



**Township of Holland**  
IN  
HUNTERDON COUNTY

61 Church Road  
Milford, New Jersey 08848  
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[www.hollandtownshipnj.gov](http://www.hollandtownshipnj.gov)

**Draft Agenda-Business to the extent known**

HOLLAND TOWNSHIP COMMITTEE  
REGULAR MEETING AGENDA  
November 1, 2022

**MEETING CALLED TO ORDER**

*If you haven't already done so, please turn off or silence all electronic equipment*

**Roll Call:** when your name is called, please respond with "present"

Committeeman Duane Young  
Committeewomen Lisa Mickey  
Deputy Mayor Scott Wilhelm  
Committeeman Robert Thurgarland  
Mayor Dan Bush  
Attorney Matthew Lyons  
Municipal Clerk Cathy Miller  
Deputy Clerk Melissa Tigar

**FLAG SALUTE**

*"At this time, I would like to invite the audience to join the Committee in reciting the Pledge of Allegiance"*

**CLERK READS OPEN PUBLIC MEETING STATEMENT**

Adequate notice of this meeting was given pursuant to the open public meeting act, by the Municipal Clerk on **December 9, 2021** and re-published with the Zoom information on **April 28, 2022** by:

- 1) posting such notice on the bulletin board at the municipal building and on the Holland Twp website
- 2) mailing the same to the Hunterdon County Democrat and the Express-Times.

**ZOOM INFORMATION**

Join Zoom Meeting  
<https://us06web.zoom.us/j/82724998771?pwd=dDIJZHRIQmdPTmE3eTZIUGRzUDNZUT09>  
Meeting ID: 827 2499 8771  
Passcode: 229123  
Join by Phone  
929 205 6099

**APPROVAL OF MINUTES OF THE:** October 18, 2022 Regular Meeting

**APPROVAL OF BILLS AS SUBMITTED**

Check#	Vendor	Description	Payment	Check Total
32867	ALLEGRO ENTERPRISES, INC.	Water Delivery RRCC	\$ 17.28	
		Water Delivery DPW Oct 2022	\$ 24.67	
		Bottled Water for the Township	\$ 39.45	
		Water Delivery DPW Aug 2022	\$ 24.67	\$ 106.07
32868	AQUA NEW JERSEY	Pool (8796)	\$ 409.44	\$ 409.44
		910 Milford Warren Glen Rd Seasonal Yard	\$ 16.50	\$ 16.50
32869	AQUA NEW JERSEY	RRCC Pool 8797	\$ 44.48	\$ 44.48
32870	AQUA NEW JERSEY	Lawn Irrigation (9078)	\$ 17.79	\$ 17.79
32871	AQUA NEW JERSEY	OEM New Cell Phones October	\$ 504.31	\$ 504.31
32872	AT&T MOBILITY	Trk 10 Repair Parts	\$ 279.25	\$ 279.25
32873	BCI Truck Inc	Wreaths for Front Door of Municipal Bldg	\$ 50.00	\$ 50.00
32874	BOY SCOUT TROOP #187	Mats for RRCC (delivery every 4 weeks)	\$ 70.35	
32875	CLEMENS UNIFORM	Mats for Municipal Building	\$ 39.90	\$ 110.25
32876	COOPER ELECTRICAL SUPPLY	Misc. Items for Building and Maintenance	\$ 184.87	\$ 184.87
32877	DELAWARE VALLEY SEPTIC, LLC	490 Shire Road Project	\$ 320.00	\$ 320.00
32878	Department of Finance	3Q2022	\$ 601,878.04	\$ 601,878.04
32879	Department of Finance	4Q2022 Library	\$ 60,029.46	\$ 60,029.46
32880	Department of Finance	4Q2022 Open Space	\$ 59,590.66	\$ 59,590.66
32881	Direct Energy	Propane	\$ 181.60	\$ 181.60
32882	Direct Energy Business	Account 1294539	\$ 1,754.21	
		Acct 1294540 Meter G21049495	\$ 55.83	
		129 Spring Mills Rd Account 1294415	\$ 6.06	\$ 1,816.10
		Meter 01061655 Account 93404665351		
32883	ELIZABETHTOWN GAS	RRCC	\$ 371.17	
		Meter 14Y735578 Account 9890459292	\$ 41.82	\$ 412.99
32884	FINCH FUEL OIL CO, INC	#2 Fuel Oil Heat DPW/Library	\$ 906.72	\$ 906.72
32885	Finelli Consulting Engineers Inc	PB Holland Solar Farm B2 L1 02 services	\$ 362.50	\$ 362.50
32886	FLEMINGTON DEPARTMENT STORE	Clothing Allowance per Union Contract	\$ 93.90	\$ 93.90
32887	FOX BROTHERS ALARM SERVICES, INC.	4th quarter payment	\$ 210.00	\$ 210.00
32888	Fred Beans Ford of Washington	RRCC 2015 F350 Repair	\$ 816.39	\$ 816.39
32889	GEBHARDT & KIEFER, P.C.	Sep-22	\$ 2,788.50	
		Sep-22	\$ 165.00	\$ 2,953.50
32890	GEBHARDT & KIEFER, P.C.	Jul-22	\$ 1,072.50	\$ 1,072.50
32891	General Plumbing Supply Inc	Misc. Items for Building and Maintenance	\$ 37.27	\$ 37.27
32892	Griffith-Allied Trucking LLC	Diesel DPW	\$ 1,190.39	\$ 1,190.39
		INSTALL ALARM LOCK SOFTWARE ON DESKTOP	\$ 420.00	\$ 420.00
32893	Grove Lock & Safe Inc.			
32894	HOLLAND TWP VOLUNTEER FIRE COMPANY	Sale of 2004 Ford Expedition	\$ 2,125.00	\$ 2,125.00
32895	Home Depot Credit Services	Misc. Items for Building and Maintenance	\$ 181.88	\$ 181.88
32896	Hunterdon Family Medicine at HUNTERDON LOCK AND SAFE, INC.	Holder	\$ 414.00	\$ 414.00
32897	INC.	Key sets for Police Department	\$ 396.54	\$ 396.54
32898	J C Ehrlich Co Inc	Commercial Pest Maintenance service	\$ 260.00	\$ 260.00
32899	JERSEY CENTRAL POWER & LIGHT	100 070 503 212 Pool Storage Garage	\$ 4.76	\$ 4.76
32900	JERSEY CENTRAL POWER & LIGHT	Account 100 004 272 595 Street Lights	\$ 22.78	\$ 22.78
32901	JERSEY CENTRAL POWER & LIGHT	Account 100 004 272 652 Street Lights	\$ 1,349.36	\$ 1,349.36
32902	JERSEY CENTRAL POWER & LIGHT	Account 100 060 952 585 Street Lights	\$ 60.21	\$ 60.21
		Account 100 003 579 271 Library 9/23-10/21/22	\$ 44.26	\$ 44.26

