

**TOWNSHIP OF MANSFIELD  
BURLINGTON COUNTY  
MEETING MINUTES  
May 23, 2012  
Executive Session  
6:00 PM**

The regular executive session meeting of the Mansfield Township Committee was held on the above shown date with the following in attendance: **Mayor Arthur Puglia, Deputy Mayor Robert Higgins, Committeeman Sean Gable, Committeeman Alfred Clark, Committeewoman Janice DiGiuseppe, Solicitor Michael Magee, and Clerk Linda Semus.**

**Mayor Arthur 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, 2012. 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 9, 2012.

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 2012-5-1**

**RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION**

**WHEREAS**, Section 7 of the Open Public Meetings Act, Chapter 213, P.L. 1975 [NJSA 10:4-12(B)] permits the exclusion of the public from a meeting in certain circumstances; and,

**WHEREAS**, this public body is of the opinion that such circumstances presently exists;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey as follows:

1. The public shall be excluded from discussion of, action on and reviewing the Minutes of the hereinafter specified matters.
2. The general nature of the subject matter to be discussed is as follows: potential litigation, pending litigation specifically Titzel v. Mansfield Township, Inzinna v. Mansfield and personnel issues.
3. It is anticipated at this time that the above subject matter will be made public when the matters have been resolved and approved for release by the Township Solicitor.

Regular Meeting  
7:30PM

The regular meeting of the Mansfield Township Committee was held on the above shown date with the following in attendance: **Mayor Arthur Puglia Deputy Mayor Robert Higgins, Committeeman Sean Gable, Committeeman Fred Clark, Committeewoman Janice DiGiuseppe, Engineer Tim Staszewski, Attorney Michael Magee, CFO Joseph Monzo, Clerk Linda Semus, and Administrative Assistant Ann Shivers.**

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

**Attorney Magee** explained that matters discussed in executive session were pending litigation specifically Titzel v. Mansfield Township, Inzinna v. Mansfield and personnel issues.

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

**Clerk Semus** read the following proclamation into the record.

*Proclamation*

*“Officer of the Year”*

***WHEREAS**, the Township of Mansfield and the Mansfield Township Police Department has had and continues to have the good fortune to enjoy the services of Detective Daniel Ehnstrom since August 25, 2005; and*

*WHEREAS, Detective Daniel Ehnstrom demonstrates his dedication and professionalism as a law enforcement officer in the Township of Mansfield on a daily basis; and*

*WHEREAS, during the calendar year 2011 Detective Daniel Ehnstrom demonstrated his dedication and leadership to the Township of Mansfield and the Mansfield Township Police Department; and*

*WHEREAS, Detective Daniel Ehnstrom performed critical roles for the Mansfield Township Police Department, including being a Crash Reconstructionist, the Megan's Law Liaison, and Juvenile Liaison Officer. Furthermore, he provides continual support of other members in the department with criminal investigations throughout the year. His initiative was noted in numerous criminal investigations, whereby his actions played a pivotal role in the outcome of those cases. He is a respected member of the Mansfield Township Police Department and his performance was not only recognized by department administration, but also by his peers in being nominated for this distinction.; and*

*NOW, THEREFORE, BE IT PROCLAIMED that Detective Daniel Ehnstrom is to be recognized by all members of the community as the Mansfield Township Police Department "Officer of the Year"; and*

*BE IT FURTHER PROCLAIMED, that the Mansfield Township Police Department is to be congratulated on its good fortune in enjoying the efforts, commitment, and comradeship of Detective Daniel Ehnstrom, as a crucial asset and dedicated member.*

**Police Chief Ron Mulhall** presenting the award to **Detective Ehnstrom** thanking him for his service to the department. **Lieutenant Campbell** was also in attendance. Congratulations were expressed by the Mayor, Committee and Attorney Magee.

## ENGINEER'S REPORT

**Engineer Staszewski** said the bids for Georgetown Road were received yesterday and are within budget. A resolution is on the agenda tonight for the job to be awarded.

A pre-construction meeting for the Millennium Building was held last week. The contractor anticipates starting on May 29<sup>th</sup> with demolition pending approval of permits from the Construction Office.

Jef Jones has been in contact with his office in regard to the EMS Generator. The operation manuals were submitted but, because they were incomplete, they were rejected. We have been working to secure keys for the generator which, at this time, cannot be located by the contractor. He is in the process of contacting the manufacturer to get another set. **Mayor Puglia** noted that the grass outside needs to be re-seeded. **Mayor Puglia** said we have a bill to pay but, until we get the seeding, wiring diagram and keys, it shouldn't be paid. They are to be told the bill will be held until it is complete.

The turnpike authority would like to meet next week to discuss Mansfield Road West. **Engineer Staszewski** said there has been damage to Mansfield Road West which has been relayed to the turnpike. It is possible they have reviewed this and discussed it internally and may want to discuss this issue with the Township. **Attorney Magee, Mayor Puglia** and **Committeeman Clark** were requested to attend, depending on availability.

**Committeeman Clark** said the security system was not included in the plans for Millennium. **Engineer Staszewski** said it is included.

