

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY
MEETING MINUTES
November 9, 2011
Executive Session
6:00 PM**

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

Mayor Puglia called the meeting to order followed by the following opening statement.

Public notice of this meeting pursuant to the Open Public Meetings Act NJSA 10:4-6 to 10:4-21 has been satisfied. Notice of this meeting was properly given in the annual notice, which was adopted by the Mansfield Township Committee on January 3, 2011. Said Resolution was transmitted to the Burlington County Times and the Trenton Times, filed with the Clerk of the Township of Mansfield, posted on the official bulletin board at the Municipal Complex, filed with the members of this body and mailed to each person who has prepaid any charge fixed for such service. All of the mailing, posting, and filing having been accomplished as of January 7, 2011.

A motion was offered by **Committeeman Gable** and second by **Committeeman Clark** to go into executive session by adoption of the following Resolution. Motion carried.

**RESOLUTION 2011-11-1
RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION**

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

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

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

1. The public shall be excluded from discussion of, action on and reviewing the Minutes of the hereinafter specified matters.
2. The general nature of the subject matter to be discussed is as follows: personnel and on-going litigations, specifically pending and potential litigation, personnel, and ongoing contract negotiations.
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, Committeewoman Janice DiGiuseppe, Committeeman Fred Clark, CFO Joseph Monzo, Engineer Tim Stazewski, Attorney Michael Magee, Clerk Linda Semus and Deputy Clerk Barbara Crammer.**

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

Attorney Magee explained that matters discussed in executive session were pending and potential litigation, personnel, and ongoing contract negotiations.

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

BILL LIST: Regular and Escrow

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

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

ENGINEER'S REPORT

Engineer Staszewski said that **Engineer Faiola** spoke with the DEP about the events which have happened in the past. He was told that the plan is to move forward. The DEP representative said he will try to facilitate the final approval of the plan. We should have heard back today but didn't. Hopefully, we will hear back by the end of the week.

Engineer Staszewski spoke with Jef Jones about the sink holes in Four Seasons. Jef had addressed some of the sink holes and stabilized them. There are two or three more to address this past week. **Committeewoman DiGiuseppe** said Jef addressed one in the street. There were three more behind the curb in the grass. **Engineer Staszewski** is to follow up with Jef to make sure they are done.

Engineer Staszewski said they are pursuing quotes for handicapped ramp installation at the Villages plus any trip hazards that might cause a concern for safety. He sent an e'mail to Rich Tarantino, Villages Association President, to let him know how we are moving forward. Mr. Tarantino said he was concerned about the amount of work they are putting out for bid. He spoke of the items which need repair which was not reflected in the Engineer's report. **Engineer Staszewski** said he may have misrepresented the intent of the e'mail and he will revisit the communication to verify the scope. Mr. Tarantino felt he and his engineer should be satisfied.

Deputy Mayor Higgins questioned when the work will be done and was told by **Engineer Staszewski** that he didn't have a schedule for it yet but will provide one by the end of the week.

Mr. Jobanputra, 32 Belmont Circle, Legends Lane, said his neighborhood is in disrepair. However, they have been receiving correspondence relating to a new builder. The current residents have been asked to give the new builder access to the development to do Phase II. Mr. Jobanputra asked if the original plans are in concrete as they want to make sure it stays within the original zoning and the type of neighborhood they expected.

Attorney Magee said he was recently involved with the group of investors who went to the lien holder and made a deal to release certain lots. Initially, it was going to be the remainder of Phase I. We impressed upon them to take Phase II as well because the Township has a tax lien close to \$272,000. We were successful in having the court add those lots to that which was released by the lien holder. Therefore, presently the new owners own everything subject to paying off Township fees. However, we've been told they have had meetings with residents about how they will finish the project. They are looking at building homes which are not as large as the existing. The zoning has not changed, with a minimum of one acre lots. Mr. Jobanputra questioned whether there were certain sized homes approve. **Attorney Magee** said he was not familiar with any deed restrictions and they could build any size home which has to be a single family dwelling. A lot depends on the market.

