog which hits and damages the trees that were planted. Trees were placed along the side of the development to line the 40 acres of the farm lot. In addition, a fence was installed. In the beginning, it was mowed and they felt it was part of their subdivision. It was mowed for several years, but now it is not. He felt that no one would have bought in that development had they have known what the situation would be. The trees were all part of the landscaping plan of the subdivision. The owner of the subdivision is supposed to maintain it. He was also supposed to file a maintenance plan for the detention basin, but, in reviewing the file, Mr. Daetwyler said there is no maintenance plan there. The approval was subject to the approval of the County Planning Board and this is not in the file. The documents are incomplete. **Attorney Magee** said he has to comply with the final resolution and the final plan. If he is not complying, he is in violation. **Engineer Staszewski** explained that the maintenance plan is often on the site plan and may not be a report. Mr. Daetwyler said they are looking for a long term solution to the problem. We need to find a way to make him do it. It needs to be taken care of.

Tom Dileo, 14 Longwood Lane, said his house has been for sale for three years and, during the showings, people comment that the entrance is horrible and people won't live there based upon the entrance. He felt the problem goes beyond the cutting of the grass. An installed fence is falling down, an abandoned chicken coop is falling into the

creek, and questionable actions are obvious in the rented house. Something needs to be done.

Attorney Magee said he will look at the site plan with the Engineer and the Code Enforcement Official. He will meet with the Prosecutor tomorrow. He will meet with the people at the site if they so desire. However, first, he wants to see where the violations after first speaking with the prosecutor.

Deputy Mayor Higgins felt we are all concerned and frustrated. We will go to the fullest extent to have the property owner clean it up. The property owners would like to meet the Committee and Mayor out there.

Mark Dileo, 22 Longwood said he was here in 2006, spent a lot of time reviewing the files, had a special session with the Administrator at the time but that did not go anywhere. Currently he is concerned that the Committee, although on their side, is constrained by the fact of what can be done. There are ordinances that can be applied to this situation. In addition, the DEP rules are especially strong. If this gets submitted to the DEP and is not rectified in 14 days, the Town will have to pay for it. He was concerned that things are missing from the site plan. If there were oversights in the application process, the site plan may have omissions that don't cover the situation. These would have to be rectified after the site plan. He questioned whether there is anything to grab onto in the site plan because of some oversights in the application process. **Attorney Magee** asked the residents to give him a chance to review the final resolution and plan with the Township Engineer to see what can be done. Conversations with the Prosecutor may lead to other conclusions. If we come to the conclusion that our ordinances, as they currently exist, are not strong enough, we will need to revise them to make them tougher.

Mr. Dileo asked if the Township would have the ability to enact an ordinance that would say that, in the event the owner fails to abide, the Township can take over the land and put a lien on his property. **Attorney Magee** said we do have the ability to do that if the Committee decides to do so.

Mayor Puglia asked for a two week period to get this straightened out. It was noted that the filed map would not have been accomplished if the County had not approved the plan.

Deputy Mayor Higgins said he would like an update by Tuesday. He wants the people to know we are serious about the situation.

Lori Marchetti, 30 Longwood Lane, said the issue has been handed over from person to person. Currently Doug Borgstrom is the current inspector. Each year, they have had to go through a different person. They appreciate someone looking into this and it would be important to visit the site before he does cut it. There are children that walk out on the road to catch the bus. One child has had three ticks on him when he got to school. She said she is 52 inches tall and there are weeds up to her shoulder. She says it looks like they live in a dump. She further states that they all appreciate the time everyone has taken to listen to them tonight but hope they do act on it.

Mayor Puglia interrupts the regular schedule of the meeting to announce that he has just returned from the County Freeholders' Meeting where the Township was awarded a grant for \$250,000 for a building for recreational use.