**Mayor Puglia** questioned the grant for the lights. **Clerk Semus** explained that it gives you a certain percentage of interest back on whatever it is that you are pulling down and retro-fitting. There are about 140 lights which comes to \$3,500. The only problem is that you have to stop all demolition and can't do any construction until after the application is submitted. The due date is June 25<sup>th</sup>. They have to go through a process including having inspections visit the site to do the review. She has a call into another individual in the BPU area to find out if, because we aren't a large scale, they will allow us to submit the plans that shows what we want to do to alleviate. Her other issue is, if they say it does have to be held off until the inspection, are we going to hold up the entire project for \$3,500? She then suggested Gov Deal and put this type item out for auction. **Deputy Mayor Higgins** noted that the contractor wants to start exploratory renovations next week. He said he would feel uncomfortable to slow them down. **Mayor Puglia** questioned the type of lights we are using. **Engineer Staszewski** said they are a type of fluorescent light. **Committeeman Clark** questioned how much it will cost to put the road in behind the Millennium Building to Hedding Road. **Engineer Staszewski** stated that the state did announce there is are transportation enhancement grants that are

available for an application by the end of July. Although typically for bike paths and streetscapes, he felt we might be able to craft this access road into an application as well as addressing the parking lot.

**Committeewoman DiGiuseppe** questioned who was removing the lights. She was told it was the contractor. She then asked when it will be done. **Engineer Staszewski** said they will be starting next Tuesday, depending on the construction office. He was not aware of the scope although the demo of the lights is included in the removal. **Committeewoman DiGiuseppe** referred to the township looking into GovDeals to make money off the sale of the lights. **Engineer Staszewski** said he will speak to the contractor about any recoverable items from the demolition. **Mayor Puglia** noted that the lights are old and not energy efficient. **Committeeman Gable** was concerned about the hazards in the ballasts and whether that would prevent any sales of the lights. **Engineer Staszewski** said a lot of fixtures have replacement ballasts. .

**Clerk Semus** questioned whether CDGB funds could be used for the road off Hedding Road to the Millennium Building. **Engineer Staszewski** felt this may not qualify as you would have to prove it benefits 51% of the low and moderate income. **Engineer Staszewski** asked the committee if they were favorable to submit a grant for transportation enhancement for that project. He was told to prepare a cost estimate.

**Committeeman Higgins** referred to the meeting with the Millennium contractor where he, **Committeeman Gable**, **Clerk Semus**, and **Engineer Staszewski** were in attendance. He asked if the contractor has followed through with requests that were made at the meeting. **Engineer Staszewski** said he has been in contact with the contractor who has been responsive. His permits have been submitted. The first permit to be received is the exploratory demolition permit which should be granted this week. Jef is in the process of reviewing the other permit applications.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeewoman DiGiuseppe** to accept the engineer's report. Motion carried.

Resolution\*\*\*\*

**Deputy Mayor Higgins** referred to Resolution 2012-5-5 which is providing for a special item of revenue in the 2012 budget and whether we have to approve that before we approve the amended budget. **CFO Monzo** said no, Resolution 2012-5-5 is about the grant we received for Georgetown Road. He questioned the DCA whether we should amend the budget as introduced to do a special item of revenue resolution. They recommended we do it the way we had planned.

**RESOLUTION 2012-4-10**

**RESOLUTION TO AMEND THE INTRODUCED 2012 BUDGET**

**WHEREAS**, the local municipal budget for the year 2012 was introduced on the 15<sup>th</sup> day of March 2012; and

**WHEREAS**, the public hearing on said budget has been held as advertised; and

**WHEREAS**, it is desired 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 2012 be made.

**Amendment to the Local Municipal 2012 Budget**

	<u>From</u>	<u>To</u>
<b>General Revenues</b>		
Miscellaneous Revenues - Section D		
Special Items of General Revenue Anticipated with		
Prior Written Consent of Director of Local Government		
Services - Interlocal Municipal Service Agreements Offset		
with Appropriations		
Shared Service- Springfield Court	0.00	86,250.00
Total Section D: Special Item of General Revenue		
Anticipated with prior Written Consent of Director of		
Local Government Services - Interlocal Municipal Service Agreements	0.00	86,250.00
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		
Safe and Secure	17,000.00	30,000.00
Total Section F: Special Item of General Revenue Anticipated with prior Written Consent of Director of Local Government Services - Public and Private Revenues	78,552.21	91,552.21

Miscellaneous Revenues - Section G Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special Items		
Shared Service- Springfield Court	86,250.00	0.00
Total Section G: Special Item of General Revenue Anticipated with prior Written Consent of Director of Local Government Services - Other Special Items	676,535.68	590,285.68

<u>Summary of Revenues</u>		
<b>3. Miscellaneous Revenues:</b>		
Total Section D:	0.00	86,250.00
Total Section F:	78,552.21	91,552.21
Total Section G:	676,535.68	590,285.68
Total Miscellaneous Revenues	1,768,622.89	1,781,622.89
<b>5. Subtotal General Revenues (Items 1,2,3 AND 4)</b>	2,968,622.89	2,981,622.89
<b>6. Amount to be Raised by Taxes for Support of Municipal Budget</b>		
Total Amount to be Raised by Taxes for Support of Municipal Budget	3,728,498.72	3,821,740.64
<b>7. Total General Revenues</b>	<b>6,697,121.61</b>	<b>6,803,363.53</b>

**8. General Appropriations**

(A) General Appropriations with "CAPS"

LOSAP	34,000.00	0.00
Group Insurance	401,720.00	394,314.00
Total Operations {Item 8(A)} within "CAPS"	4,161,688.23	4,120,282.23
Other Expenses	2,272,252.00	2,230,846.00

(E) Deferred Charges and Statutory Expenditures - Municipal within "CAPS"