Kul Phogat, 15 Legends Lane, felt the homes would all be similar sized. **Attorney Magee** said that, if the builder wants to modify the original approval, they would have to go back to the Planning Board. Phase II has preliminary approval with the condition that additional land would be acquired. Any changes would have to be addressed by the Planning Board at which time homeowners within 200 feet would have to be notified. If individual lots are sold, they would have to have a minimum footprint. Rarely do developers build the homes themselves. Unless there is a restriction, there is no way that anyone can dictate the size of the house. Mr. Phogat wants the future homes to be similar sized homes. **Attorney Magee** said the Committee is sympathetic to the homeowners but there is nothing they can do in terms of the situation.

Mr. Jobanputra questioned how much is left in the bond. He was told to ask the Land Use Secretary. He then asked what the bond money would be used for. **Attorney Magee** explained the performance bond and partial releases which can be made after certain work is accomplished such as sidewalks, curbs, trees, lighting, roads, drainage, etc. After the performance bond is released, a maintenance bond is posted for a two year

CFO Monzo explained that we are permitted to transfer between accounts after November 1st to obtain additional funds to meet our obligations through the end of the year. He noted that a transfer is being made into salary and wage line item because, when we adopted our budget, the State of New Jersey certified our budget that we were going to get \$26,000 from the Safe and Secure Grant but we actually received about \$12,000. The budget was certified with an incorrect number. Therefore, money has to be transferred into the police item.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeewoman DiGiuseppe** to adopt Resolution 2011-11-2. Motion carried on a Roll Call Vote, recorded as follows:

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

RESOLUTION 2011-11-3
RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN
THE 2011 BUDGET PURSUANT TO NJSA 4A: 4-87
(CHAPTER 159, P.L. 1948)

WHEREAS, N. J. 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 9th day of November, 2011, 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 2011 in the sum of \$ 1,522.49 which item is now available as an additional revenue for the Mansfield Township Police from the Department of Justice

SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 1,522.49 be and the same is hereby appropriated under the caption of:

Section 1 (a)

Police- Body Armor Replacement \$ 1,522.49

Providing for the Insertion of a Special Item of Revenue in the 2011 Budget Pursuant to N.J.S. 40A:4-87 (Chapter 159, P. L. 1948)

WHEREAS, N. J. 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 9th day of November, 2011, 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 2011 in the sum of \$ 1,522.49 which item is now available as an additional revenue for the Mansfield Township Police from the Department of Justice

SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 1,522.49 be and the same is hereby appropriated under the caption of:

Section 1 (a)

Police- Body Armor Replacement \$ 1,522.49

CFO Monzo explained we have received grants from the State of New Jersey during the year operating on a July 1 to July 30 budget year. We generally adopt our budget prior to the grants. Therefore, when we do receive the grant, we have to amend our budget in order for the departments to spend the money. This was a grant from the Police Department for replacement body armor.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Gable** to adopt Resolution 2011-11-3. Motion carried on a Roll Call Vote, recorded as follows:

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

RESOLUTION 2011-11-4

RESOLUTION TO APPROVE CONDITIONAL FARMLAND PRESERVATION APPLICATION

WHEREAS, the Township of Mansfield is committed to preserving, to the extent possible, including availability of funds, farmland within the Township for the benefit of its citizens of the Township of Mansfield, as well as, the County of Burlington and State of New Jersey; and

WHEREAS, the Burlington County Agricultural Development Board, in proceeding with its preservation of the following farm: Ditulio Farm, Block 6.01, Lot 6.01, through the Farmland Preservation Purchase Program, has requested Mansfield Township’s endorsement; and

WHEREAS, at this time the Township of Mansfield cannot commit to providing the fifteen (15%) percent municipal cost share, and in conditionally approving this application makes no financial commitment as required pursuant to N.J.S.A. 13:8C et seq.; and

WHEREAS, at this time representations have been made by the Burlington County Agricultural Department, that federal grants are available to secure the necessary funding for the acquisition of the Ditulio farm; and

WHEREAS, the Burlington County Agricultural Department has confirmed that Mansfield Township’s conditional endorsement will not financially obligate Mansfield Township through the municipal cost share; and

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

The Township of Mansfield hereby grants conditional approval for the application for farmland preservation of the Ditulio farm located at Block 6.01, Lot 6.01 in the Township of Mansfield, County of Burlington; and

NOW, THEREFORE BE IT FURTHER RESOLVED that the Township of Mansfield through this conditional resolution in no way committing to any financial obligation including the fifteen (15%) percent municipal cost share as referenced in New Jersey Statutes.