- i. Application for the use of Mansfield Township Parks Permit –
Bordentown Patriots Men's Baseball Team beginning Sunday, May 15
Contact person Kurt Appleby**

Clerk Semus explained that this application would conflict with the Babe Ruth League. Therefore, there will be no approval for the request. A motion was offered by **Committeeman Clark** and second by **Committeeman Gable** to deny the request. Motion carried.

j. Settlement Agreement

A motion was offered by **Committeewoman DiGiuseppe** and second by **Committeeman Clark** to authorize the Mayor to sign the settlement agreement between the Township of Mansfield and K. Hovnanian in regard to the Four Seasons on-going issues of maintenance and tree replacement. They have negotiated a \$9,900 settlement agreement which has been approved by the Homeowner's Association at Four Seasons. Motion carried on a Roll Call Vote, recorded as follows:

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

PUBLIC COMMENT

Debra Delaine, 38 Waverly Drive, said she lives at Meadows at Mansfield and said she has not had a homeowner's meeting. There is a meeting scheduled for June 6 where the homeowners can put two members on the association that will give control of the homeowners to the Board. There are issues she is concerned about which she will indicate in a letter. She has noticed Homeowners coming before the Committee with concerns. Although they do not have all of those concerns yet, she wants to be pro-active and get things before the Committee while the bonds are still active and the builder is still building. She wants the developer to take care of her development before extending out any further. She was also concerned that she, as well as other homeowners, do not have a Certificate of Occupancy. Mrs. Delaine said she is one of the homeowners who decided to pay the homeowners fee into escrow because of certain things she wants done. As a result, she and some other homeowners will not be able to participate in the upcoming vote. She wanted the Committee to be aware of the trickle between the homeowners of how they were dealt with during bankruptcy. She doesn't want the Homeowners to take over something and then be responsible for some issues the builder should have taken care of. She will speak of her specific concerns in a letter she will give to the Clerk.

Tony Quinto, 27 Waverly Drive, thanked the Committee for their support in getting the grant from the County.

Susan Henry, 28 Oaklynn Drive, said she got her first sewer utility bill. She asked how the \$35,000 a year was broken down? How was the money distributed for the different purposes? **CFO Monzo** explained the components of the expenses. The money goes to Applied Wastewater, the licensed operator, the estimate for repairs and maintenance of the equipment, and electricity. He further explained how the property owners are billed. He said he would give her a breakdown.

Brian Russo, 234 Atlantic Avenue, wanted to propose an idea for a dog park in the Mansfield Park. He had 50 names on a petition that he had posted in the General Store. He spoke of dog parks in Hamilton and Medford and felt it would be a community booster. He felt it would help build the community and bring in businesses. He distributed the petition to the Committee. He has ideas for a fund raiser although he did not feel the actual dog park itself would cost a lot. **Committeeman Clark** suggested taking the dog park to the Crystal Lake Park. **Mayor Puglia** said that, unfortunately, money is very tight. Mr. Russo spoke of the fund raiser with Veridian, a renewal energy company.

Clerk Semus asked if the Township would have to be a member of Veridian. She was told yes. **Clerk Semus** then informed Mr. Russo that the Township is currently

under contract with a sustainable energy group already. Mr. Russo said you do not have to be a customer, but you can be a member at no cost.

Mayor Puglia said we need to know how much land is needed and how much it would cost. Mr. Russo is to provide this information.

Colleen Herbert thanked Committeeman Clark for his comment about not merging the Planning & Zoning Boards. If looking for volunteers, she would communicate via the recreation data base in mass. She also thanked the Township for the grant. She added that Northern Burlington does Veridian.

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

MAYOR AND COMMITTEE COMMENTS

Committeewoman DiGiuseppe thanked everyone for coming out. She commented on the Memorial Service Day Servicer, feeling it was a wonderful affair. She gave credit to Lou Wargo and LaVerne Cholewa. Her family was here and commented that they had been to other Memorial services in other Townships and they did not compare with ours. She feels this is a great community.

Deputy Mayor Higgins wished everyone a nice Memorial Day.

MOTION FOR ADJOURNMENT

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

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

BARBARA A. CRAMMER
Deputy Clerk

LINDA SEMUS, RMC, CMR
Municipal Clerk

Approved: June 22, 2011