Overexpenditure of Grants	0.00	1,539.49
Deficit in Sewer Utility	0.00	90,334.00
Total Deferred Charges and Statutory Expenditures	491,207.00	583,080.49

(H-1) Total General Appropriations for Municipal Purposes within "CAPS"	4,652,895.23	4,703,362.72
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(A) General Appropriations excluded from "CAPS"

Employee Group Insurance	0.00	7,406.00
LOSAP	0.00	34,000.00
Total Other Operations Excluded from - "CAPS"	0.00	41,406.00
Public and Private Grants Offset by Revenues		
Safe and Secure	17,000.00	30,000.00
Total Public and Private Grants Offset by Revenues	78,552.21	91,552.21
Total Operations Excluded from CAPS	115,577.21	169,983.21
Detail:		
Salaries and Wages	45,125.00	58,125.00
Other Expenses	70,452.21	111,858.21
H-2 Total Appropriations excluded from CAP	1,645,657.65	1,700,063.65
O- Total Appropriations excluded from CAP	1,645,657.65	1,700,063.65
(L) Subtotal General Appropriations {Items (H-1) and (O)}	6,298,552.88	6,393,076.37
M- Reserve for Uncollected Taxes	398,568.73	399,937.16
<b>(9) Total General Appropriations</b>	<b>6,697,121.61</b>	<b>6,803,363.53</b>
<b>10.Dedicated Revenues from Sewer Utility</b>		
Deficit ( General Budget)	0.00	90,334.00
Total Sewer Utility Revenues	39,925.46	130,259.46
<b>11.Appropriations for Sewer Utility</b>		
Debt Service- Interest on Bonds	0.00	9,000.00
Deferred Charges	0.00	81,334.00
Total Sewer Utility Appropriations	39,925.46	130,259.46
Dedicated Sewer Utility Assessment Budget		
<b>14. Dedicated Revenues from Assessment Cash</b>	<b>0.00</b>	<b>20,000.00</b>
Total Sewer Utility Assessment Revenues	0.00	20,000.00
<b>15. APPROPRIATIONS FOR ASSESSMENT DEBT</b>		
Payment of Bond Principal	0.00	20,000.00
Total Sewer Utility Assessment Appropriations	0.00	20,000.00

**NOW, THEREFORE BE IT RESOLVED**, that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for his certification of the 2012 local municipal budget so amended.

**BE IT FURTHER RESOLVED**, that a public hearing on this amendment shall take place at the Township of Mansfield Municipal Building at 7:30pm on May 23, 2012 at which time and place objections to said budget amendment for the year 2012 may be presented by taxpayers or other interested persons

**CFO Monzo** clarified Resolution 2012-4-10 which is a resolution to amend the introduced 2012 budget. The budget was introduced early in March. We were required to do an amendment at the last meeting that required an advertisement in the newspaper. We are

here tonight to hold a public hearing on the amendment only. We've held a public hearing on the introduced budget. After we hold the public hearing on the amendment, and if passed, we go the next resolution, 2012-5-2 which would be to adopt the 2012 budget as amended.

**Mayor Puglia** opened the public hearing on the amendment only. With no comments, the public hearing was closed. A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Gable** to adopt Resolution 2012-4-10. Motion carried on a Roll Call Vote, recorded as follows:

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

**RESOLUTION 2012-5-2** (A copy of Resolution 2012-5-2 is spread on the following pages.)

**CFO Monzo** said this is a two page resolution, sheets 41 and 42 of the 2012 budget, a required form of the resolution by DCA. The numbers on Resolution 2012-5-2 reflect the amendment that was just passed. The budget as introduced plus the amendment make up the full 2012 budget. A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Gable** to adopt Resolution 2012-5-2. Motion carried on a Roll Call Vote, recorded as follows:

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

**RESOLUTION 2012-5-3**  
**RESOLUTION IN SUPPORT OF PHASED-IN FUNDING RESTORATION**

**WHEREAS**, taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and

**WHEREAS**, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

**WHEREAS**, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and

**WHEREAS**, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

**WHEREAS**, municipalities lost \$331 million in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding; and

**WHEREAS**, as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State's diversion of tax relief funding has overwhelmed local efforts to reduce property taxes; and

**WHEREAS**, S-1900, sponsored by Senators Paul Sarlo and Linda Greenstein, and A-2921, sponsored by Assemblyman Troy Singleton, would phase-in, over five years, the restoration of \$331 million in municipal property tax relief funding, and ensure that each municipality will be restored to the 2007 (SFY 2008) ETR/CMPTRA level.; and

**WHEREAS**, the sponsors recognize that the loss of those revenues has led to increased property taxes and has hampered local efforts to meet local needs; and

**WHEREAS**, the sponsors agree that the time has come to begin to restore to local budgets the millions that were cut to meet State needs in FY 2009, 2010 and 2011; and

**WHEREAS**, the restoration of \$66.2 million this year is a great first step, which should be easily manageable in a budget that is slated to grow to \$32.15 Billion in the coming year; and the restoration of \$331 million, in 20% increments, over five years will make a big difference in municipalities all around New Jersey; and

**WHEREAS**, the bill would apply the protection of the 'poison pill' to the SFY 2012 distribution of CMPTRA funding, which will prevent further shifts of CMPTRA funding; and which will help to further restrain the appetites of future State policy makers for these municipal property tax relief resources; now therefore be it

**NOW, THEREFORE, BE IT RESOLVED**, that the (governing body of name of municipality) salutes the sponsors for listening to the Mayors in their districts and all around New Jersey and for advancing this legislation; and be it further

**BE IT RESOLVED**, that we enthusiastically support S-1900/A-2921, together with any refinements that may be needed to account for any recent changes in the statutes governing local budgets in order to provide municipalities with appropriate budgetary flexibility; and be it finally

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be forwarded to Governor Chris Christie, Lieutenant Governor Kim Guadagno, Department of Community Affairs Acting Commissioner Richard Constable, our State Senator Dawn Marie Addiego, our State Assemblymen Christopher Brown and Scott Rudder, and to the New Jersey League of Municipalities.