32904	JERSEY CENTRAL POWER & LIGHT	100 029 305 644 - 9/23/22-10/21/22	\$	832.68	\$	832.68
32905	JERSEY CENTRAL POWER & LIGHT	Account 100 004 555 858 Baseball	\$	26.99	\$	26.99
32906	JERSEY CENTRAL POWER & LIGHT	Account 100 004 555 932 Case Field	\$	113.19	\$	113.19
32907	John P Gallina, Esq	PB Misc general Matters 101322	\$	202.50	\$	202.50
32908	KOLLMER EQUIPMENT	Weed Trimmer Line and Chainsaw Bar	\$	120.97		
		RRCC Snowblower Maintenance Parts	\$	42.66	\$	163.63
32909	LDI Connect	Copies for RRCC	\$	18.65		
		Contract Usage Charge 9/22/22-10/21/22	\$	74.15	\$	92.80
32910	LISA MICKEY	PR Reimbursement Fall Art design t-shirt	\$	130.00	\$	130.00
32911	LMR Disposal LLC	Blanket for Dumpster pickup	\$	570.00	\$	570.00
32912	LMR Disposal LLC	Dumpster Pickup Service	\$	1,140.00	\$	1,140.00
32913	Marc R Phillips	Parks & Rec 2022 Trunk Treat Fall Festival	\$	250.00	\$	250.00
32914	NJ Advance Media	10475774	\$	260.69	\$	260.69
32915	P3 Generators LLC	Holland Twp. Fire Company	\$	280.19		
		RRCC	\$	549.01		
		Bus Gen 710 Milford warren Glen	\$	227.16		
		Police Department	\$	236.97		
		DPW	\$	223.21		
		DPW 131 Spring Mills Rd	\$	195.71		
		DPW 131 Spring Mills Road	\$	190.74		
		DPW 131 Spring Mills Road	\$	206.58	\$	2,109.57
32916	P3 Generators LLC	DPW 131 Spring Mills Road	\$	247.71	\$	247.71
32917	PenTeleData	10/24/22-11/24/22	\$	196.85	\$	196.85
32918	Princeton Computer Support Inc	Barracuda Security October 2022	\$	110.50		
		Cable, splitters, install 8 port hdmi	\$	1,234.95	\$	1,345.45
32919	S & S WORLDWIDE	Paper	\$	80.70	\$	80.70
32920	SANICO, INC.	4 YD Cont 1 pu/wk Milford Warren Glen	\$	174.16		
		4 YD Cont 1 pu/wk Milford Warren Glen	\$	174.16		
		September 2022 Account 101037	\$	101.78		
		October 2022 Account 101037	\$	101.78	\$	551.88
32921	SANICO, INC.	2 YD FL Cont 1 pu/wk September 2022	\$	112.56		
		2 YD FL Cont 1 pu/wk October 2022	\$	112.56		
		Holland Twp Pool 201746 September2022	\$	144.12	\$	369.24
32922	SERVICE ELECTRIC CABLE TV, INC.	RRCC cable/internet/phone October 2022	\$	204.72	\$	204.72
32923	THERESA VERDI	Cleaning services at Municipal Building	\$	600.00		
		Cleaning RRCC 10/1/-10/15	\$	480.00	\$	1,080.00
32924	TREE KING, INC.	Hazardous Tree Removals from Township	\$	7,525.00	\$	7,525.00
32925	V.E. RALPH & SONS, INC.	QA PACK BLACK	\$	279.00	\$	279.00
32926	VERIZON	10/18/22 billing	\$	240.03	\$	240.03
32927	WB Mason Co Inc	12 pack post it notes	\$	20.99		
		Office Supplies	\$	116.68		
		Paper Towels	\$	131.68	\$	269.35
		Totals	\$	757,155.75	\$	757,155.75
		Certified Check for 802 Milford-Warren Glen Rd	\$	289,583.46	\$	289,583.46
32865	Northfield Bank		\$			
32866	WEIGHTS AND MEA	2022 Radar Tuning Forks	\$	100.00	\$	100.00
102722	NJ STATE HEALTH	November 2022 Retiree Billing	\$	2,604.48	\$	2,604.48
10252022	Quadient Inc	refill postage machine	\$	100.00	\$	100.00
10272022	Quadient Inc	refill postage machine	\$	300.00	\$	300.00
10282022	NJ STATE HEALTH	November 2022 Health benefits	\$	30,078.81	\$	30,078.81

10312022	GUARDIAN	11/1/2022 Dental Insurance	\$	2,831.99	\$	2,831.99
		Total manuals	\$	325,598.74	\$	325,598.74
		Grand total	\$	1,082,754.49	\$	1,082,754.49