NOW, THEREFORE, BE IT FURTHER RESOLVED that any funds required outside of the federal grant will be secured from sources other than Mansfield Township.

Mayor Puglia referred to **Deputy Mayor Higgins’** concern that, if we approve this, we would still be responsible. **Attorney Magee** said he made it clear that we had no money and our endorsement does not obligate us. **Mayor Puglia** explained the county received the money from the Federal Government for the Durr farm. **Mayor Higgins** felt we should get in writing that we are not responsible for the payment. **Committeeman DiGiuseppe** agreed. **Attorney Magee** will talk to the County.

This resolution was held.

RESOLUTION 2011-11-5

CLOSING ESCROW ACCOUNTS AND RELEASING REMAINING ESCROW FUNDS

WHEREAS, escrow deposits have been received for applications before the Mansfield Township Planning Board, and

WHEREAS, professional charges have been made against the individual application, and

WHEREAS, it has been determined that release of such remaining escrow monies would be appropriate.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield that the following escrow monies be released to the following:

<u>Name of Applicant</u>	<u>Total Due</u>
Helen E. Campbell, VMD	\$ 181.75
John Cuniglio	\$ 859.50
CRJ Construction Corp	\$ 819.93
Bart DiGirolamo	\$ 380.00
Lorraine Gary	\$ 221.00
Frank Horner	\$ 307.50
Devlin McConagly	\$ 944.00
Alan Meeh	\$ 195.00
Angelo Olivieri	\$ 498.25
Arthur Puglia	\$3,250.91
Ernie Toth	\$ 35.25
David Visalli	\$ 27.75
Stacey Williams	\$ 382.00

Committeewoman DiGiuseppe questioned if these are from the Planning and Zoning Board accounts. **CFO Monzo** explained that the Land Use Secretary had checked with the Professionals to make sure there were no outstanding invoices related to the individual applications. **Committeewoman DiGiuseppe** asked if there were time frames wherein the money should be returned. **CFO Monzo** said he felt there is nothing specific about time frames although the Land Use Coordinator could be contacted but usually the applicant requests the return of funds. **Attorney Magee** added that there is nothing in the Land Use Law regarding a time frame.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Clark** to adopt Resolution 2011-11-5. Motion carried on a Roll Call Vote, recorded as follows:

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

**RESOLUTION 2011-11-6
REDEMPTION OF TAX LIEN**

WHEREAS, at the Mansfield Township Tax Sale held on October 5, 2011, a lien was sold on Block 40, Lot 24, also known as 1164 Jacksonville Road, for 2010 delinquent taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate # 11-00008 was sold to FNA Jersey BOI, LLC, in the amount of \$10,766.00, with a premium paid of \$19,000.00; and,

WHEREAS, Gerald Masgai, Sr, owner, has effected redemption of Certificate # 11-00008.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, authorizes that a check be issued on to FNA Jersey BOI, LLC, for the redemption of this lien.

Lien Holder	Lien #	Amount
FNA Jersey BOI, LLC	11-00008	\$30,423.96

A motion was offered by **Deputy Mayor Higgins** and second by **Committeewoman DiGiuseppe** to adopt Resolution 2011-11-6. Motion carried on a Roll Call Vote, recorded as follows:

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

**RESOLUTION 2011-11-7
APPOINTMENT OF ON-CALL, AS NEEDED, TEMPORARY SUBSTITUTE
SANITATION/RECYCLING/PUBLIC WORKS EMPLOYEE,
JEFFREY A. DELIA**

WHEREAS, it is in the best interest of the Township to establish an on-call, as needed, temporary substitute employee list for the Township's Sanitation Department and to efficiently and economically cover the needs of the Township; and,

WHEREAS, Jeffrey A. Delia has been interviewed by the Township Superintendent, and has been found to meet the qualifications for said positions; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey at their Regular Meeting held November 9, 2011 at 7:30 pm at the Municipal Complex, that Jeffrey A. Delia be appointed as an on-call, as needed temporary substitute Sanitation/Recycling/Public Works Employee for an hourly rate of \$15.00, with no benefits, effective September 20, 2011.