**CFO Monzo** felt the above will probably not happen given the fact that the state is between 800 million and 1.2 billion depending on whether you listen to the Democrats or the Republicans in terms of their revenue collections this year. The Resolution is meant to open the dialogue between municipalities and the legislature to restore tax that has been taken from municipalities since the mid 1990's. Back in the 1990's, municipalities used to collect gross receipts and franchise taxes directly from the utilities. Then the state decided it would be easier if they collected it all, take some off the stop, and then send us the difference. Over the years, he felt they played a trick inasmuch as they decreased other state aid to the point where the net effect has been a decrease in aid for the towns receiving that money. The proposed bill could mean from \$300,000 to \$400,000 back for us.

A motion was offered by **Committeewoman DiGiuseppe** to support this bill by adoption of Resolution Number 2012-5-3. Motion second by **Committeeman Gable** and carried on a Roll Call Vote, recorded as follows:

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

**RESOLUTION 2012-5-4**  
**RESOLUTION AMENDING RESOLUTION 2010-8-10 FOR THE AUTHORIZING AN EXCHANGE OF CONSTRUCTION CODE SERVICES BY ADDING BORDENTOWN TOWNSHIP**

**WHEREAS**, NJAC 5:23-4.5 (j), Sets forth the circumstances under which a conflict of interest or an emergency would arise for municipal Construction Officials, Subcode Officials and Inspectors; and

**WHEREAS**, It is in the Township's best interest to have a plan in place which will provide for these services in the event a conflict of interest or an emergency arises; and

**WHEREAS**, by Resolution 2010-8-10 the Township of Mansfield authorized an exchange of construction code services with Pemberton Borough, Burlington Township, Springfield Township and Mt. Holly Township to exchange the services of their Construction Officials, Subcode Officials and Inspectors as needed to comply with NJAC 5:23-4.5 (j); and

**WHEREAS**, the Township of Mansfield would like to amend said list by adding Bordentown Township for the exchange of services of their Construction Officials, Subcode Official/ Inspectors on an as needed/emergency basis.

**NOW, THEREFORE BE IT RESOLVED**, by the Township of Mansfield, in the County of Burlington, State of New Jersey, as follows:

Section 1. The Mansfield Township Committee hereby authorizes the addition of Bordentown Township for the exchange of Construction Code Services to the already listed Pemberton Borough, Burlington Township, Springfield Township and Mt. Holly Township as outlined above.

Section 2. The Mayor, Clerk and other appropriate Township Officials are hereby authorized to execute the documents necessary to have the work performed in connection with the services outlined above.

Clerk Semus noted that the original resolution adopted in 2010 did not include Bordentown Township. Mr. Jones would like them to be included. A motion was offered by **Committeeman Gable** and second by **Committeeman Clark** to adopt Resolution 2012-5-4. Motion carried on a Roll Call Vote, recorded as follows:

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

**RESOLUTION 2012-5-5**  
**PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2012 BUDGET PURSUANT TO NJSA 40A:4087 (CHAPTER 159, P.L. 1948)**

**WHEREAS**, NJSA 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount.

**SECTION 1**

**NOW, THEREFORE BE IT RESOLVED** on this 23<sup>rd</sup> day of May, 2012, that the Township of Mansfield hereby requests the Director of the Division of Local Government Services to approve the

insertion of an item of revenue in the budget of the year 2012 in the sum of \$ 215,000.00 which item is now available as an additional revenue for the DOT Georgetown Rd Phase 2

**SECTION 2**

**BE IT FURTHER RESOLVED** that a like sum of \$ 215,000.00 be and the same is hereby appropriated under the caption of:

**Section 1 (a)**

DOT Georgetown Rd Phase 2

**CFO Monzo** said we were notified by the DOT that we received a grant for \$215,000 for Georgetown Road. This was not in the introduced budget. In order to award the contract this evening to the low bidder, this money has to be appropriated first. The resolution is a mechanism to allow us to do that.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeewoman DiGiuseppe** to approve Resolution 2012-5-5. Motion carried on a Roll Call Vote, recorded as follows:

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

**RESOLUTION 2012-5-6**

**RESOLUTION ACCEPTING THE PROPOSAL IN THE AMOUNT OF \$192,500 REPRESENTING THE BASE BID TO ASPHALT PAVING SYSTEMS FOR THE RECONSTRUCTION OF GEORGETOWN ROAD-CHESTERFIELD ROAD AND PETTICOAT BRIDGE ROAD, IN THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY**

**WHEREAS**, the Township of Mansfield had solicited proposals for the Reconstruction of Georgetown-Chesterfield Road and Petticoat Bridge Road; and

**WHEREAS**, the Township of Mansfield received one proposal in connection with same; and

**WHEREAS**, Asphalt Paving Systems is the lowest and only qualified bid received by the Municipality; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in that amount; and