### **REMINDER/ANNOUNCEMENT**

-General Election Day is Tuesday November 8, 2022. Polls at the Riegel Ridge Community Center will be open from 6:00am-8:00pm

-The Township Committee has canceled their November 15, 2022 meeting for lack of a quorum. The next meeting will be Tuesday December 6, 2022

### **OLD BUSINESS FROM TOWNSHIP COMMITTEE**

**-RESOLUTION-**Approving the 2021 Municipal Annual Audit Corrective Action Report

#### **RESOLUTION**

Approving the Corrective Action Plan Recommended in The Annual Report of Audit for 2021

**BE IT RESOLVED** by the Township Committee of Holland Township Committee, County of Hunterdon, State of New Jersey that the attached Corrective Action Plan, submitted by Chief Financial Officer, Kristi Gano is approved and submitted by the Township Clerk to the Division of Local Government Services.

**BE IT FURTHER RESOLVED** that a copy will be placed in the file in the Clerk's Office at the Municipal Building and made available for public inspection within the next 45 days.

### **LIAISON REPORTS**

### **NEW BUSINESS FROM TOWNSHIP COMMITTEE**

**-Accepting the Retirement Letter** from Municipal Clerk Cathy Miller effective December 31, 2022.

**-Authorizing the Mayor to sign** an agreement with Ambassador Medical Services Inc. to provide Random drug and alcohol testing.

### **-Discussion and Approval-Best Practices**

**-RESOLUTION-**Payment to the Holland Township Fire Company for sale of 2004 Ford Expedition

#### **RESOLUTION**

Authorizing the Payment from the Sale of Surplus Property

**WHEREAS**, the Holland Township Committee adopted a Resolution on February 2, 2020 authorizing the sale of a 2004 Ford Expedition as surplus property.

**WHEREAS**, the vehicle was sold on GovDeal on September 8, 2022 and the new owner picked up the vehicle on September 13, 2022

**WHEREAS**, the Holland Township Committee has made it a practice of gifting the money from the sale of surplus Fire Company property to the Fire Company.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Holland, County of Hunterdon in the State of New Jersey, that they authorize the Chief Financial Officer to forward the proceeds of \$2,125 from the sale to the Holland Township Volunteer Fire Company pursuant to this resolution.

**-RESOLUTION-Shared Service Agreement for QPA services with Lebanon Township**

**RESOLUTION**

Authorizing the Renewal of the Shared Services Agreement Providing a Qualified Purchasing Agent to the Township of Lebanon

**WHEREAS**, the New Jersey Uniform Shared Services and Consolidated Act (N.J.S.A. 40A:65-1, et seq.) authorizes shared services between municipalities; and

**WHEREAS**, the Township Committee of the Township of Holland (the "Committee") has determined to renew the Shared Services Agreement ("Agreement"), attached hereto as Exhibit A, between the Township of Holland and the Township of Lebanon, to provide to Lebanon the services of a Qualified Purchasing Agent in accordance with the terms and conditions contained therein.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Holland, Hunterdon County that Mayor and Clerk are authorized to execute the agreement entitled "Service Agreement for Qualified Purchasing Agent" substantially in the form

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Holland, in the County of Hunterdon, that the Township of Holland hereby provide Lebanon Township the services of a Qualified Purchasing Agent as set forth in the Shared Services Agreement executed on November 1, 2022.

**-RESOLUTION- Delaware Valley Municipal Alliance grant for fiscal year 2024**

**RESOLUTION**

The Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse

**FORM 1B**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Township Committee of the Township of Holland, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Township Committee has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Hunterdon;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Holland, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of a strategic plan for the Delaware Valley Municipal Alliance grant for fiscal year 2024 in the amount of:
 

DEDR	\$ <u>6,379.00</u>
Cash Match	\$ <u>1,594.75</u>
In-Kind	\$ <u>4,784.25</u>
  
2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**-RESOLUTION-** Development Easement Block 6, Lot 62.03

**RESOLUTION**

Final Approval to the Proposed Acquisition of a Development Easement for  
73 Spring Mills-Little York Rd Block 6, Lot 62.03

**WHEREAS**, on July 21, 2022, the State Agriculture Development Committee (SADC) certified the fair market value (CMV) of the development easement pursuant to N.J.A.C. 2:76-17A.11 at \$5,300.00 per acre on the John W. Schafer Farm in Holland Township Block 6, Lot 62.03, consisting of approximately 21.1 gross acres and one 2.5-acre non-severable exception resulting in approximately 18.6 net preserved acres; and

**WHEREAS**, on July 31, 2022, the landowner accepted the CMV of \$5,300.00 per acre, conditioned upon all interested parties granting final approval for acquisition of a development easement; and providing for a commitment of funding pursuant to N.J.A.C. 2:76-17A.13; and

**WHEREAS**, the Hunterdon Land Trust will submit a parcel application to the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) Agriculture Conservation Easement Program (ACEP) for an Agriculture Land Easement (ALE) grant; and

**WHEREAS**, the landowner has agreed to the additional restrictions associated with the ALE grant, restricting the farm from any future division and requiring a 5% maximum impervious coverage restriction for the construction of agricultural infrastructure on the Property outside of the exception area, which is the maximum allowable for this property through the ALE program at this time; and

**WHEREAS**, the estimated cost sharing breakdown for the acquisition of the development easement is as follows (based on an estimated 18.6 net acres), subject to:

- a) The actual acreage to be covered by the development easement per the final survey which conforms to the farmland preservation program requirements, and
- b) Any additional adjustments pursuant to State statute, rule, regulation, or policy;