A motion was offered by **Committeeman Gable** and second by **Committeeman Clark** to adopt Resolution 2011-11-7. Motion carried on a Roll Call Vote, recorded as follows:

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

**RESOLUTION 2011-11-8
A RESOLUTION APPOINTING A PART-TIME ADMINISTRATIVE ASSISTANT FOR THE
MUNICIPAL CLERK'S OFFIICE**

WHEREAS, the Mansfield Township Municipal Clerk's Office is in need of part-time Administrative Assistant employee at this point in time; and

WHEREAS, an application for said position was received from **Deborah Echt**; and

WHEREAS, **Deborah Echt** was interviewed and found to meet the qualifications that best meets the needs of the department.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey at their regular meeting held on November 9, 2011 at the Municipal Complex at 7:30 PM that **Deborah Echt** is hereby appointed as a part time Administrative Assistant employee at the rate of \$14.42 per hour, effective October 31, 2011, with no benefits and holidays, and not to exceed 20 hours per week.

A motion was offered by **Committeewoman DiGiuseppe** and second by **Committeeman Clark** to adopt Resolution 2011-11-8. Motion carried on a Roll Call Vote, recorded as follows:

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

A motion was offered by **Committeewoman DiGiuseppe** and second by **Committeeman Clark** to adopt Resolution 2011-11-8. Motion carried on a Roll Call Vote, recorded as follows:

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

RESOLUTION 2011-11-9
ESTABLISHING GUIDELINES FOR TOWNSHIP OFFICIALS IN THE USE OF
ELECTRONIC COMMUNICATIONS IN COMPLIANCE WITH
THE OPEN PUBLIC MEETINGS ACT

WHEREAS, the Prosecutor of Burlington County has forwarded a memorandum to all Burlington County Municipal Governing Bodies relative to the use of electronic e-mails to discuss municipal business; and

WHEREAS, the Prosecutor of Burlington County has directed that each municipality develop written guidelines in order that there be compliance with the Open Public Meetings Act.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, that the Members of the Governing Body adhere to the following guidelines relative to electronic mail communications:

1. E-mail communications should, as far as practicable, not include an effective majority of the Governing Body (three or more members) and should never include an effective majority of the Governing Body where discussion of information related to the business of the Township is involved.

2. Where e-mail communications do include an effective majority of the Governing Body, such communication should not include any request for response. In fact, any e-mail communication should indicate that there should be no e-mail reply or other responsive communication.

3. In the rare instance where a response to an e-mail is necessary, such response must not involve any decision-making or deliberative function of the Governing Body or otherwise address public business as contemplated by the Open Public Meetings Act. Further, the response shall not be made to the entire list of e-mail addressees to avoid even the appearance of impropriety. Utilizing a third party, such as the Municipal Clerk, does not change the requirements of the Open Public Meetings Act.

4. "Rolling" e-mail conversations must also be avoided. A "rolling" e-mail occurs when one (1) member of the Governing Body or a third party contacts other members by e-mail individually to successively discuss or gain opinions on an item of Township business. This would apply to other forms of electronic communications as well. However, communications between less than an effective majority of the Governing Body (two members or less) do not violate the Open Public Meetings Act provided the dialogue does not become a "rolling" discussion that ends up including an effective majority of the Governing Body.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Memorandum from the Prosecutor should be forwarded to the Planning and Zoning Boards of the Township of Mansfield in order that they might establish similar guidelines for their respective Boards with respect to the conduct of their public business in compliance with the Open Public Meetings Act.

A motion was offered by **Committeewoman DiGiuseppe** and second by **Deputy Mayor Higgins** to adopt Resolution 2011-11-9. Motion carried on a Roll Call Vote, recorded as follows:

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

AGENDA AMENDMENT

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

A motion was offered by **Deputy Mayor Higgins** and second by **Committeewoman DiGiuseppe** to adopt Resolution 2011-11-10. Motion carried on a Roll Call Vote, recorded as follows:

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

RESOLUTION 2011-11-10
RESOLUTION ACCEPTING THE BID OF \$337,000.00 BASE BID ALONG WITH ALTERNATE
#1 DEDUCT (1"isoocyanurate insulation) (minus) -\$7,500.00 AND ALTERNATE #3 ADD (skylight
closure) FOR \$10,000.00 FOR A TOTAL CONTRACT AMOUNT OF \$339,500.00 FROM USA
GENERAL CONTRACTORS OF ELIZABETH, NEW JERSEY FOR THE CONSTRUCTION OF
THE ROOF REPLACEMENT PROJECT AT THE NEW MANSFIELD TOWNSHIP MUNICIPAL
BUILDING