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

1. The Township Committee hereby awards a Contract to Asphalt Paving Systems, for the Reconstruction of Georgetown-Chesterfield Road and Petticoat Bridge Road, in accordance with the Township's specifications and their proposal in the amount of \$192,500.00, representing the base bid; and
2. This award is made available through the following account:

02-286-54-000-272 - \$167,801.18  
04-215-20-081-960 - \$ 24,698.82

The Mayor and Township Clerk, as necessary, are hereby authorized to execute a Contract and any related documents necessary to effectuate this award in a form substantially the same as that included in the specifications.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Clark** to adopt Resolution 2012-5-5. Motion carried on a Roll Call Vote recorded as follows:

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

**BILL LIST**

**Committeewoman DiGiuseppe** referred to a bill from Apruzzese, McDermott, Mastro & Co. for legal services for the Titzel case for \$2,537.50. She has been asking for a contract to see against what we are paying this company and has not been able to get one. In 2011, we paid them over \$11,000. Thus far this year, we have paid them \$12,000. She said she cannot approve this payment without a contract. A yearly contract is necessary for professional services. **CFO Monzo** said, if we have not awarded a contract, we should do so. However, the case we are paying has been our labor negotiator in the past. We should award a contract for their services.

**Committeewoman DiGiuseppe** referred to the \$6,000 bill from Flynn's Towing. She believed that **Attorney Magee** has agreed that it will be removed from the bill list tonight. **Attorney Magee** said that we are going to pull it as we are seeking a waiver based upon the procedure that was given us today in order to pay above that which is permitted by statute which has already been collected. **CFO Monzo** said the bill would be offset by the revenue received from the sale of the vehicle. The statute has a daily limit for the cost of the storage of towed vehicle and it has a maximum. We have

exceeded the maximum. The law allows us to seek a waiver from the Director of Local Government Services to exceed that. The Township is going to do this formally by sending a letter to the Director asking for a waiver of that statute. This process will be initiated by the Chief immediately. The Flynn bill will be removed from the bill list. The Titzel bill can be either pulled or voted on. **Deputy Mayor** said this is the first time he heard an issue and he will not vote on it. He felt both should be removed from the bill list. **Attorney Magee** said a contract can be approved before the next meeting which means the bill can be on the next meeting agenda. If we get permission from the DCA, the Flynn's towing bill can be added next month.

A motion was offered by **Deputy Mayor Higgins** to amend the bill list. The motion was second by **Committeewoman DiGiuseppe** and carried.

A motion was offered by **Committeewoman DiGiuseppe** to pay the bills with the exception of the two as we just amended from the bill list. Motion second by **Deputy Mayor Higgins** and carried on a Roll Call Vote, recorded as follows:

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

**MINUTES: April 25, 2012**

A motion was offered by **Committeewoman DiGiuseppe** and second by **Deputy Mayor Higgins** to approve the minutes of April 24, 2012. Motion carried on a Roll Call Vote, recorded as follows:

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

**REPORTS: Clerk, Tax Collector, COAH, Zoning, Court, Construction, Ambulance, Finance, Police**

**Deputy Mayor Higgins** asked **Police Chief Mulhall** if the tickets were down 100 tickets in one month, from 579 to 472. **Chief Mulhall** said the 579 was a peak for them. He explained some reasons why there were changes from month to month. The normal month is in the 400's.

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

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

**DISCUSSION**

**a. Affordable Housing Fees (COAH)**

**Attorney Magee** explained that there are two pending bills, one where the state intends to take the COAH fees that municipalities have been holding in their COAH trust accounts to help them balance their budget. The municipalities are resisting this. At our June meeting, we intend to have Louis Glass Associates, our planner, prepare a spending plan along the lines to try to keep as much of those funds as possible. There are different criteria to hold onto the money, most significant is administrative costs. However, we are trying to be creative and hold onto as much as we can and let the state decide whether we go overboard. We intend to adopt a resolution at the June meeting because the legislation is slated to take effect in July. Recently legislation was introduced to extend that to 2017. However most municipalities have acted with a vengeance to address the legislation. **CFO Monzo** said that, if we don't have the money committed by July 12, the state is going to try to take it. He said he and **Attorney Magee** met with Harry McVey last week. During the last week, he went into the DCA accounting system and updated our COAH trust fund reporting. The balance as of December 31, 2011 agrees with the COAH report. There is about \$538,000 available in the trust fund and, if we don't pass a resolution to commit that money, the state will have the authority, under the tri-party agreement that was signed in 2003, to go into the account and take the money for their own use. If the money is committed, they won't take it. The Resolution should come before the Committee on the 27<sup>th</sup> of June after which it will be sent to COAH.

**b. Mansfield Tree Easement**

**Attorney Magee** said the township received almost \$800,000 from the turnpike reforestation agreement for replanting of trees for those that were lost during the road widening. We have an agreement with the county who funded the drawing plan in exchange for being able to put some of the trees on county property. The Turnpike Authority is allowing us to do this in the spring of 2013 as opposed to fall of 2012. They thought they would get a better selection in the spring. **Attorney Magee** asked for a copy of the exhibit so the committee can see what the impact is since they want to tie the reforestation agreement and

easement that they wanted from us for the trails which is off the community park and the Armstrong property out to Island Road. **Mayor Puglia** noted that we gave the elementary and high school a lot of our trees that we are entitled to. **Attorney Magee** said he will be reviewing the agreement and the attachment soon so we will be in the position to where we can execute it.