State Agriculture Development Committee (SADC)	~\$49,290.00
(\$2,650.00/acre; ~50% of est. total cost)	
ACEP/ALE	~\$49,290.00
(\$2,650/acre; ~50% of est. total cost)	
<u>Total</u>	<u>~\$98,580.00</u>



**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee, Township of Holland in the County of Hunterdon State of New Jersey that they give final approval to the proposed acquisition of a development easement on the property owned by John W. Schafer, located at 73 Spring Mills-Little York Rd, Milford, NJ; and designated as Block 6, Lot 62.03 in the Township of Holland, County of Hunterdon, State of New Jersey, and on approximately 21.1 acres pursuant to the Municipal Planning Incentive Grant application subject to the following:

1. The conveyance of a development easement which shall provide for the following:
  - a. Exceptions: One 2.5-acre non-severable exception for future flexibility, and restricted to one existing single-family residential unit;
  - b. Dwellings: One existing dwelling in a non-severable exception area;
  - c. Agricultural Labor Housing Units: Zero existing
  - d. Preexisting Non-Agricultural Uses: None
  - e. Trail or Access Easements: Zero Existing or Proposed
2. The conveyance of a Restrictive Covenant providing for an annual mowing of the property; and
3. The conveyance of any and all proposed County rights-of-way from the owners of the fee simple title to the property as indicated by the office of the Hunterdon County Engineer; and
4. The exact acreage to be determined by survey; and
5. The Township's final approval, acceptance of the application and participation in this acquisition is contingent upon approval and acceptance of the SADC and receipt of federal grant funds to match the Township's proportionate cost share of the value of the development easement; and
6. The easement will be held by the SADC upon closing.

**-RESOLUTION-Hiring Animal Control Solutions**

**RESOLUTION**

Hiring Animal Control Solutions

**WHEREAS**, N.J.S.A. 40:48-5.1 mandates that under certain specified circumstances a municipality must enter into negotiations with an animal control service for the collecting, keeping, redemption and destroying of stray animals with the municipality; and

**WHEREAS**, quotes were received for the services; and

**WHEREAS**, pursuant to the provisions of said statute, the lowest responsible quote was provided by Animal Control Solutions in the amount of \$12,480.00; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this contract in the following account 12-299-56-840-106.

**NOW, THEREFORE, BE IT RESOLVED**, by the Holland Township Committee that Holland Township be authorized to enter into a contract with Animal Control Solutions for the period of January 1, 2023 – December 31, 2023 for \$12,480.00 annually with the additional fee schedule following for any additional services requested by the Township during this period:

**NON-EMERGENCY**

**Dogs and Puppies**

Intake Shots (given unless dog has valid tags on)

\$25.00 each shot

1 Day Board

\$50.00

7 Day Board	\$350.00
Disposition Fee (Spay/Neuter, Adoption Prep, or euthanasia and disposal)	\$250.00
Prep Rabies Specimen	\$80.00
Dogs Held Under the Dangerous Dog Act or Quarantine	\$65.00 per day
Dead Dog Disposal	\$65.00
Basic Exam	\$100.00

**Cats and Kittens**

Intake Shots (given unless cat has valid tags on)	\$25.00 each shot
1 Day Board	\$40.00
7 Day Board	\$280.00
Disposition Fee (Spay/Neuter, Adoption Prep or euthanasia)	\$200.00
Prep Rabies Specimen	\$80.00
Dead Cat Disposal	\$60.00
Basic Exam	\$100.00

**Live Stock**

1 Day Board Small (under 50 pounds)	\$50.00
1 Day Board Medium (50 to 100 pounds)	\$65.00
1 Day Board Large (above 100 pounds)	\$75.00

**Exotic**

Pet birds, Hamsters, Ferrets, Reptiles, and other exotic animals	
Only impounded under the direction of the municipality, 1 Day Board	\$55.00

**Wildlife**

Euthanasia (If police refuse or are unable to)	\$100.00
Disposal (If no municipal dumpster is available)	\$60.00
Prep Rabies Specimen	\$80.00

**EMERGENCY VET**

**All Domestic Animals**

Required Exam	\$200.00
Euthanasia	\$200.00
Required Pain Meds and Fluids	\$TBD
Other (Municipal approval required)	\$TBD

**Wildlife**

Euthanasia and Disposal (If police refuse or are unable to)	\$200.00
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**Low Cost Fix the Cat service Includes:**

- Spay/Neuter of cat
- Rabies and Distemper Vaccines
- Microchip (to link ownership)
- Ear Notch (a universal identification method for TNR)

Cost: \$100.00 per cat. This fee is normally paid by the person requesting the service but the Municipality may choose to cover these costs on a case-by-case basis.

**-ORDINANCE** Introduction/First Reading-Repealing and establishing a new Street Opening Ordinance



Second reading and Public Hearing set for December 20, 2022

**ORDINANCE 2022-21**

**REPEALING CHAPTER 76 OF THE CODE OF THE TOWNSHIP OF HOLLAND ENTITLED “EXCAVATIONS;” ESTABLISHING A NEW CHAPTER 76 ENTITLED “STREET OPENING PERMITS;” AND PROVIDING FOR THE RENUMBERING OF EXISTING CHAPTER 76**

**BE IT ORDAINED** by the Township Committee of the Township of Holland, County of Hunterdon, State of New Jersey, that Chapter 76 entitled “Excavations” consisting of Sections 76-1 through 76-21 be and hereby is repealed in its entirety and replaced with the following new Chapter 76 as follows:

**SECTION 1**

**STREET OPENING PERMITS**

**§76-1. Permit Required.**

- A. No person, persons, partnership, association or corporation shall excavate, dig, test drill, tunnel, construct or reconstruct or otherwise disturb any public street, road, highway, curb, sidewalk, culvert, utility structure or other public improvement or facility located within any public right-of-way, easement, or property of the Township of Holland, for the purpose of laying, changing, repairing, connecting, constructing or maintaining any water, gas, sewer pipe, or any electric, telephone, cable, telegraph pipes or conduits, or for any other purpose whatsoever, without first having obtained a permit from the Township, in accordance with the rules and procedures specified herein.
- B. All applicants granted a street opening permit shall be responsible for properly conducting the work in accordance with the requirements of this Chapter.