WHEREAS, the Township has solicited bids for the construction of a training facility in the Township; and

WHEREAS, bids were received and opened on November 4, 2011, with the lowest qualified bidder, and the only bid below the budgeted amount, being that of ISA General Contractors of Elizabeth, New Jersey, in the base amount of \$337,000.00 along with Alternate #1 Deduct (1" isocyanurate insulation) (minus) -\$7,500.00 and Alternate #3 Add (skylight closure) for \$10,000.00 for a total contract amount of \$339,500.00; and

WHEREAS, the bid has been reviewed and is in compliance with the specifications and bidding requirements and has the endorsement of ARMM Associates, Inc.; 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 USA General Contractors for the roof replacement project at the new Mansfield Township Municipal Complex in accordance with the Township's specifications and their proposals for the total amount of \$339,500.00; and

2. This award is made available through the following accounts:

0421519950812	3,052.53
0421519992812	7,243.00
0421520011812	7,012.43
0421520020812	2,500.00
0421520022812	45,738.11
0421520070812	19,527.86
0421520071812	85,425.48
0421520051810	169,000.59
TOTAL	\$339,500.00

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

AGENDA AMENDMENT

A motion was offered by **Deputy Mayor Higgins** and second by **Committeewoman DiGiuseppe** to amend the agenda to include the following Resolution. Motion carried.

RESOLUTION 2011-11-11

RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF SPRINGFIELD AND THE TOWNSHIP OF MANSFIELD FOR MUNICIPAL COURT FACILITIES AND PERSONNEL

WHEREAS, both Mansfield Township and Springfield Township, adjacent municipalities, desire to save costs and provide efficient services to their respective citizens; and

WHEREAS, both Mansfield Township and Springfield township feel it is beneficial to engage in a shared services within the Court System; and

WHEREAS, a shared service agreement was prepared and both Mansfield and Springfield have consented to all the terms and conditions as set forth therein (copy attached); and

WHEREAS, Mansfield Township shall provide full and complete Municipal Court facilities and services as may be required by the Administrative Office of the Courts or the Assignment Judge of Burlington County; and

WHEREAS, said term of the Shared Services Agreement will be for a five (5) year period;

NOW, THEREFORE, BE IT RESOLVED that said combining of the court system will be subject to the formal execution of said Agreement by the Mayor and Municipal Clerk for both Townships and the final approval by the Administrative Office Of the Courts and the Assignment Judge of Burlington County; and

BE IT RESOLVED that the Mayor and Municipal Clerk for the Township of Mansfield, County of Burlington and state of New Jersey are hereby authorized to execute the agreement between the Township of Mansfield and the Township of Springfield.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Gable** to adopt Resolution 2011-11-11. Motion carried on a Roll Call Vote, recorded as follows:

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

ORDINANCES

ORDINANCE 2011-12

AN ORDINANCE HEREBY AMENDING AND SUPPLEMENTING CHAPTER 24 OF THE CODE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40:48-2.62 indicates that it is the responsibility of every municipality to investigate and prosecute complaints related to clothing donation bins placed within its jurisdiction; and

WHEREAS, in order to carry out this responsibility, a municipality must adopt an ordinance setting forth the duties and responsibilities of persons and/or entities utilizing clothing donation bins, including

provisions related to fees and penalties associated with such use; and

WHEREAS, the Township Committee believes that it is in the best interest of the residents of the Township of Mansfield to adopt an ordinance for the administration and regulation of clothing donation bins in order to protect the health, safety and welfare of the citizens of Township of Mansfield;

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

The Code of the Township of Mansfield shall be and is hereby amended and supplemented as follows, with the addition of the following:

Chapter 24

HAWKERS, PEDDLERS, SOLICITORS AND CANVASSERS

ARTICLE I. DEFINITIONS

§. 24-2 Definitions.

Clothing Donation Bin means any receptacle or container made of metal, steel, or other material designed or intended for the collection and temporary storage of donated clothing or other materials.