#### **c. Tax Appeals and Reassessment**

**Attorney Magee** said we had almost 350 appeals filed. Currently we have less than 15% of those stipulated or settled. We are attempting to settle a number of them. We have, currently two dates for trial at the County, June 12 and July 20. Additionally, the county has ordered us, based upon the volume of appeals and their opinion that we have reached a certain percent of market, a revaluation. We were initially supposed to complete it by September to take effect next year. We have requested an extension and this was granted. Now we are doing a reassessment or revaluation to be done in 2013 and take effect in 2014.

**CFO Monzo** said he spoke to the assessor today. Apparently we are under order to award a contract within 45 days for someone to do this. We did get quotes from a couple of companies. The same company that did it last time seems to be the most reasonable in terms of price. We are permitted to fund this by passing a special emergency appropriation which will allow us to award a contract in 2012 and begin to pay over a period of five years through the budget. The vendor will be selected at the June meeting if we go this way, to meet the 45 day deadline. The work will start as soon as possible through the middle of 2013. Then there is a period where the people can appeal their new assessment. When this is complete, the new assessment will go into effect in 2014. **Mr. Monzo** further explained the process of the reassessment.

**Mayor Puglia** noted that we did a revaluation 6 years ago and everything went up. When we do one now, everything will probably go down. It was noted how the market has turned around. **Deputy Mayor** felt that all of this is painful in the long run but it will benefit all of the taxpayers. Unless everyone appeals, everyone is not treated equal. A revaluation or reassessment will make everyone equal. **CFO Monzo** stated that if all 350 appeals are successful with reductions, the other residents will have to pay the difference. The only way it would be fair would be every home in the township to file an appeal.

#### **d. Code Book Inserts**

**Clerk Semus** asked for permission to avoid having to put the supplements into the code books. Our code book is on line and we are up-to-date since, as an ordinance is adopted and added to the website, it is put into our code book as well whether we codify at that point. She said she is trying to save some money since it is so expensive. She spoke to the Land Use Coordinator who agrees. We usually put our 50 extra inserts for all of the books. Either they aren't utilized or are books that are in storage. It is a costly expense to the Township. **Clerk Semus** was looking to do away with the physical code book and just have everyone utilize the website. Everyone agreed to this suggestion. **Clerk Semus** further explained that she and the Land Use Coordinator will receive the code pages.

#### **e. Property Maintenance Issues**

**Doug Borgstrom, Property Maintenance Official**, felt the property maintenance needs some adjusting since there is a lot of time wasted with repeat offenders such as cutting grass. There is no penalty clause to give this some teeth. He asked to speak with **Attorney Magee** to come up with ideas and come up with some changes. **Mr. Borgstrom** also referred to about 18 vacant homes in the township that are unresponsive. Mail is not being received by the owners. He felt this was detrimental to the property values of the neighbors. One idea was to have a mechanism where a landscape contractor could bid on the ability to take care of a property in violation and have them lien the property. **CFO Monzo** said we can put a lien on a property for property maintenance and when it is time for a tax sale, that lien becomes tax sale eligible. If we had a funding source to pay for the lawn maintenance, we put the lien on the property. **Attorney Magee** said a lot of municipalities do this but there must be an initial funding source. The money to pay the landscapers needs to be addressed. **Attorney Magee** felt there should be provisions that these property owners are subject to a daily fine once the violation is not abated. **Mr. Borgstrom** said he would like to work with **Attorney Magee** to come up with a schedule. Some residents who complain feel the township is not taking action which is not accurate. **Deputy Mayor Higgins** said he has been told by taxpayers that Doug is doing a great job. He would like the committee to authorize Doug to speak to **Mr. Magee** to come up with the tools necessary to enable him to do his job stronger.

#### **f. Island Road Property Rental**

**Mayor Puglia** said we have a property on Island Road that has been rented to a farmer. The farmer would like to rent it again this year. He felt we can get \$1,500. We do have to go out for bid. **CFO Monzo** felt it was below the limitations for bids and he questioned whether we had to go out to bid. He said a resolution could be adopted to authorize it to be rented after which a contract can be drawn up. **Clerk Semus** said she had received two other phone calls from people interested in renting the land. She was advised to call the other people and ask them how much they will pay and then let the higher offer would be awarded the bid. It had been rented before for \$3,000. **Committeewoman DiGiuseppe** said there is a statute that covers renting municipal land. **Attorney Magee** is to check on this with **Committeewoman DiGiuseppe**. **Clerk Semus** is to call other residents that may be interested.

#### **PUBLIC COMMENT**

Myra Dickert, 8 Allister Lane, questioned the bill on the bill list for sewer utility operating for Lynwood Farms. **CFO Monzo** explained that it a payment to the vendor, New Jersey American Water, for our costs for treating the affluent that comes from the Lynnwood Farms development. It is passed on to the residents as well as the other costs involved. He explained that the Lynnwood Farms residents pay accordance to their usage. Currently they pay \$30.00 for 1,000 gallons of usage and a quarterly flat rate fee

of \$30.00 per 1,000 of water used. **Deputy Mayor Higgins** further explained the sewer utility which has to be self liquidating so the costs associated with processing the sewerage has to be paid by the users. They are billed quarterly.

Mrs. Dickert asked what is happening with the Millennium building. **Mayor Puglia** explained we went out to bid to do the second phase for the municipal offices with the exception of the police which will be the third phase. The first phase was the Fire Company. The bid was awarded to the lowest qualified bidder, Fasolino who will start next Tuesday. **Committeewoman DiGiuseppe** noted a new roof had been installed so it is in good shape for the construction. Mrs. Dickert questioned the \$10,910.49 electric bill asking what period of time that covered. **CFO Monzo** offered to get her that information tomorrow. **Committeeman Gable** explained the entire building has electric and a sprinkler system. The heater is running in the whole facility.