**§76-2. Permit Duration.**

- A. Permit duration. Permits shall be valid for one year from the date issued. After said date, the permit will be void and a new permit must be obtained. If an extension is necessary to complete all work included under the permit, a request in writing must be made to the Township.
- B. Non-transferable. Permits issued under the provisions of this Chapter are not transferable.
- C. Revocation of permits. Permits may also be revoked at any time if it is found by the Township that the permittee has failed to comply with the provisions of this Chapter or the permit, provided that written notice has been given to the permittee of such failure and that the permittee has failed to correct the defect forthwith. If, after permit revocation, it becomes necessary for the Township to either complete the work or to refill and repair the opening, the cost of such work by the Township will be recovered through the performance guaranty which was posted by the permittee.

**§76-3. Exemptions.**

- A. The provisions of this Chapter shall not apply to work involved within the rights-of-way of roads or easements owned, or within the control of the County of Hunterdon or the State of New Jersey, or their various departments, bureaus or agencies.

- B. The provisions of this Chapter shall not apply to the installation, erection, replacement or maintenance of wood utility poles for electric distribution, telephone or telegraph installations, nor to such other appurtenances such as stub poles, anchors, guys or ground lines, incidental to these poles, where such poles and appurtenances belong to any of the franchised public utility companies operating within the County.

#### **§76-4. Application Requirements.**

- A. Applications for street opening permits shall include the following information:

- 1) Street opening application form. Application forms shall be obtained from the Township Clerk or Township Engineer.
- 2) Plan or sketch showing the location of the proposed work in relation to existing streets; existing facilities such as pavement, curbing, sidewalk, driveways, drainage facilities and utilities in the work area; and details of the proposed work including limits and depth of excavation, proposed facilities, and trench restoration details.
- 3) Estimate of quantities and cost of the work and number of days to complete.
- 4) Application fee and escrow deposit.
- 5) Performance guaranty.
- 6) Certificate of insurance.

- B. The application shall include the name of the individual, firm, partnership, corporation or utility company for whom the work is being performed. The application shall be signed by a duly authorized officer or agent of the company for whom the work is being performed.

- C. The application and supporting documents shall be submitted to the Township Engineer.

- D. The Township Engineer shall be the issuing authority for street opening permits. Upon receipt of an application for a street opening permit, the Township Engineer shall submit one copy of the application to the Township Attorney for review.

- E. Upon completion of his review, the Township Engineer shall notify the applicant either that the application is approved or denied, along with reasons for the denial. If, however, additional information is deemed necessary to complete his review, the Township Engineer shall notify the applicant of the additional information which is required to be submitted.

- F. A copy of the street opening permit shall be maintained on the work site by the contractor/permittee for inspection upon request by the Township.

#### **§76-5. Application and Escrow Fees.**

- A. Application fees

- 1) 0 to 50 square feet of disturbance     \$50.00
- 2) 51 to 300 square feet     \$300.00
- 3) Over 300 square feet     \$500.00

## B. Inspection escrows

- 1) 0 to 50 square feet \$750.00 per day (\$375.00 per half day)
- 2) 51 to 300 square feet \$750.00 per day (\$375.00 per half day)
- 3) Over 300 square feet \$750.00 per day (\$375.00 per half day)

Separate checks shall be required for application and escrow fees.

### **§76-6. Performance guaranty.**

- A. A performance guaranty in the amount equal to one hundred twenty-five percent (125%) of the construction cost estimate shall be provided as security for the faithful performance of all work. The performance guaranty shall be a certified check, bank draft, irrevocable letter of credit or performance bond. Surety company bond forms meeting the requirements of the State of New Jersey are acceptable. The performance guaranty will be released to the applicant upon successful completion of all work and acceptance by the Township. If all work is not completed in conformance with the permit requirements, the Township may, at its option, use the performance guaranty to complete all work.
- B. Public utilities. Public utility corporations of the State of New Jersey may, in lieu of the above performance guaranty, file a corporate bond on an annual basis in an amount of \$10,000. Such corporation bond would cover all construction operations of the public utility corporation within the Municipality, thereby exempting said utility from the necessity to file performance guaranties for individual opening projects. However, such public utility corporations, operating under the terms and protection of a corporate bond, will still be required to make application for each opening permit, to file the application fee, and to pay all costs to the Township.

### **§76-7. Maintenance guaranty.**

- A. Upon satisfactory completion of the work, the permittee shall provide a maintenance guaranty in the amount of 5% of the final construction cost to be in effect for a period of one year. The maintenance guaranty shall be a certified check, bank draft, letter of credit or maintenance bond.
- B. Public utility corporations of the State of New Jersey may, in lieu of providing a maintenance guaranty for each project, provide a blanket guaranty or warranty in lieu of a maintenance bond.

### **§76-8. Insurance.**

- A. The permittee/contractor who will actually be performing the work shall continuously maintain insurance and other security for adequate protection of all his work from damage and shall protect the Township's property from damage, injury or loss arising in connection with the permit. The permittee/contractor shall indemnify and hold harmless the Township in regard to any such damage, injury or loss.
- B. The permittee/contractor shall take all necessary precautions for the safety of personnel on the work site and shall comply with all applicable provisions of federal, state and municipal safety laws and building codes to prevent accidents or injury to persons on, about or adjacent to the premises where, the work is being performed.
- C. The permittee/contractor shall erect and properly maintain at all times, as required by the conditions and progress of the work, all necessary safeguards for the protection of workmen and

the public. If it becomes necessary for the permittee/contractor, either as principal or by agent or employee, to enter upon the premises or property of the Township in order to construct, erect, inspect, make delivery, or remove property hereunder, the permittee/contractor hereby covenants and agrees to take, use, provide and make all proper, necessary and sufficient precautions, safeguards, and protection against the occurrence of happenings of any accidents, injuries, damages or hurt to any person or property during the progress of the work herein covered, and to be responsible for and to indemnify and hold harmless the Township from the payment of all sums of money by reason of all, or any, such accidents, injuries, damages, or hurt that may happen or occur upon or about such work.

- D. The permittee/contractor who will actually be performing the work shall procure and maintain:
- 1) Worker's compensation and employer's liability insurance in conformance with all statutory requirements prescribed by law, which shall be maintained in force during the duration of this permit by the permittee/contractor, covering all employees engaged in performance of this permit in accordance with the applicable statute.
  - 2) General liability insurance with limits of not less than \$1,000,000 for any one person; and \$1,000,000 for any one accident for bodily injury; and \$300,000 aggregate for property damage shall be maintained in force for the duration of the permit by the permittee/contractor. The permittee/contractor shall procure and maintain an umbrella or excess policy with limits of not less than \$5,000,000 for any one person or any one accident for bodily injury unless a lesser limit is approved by the Township. In the event more than one insured is named in the policy, a cross-liability endorsement shall be included which provides that the employees of each of the named insured are not excluded under the policy in respect to claims that are made against other named insured.
  - 3) Automobile liability insurance covering permittee/contractor for claims arising from owned, hired and no-owned vehicles with limits of not less than \$1,000,000 for any one person; and \$1,000,000 for any one accident for bodily injury; and \$500,000 each accident for property damage, shall be maintained in force for the duration of this permit by the permittee/contractor.
- E. Major or high hazard projects undertaken may require higher limits and specific coverages as recommended by the Township's insurance agent.
- F. A thirty (30) day notice of cancellation provision shall be provided.
- G. Certificates of the required insurance as listed above shall be submitted with the Township and the Township Engineer listed as additional insureds.
- H. Public utilities and municipalities may submit insurance certificates on an annual basis.

#### **§76-9. Street openings in new pavement.**

Whenever the governing body enacts any ordinance or resolution providing for the reconstruction or resurfacing of any street, the Township Engineer shall promptly mail a written notice thereof to all owners of utilities within said street. Such notice shall notify the utility owner that street opening permits for said street will not be issued for a period of five (5) years after the date of enactment of the ordinance or resolution. During the five (5) year period, no street opening permit shall be issued to excavate a newly reconstructed or resurfaced street unless, in the judgment of the Township, an

emergency, as described in this Chapter exists which makes it essential that the street opening permit be issued.

#### **§76-10. Emergency openings.**

In the event of an emergency in which a sewer, water main, gas line or other conduit breaks or bursts such as to endanger the property, life, health or safety of any individual, the person, firm or corporation owning such line, without first applying for a street opening permit, shall immediately notify the Police Department and then take proper action to remedy the hazardous situation. After remedying the immediate situation, the person or firm owning the utility line shall apply for a street opening permit in accordance with the provisions of this chapter within forty-eight hours of the repair.

#### **§76-11. Construction and inspection procedures.**

- A. Accident prevention. The permittee/contractor shall take all necessary precautions to ensure safety of the public at all times with all construction-related activities in accordance with all federal, state and municipal laws. The permittee/contractor's attention is particularly directed to the requirements of the current Construction Safety Code promulgated by the New Jersey Department of Labor and Industry, Bureau of Engineering and Safety. Failure to comply with applicable safety standards will result in appropriate action by the Township to ensure that safety is maintained on the project.
- B. Maintenance and protection of traffic. The permittee/contractor shall be responsible for maintenance and protection of traffic during construction along or adjacent to the roadway. The current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), U.S. Department of Transportation (USDOT), and all amendments thereto, shall govern the maintenance and protection of traffic during construction. The Township may specify that the permittee/contractor prepare a traffic control plan to ensure the safe and expeditious movement of traffic through work zones. Applicants shall contact the police department for traffic control input and/or assistance at least forty-eight (48) hours prior to the commencement of work in the absence of an emergency.
- C. Commencement of work. Prior to the commencement of work, the permittee/contractor shall call the New Jersey One-Call Damage Prevention System (1-800-272-1000) for the mark out of all underground utilities. At least forty-eight (48) hours before the permittee/contractor plans to commence work under a street opening permit, the permittee/contractor shall advise the local police chief that the work is to start. The permittee/contractor shall also contact the Township's department of public works for the mark out of any Township owned facilities.
- D. Inspection. The Township Engineer shall be responsible for inspection of the work. All materials, including excavated materials, are subject to inspection and approval by the Township. Where the planned opening will be made through, adjacent to or near another existing public utility facility, the permittee/contractor shall notify said utility company, whose representative shall be given access to the construction to observe and inspect that portion of the work involving said utility facility.
- E. Protection of private property. Prior to starting work, it shall be the responsibility of the permittee/contractor to advise each nearby or adjacent property owner whose property will be temporarily inconvenienced or disturbed by the project when the work will be commenced and what effect the work will have on the owner's use of his property. The permittee/contractor will be solely responsible for any damage, inconvenience or disruption to nearby or adjacent properties, and will hold the Township harmless from any claims arising from the conduct of



work. It will be the permittee's/contractor's obligation and responsibility to arrange for any rights of entry or easements needed. The permittee/contractor shall not store tools, machinery, materials, dirt or debris on private property. The permittee/contractor shall not use water, electricity, telephone or other private facilities without first obtaining permission from the property owner.