Carl Makin, 4 Allister Lane, said there is a sink hole in front of this house. Although Hovnanian fixed the problem 3 or 4 years ago, he didn't fix it very well and it is getting worse. He called Hovnanian again who told him this would happen. However, it is worse. After calling Mr. Jones, he sprinkled some pebbles and told him that, if they don't go away, there is nothing wrong. Mr. Makin felt it is not right. **Mayor Puglia** explained what Jef Jones had done and will speak to him again. However, Mr. Makin called the township and was told that the engineer will be contacted. He will return the call. **Engineer Staszewski** explained that, when the letter was given to him, he spoke to Jef who addressed the sink hole with blend and it was to be monitored. He hasn't heard anything since then. If it requires him to inspect and, if directed by the Committee, he will do so. Mr. Makin said it is getting worse and the patch job from Hovnanian sinks. There is an underground stream and it has to be addressed or a trash truck, ambulance, or fire truck will go through it. He wants someone other than Mr. Jones to address it. **Mayor Puglia** said **Engineer Staszewski**, **Jef Jones** and **Committeeman Clark** should address this. **Deputy Mayor Higgins** felt we had a lot of rain and this would be a perfect time to see if the patch has worked.

**Susan Henry**, 28 Oaklynn Drive, asked for a definition of the deficit for 2911 as being \$7,275.46. **CFO Monzo** said it was from the fact that the revenues in 2011 did not meet our expected revenues. We budgeted \$35,000 as expected revenue and only collected \$27,700. We are required to raise the deficit in the following year's budget. Mrs. Henry asked if the New Jersey State Budget allows this. **CFO Monzo** explained that it requires it. Mrs. Henry questioned where it states that they can pass it on to the citizens. **CFO Monzo** said this was under the statute for deferred charges. He further explained that we spent more than we collected and, in order to recover that deficit, technically known as a deferred charge, we are required to raise it in the succeeding budget. She questioned whether there is a contract stating we owe them a certain amount of money. **CFO Monzo** explained that they are a tariff by the BPU and they bill us based on their treatment of the sewerage in Lynnwood Farms. Mrs. Henry said she had contacted the BPU who stated that there is no control over what the township can charge the residents. **CFO Monzo** explained that there are four major expenses for this neighborhood: New Jersey American Water whom we have no control over what we pay them, an operator who manages the system, and the cost of the electricity. All those expenses are about \$35,000. We set rates in 2011 to hopefully generate \$35,000 based on what we thought the usage would be based on the readings we've been taking for several years that we had not passed along to the residents of Lynnwood Farms. When we got the readings for 2011 and what the people actually paid us because not everyone paid their bill on time, we collected \$27, 702.88. That is about \$8,000 less than what we thought. But, we still had the same expenses. The \$8,000 had to be added to this year's budget. This resulted in changing the rates from \$20 to \$30 to recover the deficit and now meet what we know as our annual expenses of around \$35,000. We have less than 40 users for a system that costs us about \$35,000 a year to operate. It is a little less than \$1,000 a year, on average, annually, some being more and some being less.

**Mrs. Henry** questioned Homestead utility and Four Seasons. **Committeewoman DiGiuseppe** said she pays a flat rate of \$1,200 for sewer only. **CFO Monzo** said he will, in Country Walk, pay his sewer bill based on his water usage, the same way the residents of Lynnwood Farm do. Mrs. Henry said she finds it hard to believe that, in this town, she has to pay over \$1,600 for sewer. She felt this is ludicrous. **CFO Monzo** explained it is based on water usage and the more you use, the bigger the cost. **Committeewoman DiGiuseppe** asked if she voluntarily hooked up. She said she did not, she was never asked if she had a septic problem. She said it was just created. **Mayor Puglia** said she didn't have to hook up and, in fact, some people haven't hooked up. However, it was worded that, when the property is sold, they would have to hook up. This would cost \$10,000. Mrs. Henry questioned the special assessment. **Deputy Mayor Higgins** explained this assessment of \$10,000 was based on the increased value of the home. The actual construction project cost much more than the township was allowed to assess. This was absorbed by the rest of the township. **CFO Monzo** noted that there are 31 users connected to the system. There is an excess of 40 homes in the development. Those who are not hooked up do not pay the special assessment. The special assessment is to be paid off within 10 years.

**Committeewoman DiGiuseppe** explained that the issue the resident should be aware of is the budget deficit. The system is supposed to be self sufficient. The users are to pay for what they use. There was a deficit of \$90,000 in the budget which is caused by the sewer system over the next 5 years. The residents should know this.