- F. Conduct of the work. The work shall be done in an efficient and workmanlike manner and in accordance with the plans and specifications, using proper tools, machinery, materials and manpower to affect a quality and expeditious job. Failure to perform in a manner satisfactory to the Township according to the standards set forth herein may result in revocation of the permit. Where the Township Engineer deems it necessary for the protection of the public, or to proper installation of the permittee's facilities, he may order a cessation of work by the permittee/contractor pending such action by the governing body. Except under emergency conditions, all work will be conducted between the hours of 7:00 a.m. and 7:00 p.m. or dusk.
- G. Maintenance of opening. After the permanent repair has been completed and approved by the Township Engineer, the permittee shall be responsible for maintaining the opening for a period of twelve (12) months. This work shall include refilling, compacting, repaving, repairing damage, restoring turf or shrubbery, as necessary. The permittee's maintenance bond shall be released at the end of the twelve-month maintenance period, subject to the satisfactory condition of the opening.
- H. Street closings. The permittee/contractor shall not close or obstruct any streets, sidewalks, alleys or passageways unless specifically authorized by the Township. Prior to the actual closing, the permittee/contractor shall also notify the Police Chief and Fire Chief of the anticipated dates and duration of the closing. No material whatsoever shall be placed or stored in streets, alleys or passageways. The permittee/contractor shall conduct its operations so as to interfere as little as possible with the use ordinarily made of any roads, streets, driveways, alleys, sidewalk facilities, near enough to the work to be affected thereby.
- I. Cleanliness. If dust, dirt, air pollution, poor housekeeping or detrimental material are allowed to exist, occur or continue as a result of the work to the point where the public is unduly inconvenienced or disturbed, in the opinion of the Township, the Township may stop the work until the condition is corrected. Streets are to be kept broom-cleaned on a daily basis. If dust persists, streets may be required to be water cleaned. The Township may direct the permittee/contractor to spread dust-inhibiting chemicals.

#### **§76-12. Construction standards.**

- A. Above ground utilities. All aboveground utility installations should be in accordance with the standards established by the New Jersey Department of Transportation for utility accommodation in Chapter 25 of the New Jersey Administrative Code. Utility companies should contact the Township prior to poles being relocated or new poles installed to make sure that installations will not conflict with future road improvements.
- B. Removal of existing features. The existing pavement, blacktop or concrete shall be cut in a straight line or lines, prior to any subsurface excavation, which shall be confined to the area between the cuts. If pavement, curbing, sidewalk, or other surface construction becomes damaged, ragged or zig-zagged when it comes time to repave or replace the facility, the edges shall be cut or recut in a straight line or lines to the satisfaction of the Township, in general parallel with the lines of the excavated trenches and in a width sufficient to accommodate the entire excavation and to create a smooth finished appearance when the construction is completed.



- C. Curbs, sidewalks, driveways, etc. Where the opening involves cutting through existing curbs, sidewalks, driveways and any other surface structures, the permittee/contractor shall rebuild or replace such surface structures as closely as possible duplicating the original as to dimensions, grade, appearance and materials. Curbs, sidewalks, concrete aprons and other miscellaneous structures shall be reconstructed with NJDOT Class "B" concrete air entrained.
- D. Existing pipes, utilities, subsurface structures. Any existing subsurface pipes, utility lines, drains, foundations, abutments, inlets or other structures that may be disturbed, damaged, or removed during the necessary opening work are to be replaced, reconstructed or repaired under the direction of the Township and the appropriate officials of the utility company whose facility may be involved. Such replacement, reconstruction or repair shall be made using materials, methods and standards of workmanship as specified by the Township, or in the case of a public utility facility, to the standards imposed by said utility. Caution and care shall be exercised by the permittee/contractor not to disturb such existing structures or facilities exposed by the opening and found to be in or adjacent to the opening.
- E. Tunneling. In cases where it becomes necessary to resort to tunneling operations to accomplish the opening work in a most practical way, then the backfill in such tunnel shall be rammed soil composed of a mixture by volume of one part cement to six parts of aggregate material such as sand or three-quarter-inch quarry blend stone. Tunneling shall be permitted only with the approval of the Township and when the need for tunneling is indicated on the application for permit. Jacking or drilling is not considered to be tunneling.
- F. Jacking and drilling. Jacking and drilling will be permitted when the need is indicated and when the applicant's engineer certifies that in his opinion other existing structures or utilities will not be disturbed or damaged thereby.
- G. Blasting. No blasting shall be allowed unless the Township is notified in advance. Blasting and the use of explosives shall be permitted provided that all aspects of blasting and the use and storage of explosives shall, at all times, be in accordance with the provisions of the Explosives Act (N.J.S.A. 21: I A-i28, et seq.).
- H. Surplus materials. The permittee/contractor shall remove all surplus or unusable fill, debris and other materials from the job site at his own expense. The area shall be cleaned up and restored at the end of the work, to the satisfaction of the Township. Machinery, vehicles and tools of the permittee/contractor shall be promptly removed from the job site when the work has been completed.
- I. Excavation.
- 1) The trench shall be excavated along the lines designated on the approved plans and to a depth sufficient to provide cover over the mains of not less than four feet, except where greater or lesser depths of cover are shown on the detailed plans or are necessary due to the existence of utilities or to connect to existing lines. The trench shall be not less than one foot and no more than two feet wider at the bottom than the outside diameter of the pipe. Where the trench is excavated at any place below the proper grade, excepting at joints, it shall be refilled to grade with sand or loam and thoroughly compacted.
  - 2) No more than 100 feet of trench will be opened in advance of the utility installation, unless permitted by the Township's Engineer. All open trenches shall be backfilled by the end of the work day.