Mrs. Henry stated that, at a prior meeting, she remembered being told that there would be no back billing. However the township still has the obligation to recover costs that were incurred by the general taxpayers on this system. **CFO Monzo** said this could have been a misstatement and further explained that there were several years when the township, at large, was paying for the cost of the operation of the plant. The residents were not being billed for a number of reasons. The end results were we had to bill the

residents which started in 2011. In the mean time, we had costs we were incurring, about \$90,000 for 2 to 3 years. The auditors required the costs for Lynnwood Farms to belong in the utility, not the general budget where the entire township is paying. The 2011 audit would show a deferred charge on the sewer utility balance sheet of about \$90,000. That deferred charge is required to be raise in the next year's budget, either by the utility itself or by the current fund giving the money to the utility to cover the deficit. This amount could not be recovered in the municipal budget in one year. He asked the DCA if they would allow us to raise the \$90,000 over three to five years. They denied his request. The DCA said we are required to raise it in the next succeeding year, either in the utility itself by raising the rates or in the current fund which would pay the money to the sewer utility. That is what the township decided and why there is a budget amendment on tonight's agenda. The \$90,000 will be recovered by the rate users of Lynnwood Farms over the next 5 years. If our expected revenue this year based on what we collected last year and the increase from \$20 to \$30, we expect to collect about \$40,000 a year if the usage meets the estimates. We will look at it again to see if the rate needs to be adjusted. The Township Committee has made it clear that the taxpayers in general will not support that \$90,000 and it will be borne by Lynnwood Farms.,

Mrs. Henry referred to Resolution 2012-3-20 that any and all appeals regarding the sewer billing must be in writing. She asked if she had any recourse to appeal any of this or does she have to say thank you and pay her bill. **Attorney Magee** told her to consult with another attorney as he will not give her legal advice.

Mrs. Henry felt the sewerage authority was built without a plan and it was put in quickly. She wanted it on record that, as she stands in front of them, this whole project was done without a true plan and forethought because of the way is progressed and she feels that, as a citizen of this township, they are not representing them at Lynnwood Farms. They are taking a beating on this. She is very upset they have to pay a sewerage bill of \$1,600 a year. It will far exceed Homestead and Country Walk because it was done without a play and the citizens have to pay the fees.

She asked if the stores and office building have any impact on the sewers. She was told they are on septic, the plant has only a certain capacity. In addition they are not in the sewer area.

Mrs. Henry questioned the Petticoat Bridge expansion. She was told there is a meeting on June 26 for our amendment before the DEP. This is an amendment to increase certain areas in the township to permit sewers. **CFO Monzo** explained that, f this happens and there are more properties hooked up to a sewer utility operated by the Township, then the volume of users would be bigger. That will require us to build a sewer plant. We have an outstanding bond ordinance that hasn't been funded yet for \$5.25 million dollars waiting for us to spend pending state approval of the 208 plan.

Mrs. Henry asked if there is an appeal process. **Attorney Magee** said appeals must be made within 30 days of the receipt of a bill.

**Deputy Mayor Higgins** said that, if people do not pay their sewer bill, their property will be included in the tax sale. **CFO Monzo** explained that if someone pays the bill for the homeowner, the person would have a third party lien against the property. They can charge up to 18% to recover their money. If it goes for two years without being paid back, they can foreclose on the property. He will get Mrs. Henry the statute tomorrow. Mrs. Henry asked for the operator costs also.

Mrs. Henry thanked the committee for listening.

Richard Archer asked the Committee for help in getting an ambulance remounted. This will cost approximately \$75,000, **CFO Monzo** said that, if the committee wants to pursue this, they would have to pay a capital ordinance to appropriate the cost of this at their next meeting. A special meeting will be needed to introduce or adopt. We can go out to bid during the ordinance process so that, when we accept the bids, we will have the funding in place by the end of July. It was agreed that there will be a special meeting to introduce the ordinance. **CFO Monzo** said he will notify the bond counsel. He said he will dot he timing so we can award the bid when the ordinance if effective.

Mr. Archer told the Committee that we do have keys for the generator. The electrician came out last week with Jef Jones and the electrical inspector who did another inspection. The contractor who did the electrical work had the keys. Mr. Archer has one at the ambulance building and Jef Jones has the other. In addition, the area that needed re-seeding was addressed. No manuals had been received for the transfer switch in the building. **Engineer Staszewski** explained that the manuals were incomplete when they were submitted and they were rejected and sent back to the contractor to resubmit.

Joe Clorey, 1 Windmill Court, questioned **Deputy Mayor Higgins** why he was so concerned about the decrease in traffic tickets. **Deputy Mayor Higgins** explained that traffic tickets are a source of revenue for the township and, over the last three years, they have gone down about 30% a year. Mr. Clorey if this is putting a quota on the police department. **Deputy Mayor Higgins** felt it was not a quota, he was asking why it went down. Mr. Clorey felt that quotas are dangerous. **Deputy Mayor Higgins** felt this is a big decrease. Mr. Clorey felt it was his perception, from sitting in the audience, that we are asking the Chief to increase motor vehicle summons. **Deputy Mayor Higgins** said the police department is receptive to people in the township. We do have a lot of main roads, including 295, 206 and 68. People do speed on these roads. **Deputy Mayor Higgins** felt there was a big reduction in the number of tickets and he just asked a question. **CFO Monzo** said he did not believe **Deputy Mayor Higgins** asked the Police Chief to write more tickets. He is an elected official of the community and it is his responsibility to look out for the revenues and expenses of the town.

With no further comments, the public hearing was closed.

**Deputy Mayor Higgins** wished all a nice Memorial Day and he hopes to see everyone at the next meeting.

**Committeewoman DiGiuseppe** questioned whether letters are going to the professionals. **CFO Monzo** said the letter is going out on Monday. She thanked all for coming and wished a nice Memorial Day.

**Mayor Puglia** wished everyone a happy and healthy Memorial Day.

**MOTION FOR ADJOURNMENT**

A motion was offered by **Committeewoman DiGiuseppe** and second by **Committeeman Gable** to adjourn.

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

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Approved: June 27, 2012