- 3) The material excavated shall be laid compactly on the side of the trench and kept trimmed up so that it will be of as little inconvenience as possible to the traveling public and to adjoining tenants. Where the streets are paved, the paving material shall be kept separate from the other materials excavated. All streets shall be kept open for travel unless otherwise approved by the Township.

J. Sheeting and bracing.

- 1) The permittee/contractor is solely responsible for the safety of the job site. The permittee/contractor shall furnish, put in place and maintain such sheeting and bracing, etc., as may be required to support the sides of the excavation and to prevent any movement of earth which could in any way diminish the width of the excavation below that necessary for proper construction.
- 2) All trenching operations will comply with Occupational Safety and Health Administration (OSHA) regulations 29 CFR 1926.1.

K. Temporary trench plating.

- 1) All temporary trench plating shall be designed to carry all legal highway loads. The plating shall be properly supported and anchored to prevent all movement. All plating intended to be left in place overnight shall be recessed into the adjoining pavement so that the top surface of the plating is flush with the pavement.
- 2) Construction signs will be installed on both approaches warning the motorists of the temporary plating and that it is slippery when wet.

L. Backfilling.

- 1) Backfilling for utility improvements in pavement areas and shoulders or within five feet of the edge of any proposed pavement will be with dense graded aggregate base placed in six-inch lifts. Each layer shall be compacted with flat-face mechanical tampers to 95% minimum dry density. If the pipe area is not to be paved, the dense graded aggregate will be filled to the finished pavement grade.
- 2) The only methods of compacting the backfill material permitted shall be mechanical compaction in lifts as specified. Consolidation will not be acceptable as a method to achieve the soil densities specified.
- 3) The Township may require or perform soil density checks at randomly chosen lifts. Density testing will be performed at the completion of the compaction effort. Compaction requirements will be strictly enforced. The cost for compaction testing shall be the responsibility of the permittee.

M. Trench restoration.

- 1) Bituminous concrete and bituminous surface treated pavements. In bituminous concrete and bituminous surface treated pavements, the trench area will be restored with a five-inch bituminous concrete base course and a two-inch bituminous concrete surface course. In areas where the pavement is thicker than six inches, additional bituminous base shall be placed to the depth of the existing pavement. The bituminous concrete repair shall extend at least six inches outside the limits of the trench.

2) Portland cement concrete pavements.

- a. In Portland cement concrete pavements and in roads with Portland cement concrete bases, the pavement shall be replaced with the same materials and in the same thickness. When the trench opening is within five feet of a transverse joint, the remaining section of the slab shall be removed and replaced.
- b. Care shall be taken to protect expansion joint dowels. Dowels shall be straightened after concrete removal, if disturbed. The existing expansion joint material shall be replaced prior to placing new concrete.
- c. Existing subgrade is to be brought back to proper grade and properly compacted. Any soft areas are to be removed and replaced with proper material.
- d. If the slab removal ends prior to a joint, number five bars, 18 inches long, are to be drilled and grouted in the center of the slab. Bar spacing will be six inches from the slab edge and 12 inches between bars. The new slab reinforcing steel shall be number four bars, 12 inches on center longitudinally and number four bars, 24 inches on center transversely (minimum of two), set approximately three inches below the top of the finished slab.

3) Repaving required.

Milling and repaving shall be required when the opening in the pavement (continuous or separate), spans a distance measured along the center line of the lesser of 200 feet or a distance of 60% of roadway centerline as determined by the Township Engineer. The width of the paving shall be half the width of the road if the work did not cross the center line and the full width of the road if the work crossed the center line or the road width is 15 feet or less. The permittee/contractor shall provide adequate traffic control measures until the pavement has cooled.

4) Restoration of private roadways and driveways.

Repairs and restoration within a Township easement on private property shall be performed in accordance with the requirements of this Chapter and is subject to review and approval by the Township Engineer.

N. Unimproved shoulder areas.

- 1) Trenches outside the pavement which are required to be backfilled with dense graded aggregate base material shall be brought up to the finished shoulder grade and uniformly compacted.
- 2) Trenches not requiring dense graded aggregate may be backfilled with suitable material and properly compacted. The final four inches to six inches of the trench shall be backfilled with topsoil, compacted, seeded, fertilized and mulched.

O. Temporary surfacing. Pending the actual repaving or reconstruction operations stated above, the permittee/contractor shall provide a temporary pavement or surface over the compacted refilled opening, of such material as shall be directed by the Township. The permittee shall maintain, refill

and temporarily repave said surface from time-to-time as may be required by the Township until a permanent pavement has been constructed to provide a properly graded traveling surface.

P. All improvements shall be constructed in accordance with the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, as amended.

### **§76-13. Violations and penalties.**

- A. Violations. Any person or persons, firm or corporation violating any section of this Chapter which results in damage to or obstruction of any public road, gutter, storm drain, ditch, basin, inlet or culvert shall be responsible for all expenses incurred by the Township for repairing said damage, removing said obstruction in addition to the penalties herein provided.
- B. Penalties. Any person or persons, firm or corporation violating any section of this Chapter shall, upon conviction thereof, be subject to a fine not to exceed five hundred dollars (\$500) or imprisonment for a period not to exceed thirty (30) days, or both. Each and every day that said violation continues shall constitute a separate and specific violation.

Chapter 83-1 shall be amended pursuant to the preceding fees set in this Ordinance re Excavation.

### **SECTION 2.**

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

### **SECTION 3**

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Any Ordinance, or portion thereof, not specifically amended, revised or supplemented by the foregoing shall remain in full force and effect.

### **SECTION 4**

This Ordinance shall become effectively immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

**BUSINESS FROM TOWNSHIP ATTORN.EY**

**MEETING OPEN TO PUBLIC**-(speakers will be limited to 3 minutes)

**ADJOURN** at \_\_\_\_\_