Solicit or Solicitation means the request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind or value. Solicitation shall include, but not be limited to, the use or employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value. A solicitation shall take place whether or not the person making the solicitation receives any contribution.

§24-3 CLOTHING DONATION BINS

A. Permit required.

No person or entity shall place, use, or employ a clothing donation bin within the Township of Mansfield for solicitation purposes unless the organization placing, using or employing the clothing donation bin has obtained a permit for a period of one (1) year issued by the Township Clerk.

B. Annual permit fee.

The annual permit fee is twenty-five (\$25.) dollars per bin and will be used to offset the costs involved in enforcing this article.

C. Application requirements.

The application for obtaining a permit shall include:

- (1) The location where the bin would be situated, as precisely as possible;
- (2) The manner in which the person or entity anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;
- (3) The name and telephone number of the bona fide office of any person or entity which may share or profit from any clothing or other donations collected via the bin, at which such person or entity can be reached during normal business hours. For the purposes of this article, an answering machine or service unrelated to the person or entity does not constitute a bona fide office; and
- (4) Written consent from the property owner to place the bin on their property.

§24-4 Renewal application requirements.

In addition to the initial application requirements, renewal applications must include:

- A.** A statement on the manner in which the applicant has used, sold, or dispersed any clothing or other donation collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the applicant anticipates it may make in this process during the period covered by the renewal;
- B.** The name and telephone number of the bona fide office of any person or entity which shared or profited from any clothing or other donations collected via the bin, and of any persons or entities which may do so during the period covered by the renewal; and
- C.** If the location of the bin is to be moved, the new location where the bin is to be situated, as precisely as possible and written consent from the property owner of the new location.

§. 24-5 Placement of bins; maintenance.

- A.** Mansfield Township shall not grant an application for a permit to place, use, or employ a clothing donation bin if it determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a clothing donation bin within one hundred (100) yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases; or the placement of a bin where it interferes with vehicular or pedestrian circulation.
- B.** The person or entity placing, using or employing a clothing donation bin shall maintain the bin and the area surrounding the bin such that there shall be no accumulation of clothing or other donations outside the bin.

§24-6. Display of permit.

The following information shall be clearly and conspicuously displayed on the exterior of the clothing donation bin:

- A.** The permit number and its date of expiration, stating that a copy of the permit application is on file with the Township Clerk;
- B.** The name and address of the person or entity placing, using or employing the bin, and of any other person or entity which may share or profit from any clothing or other donations collected via the bin; and
- C.** The telephone number of the bona fide office of the person or entity placing, using or employing the bin, and, if applicable, the telephone number of the bona fide office of any other person or entity which may share or profit from any clothing or other donations collected via the bin. For the purposes of this subsection, an answering machine or service unrelated to the person or entity does not constitute a bona fide office.

§24-7 Receipt and investigation of complaints.

- A.** The Zoning Officer shall receive and investigate, within thirty (30) days, any complaints from the public about a clothing donation bin. Whenever it appears to the Zoning Officer that a person or entity has engaged or is engaging in any act or practice in violation of this article, the person or entity placing, using

or employing the bin shall be issued a warning, stating that if the violation is not rectified, or a hearing with the Township Committee is not requested, within forty-five (45) days, the bin will be seized or removed at the expense of the person or entity placing, using or employing the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person or entity placing, using or employing the bin, such warning shall be affixed to the exterior of the bin itself.

B. In the event that the person or entity placing, using or employing the bin does not rectify the violation or request a hearing within forty-five (45) days of the posting of the warning, Mansfield Township may seize the bin, remove it, or have it removed, at the expense of the person or entity placing, using or employing the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the Chief Financial Officer of the Township, to be used for general municipal purposes.

C. In the event that the person or entity placing, using or employing the bin requests a hearing, the Township Committee shall hold such hearing within thirty (30) days of the request. If the violation is found to be substantiated, the Township Committee may order that the clothing donation bin be seized or removed, at the expense of the person or entity placing, using or employing the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the Chief Financial Officer of the Township, to be used for general municipal purposes.

§. 24-8 Additional penalties, remedies.

In addition to any other penalties or remedies authorized by the this article or the laws of this state, any person or entity who violates any provision of this article or the provisions of N.J.S.A. 40:48-2.60, et seq., which results in seizure of the clothing donation bin shall be:

A. Subject to a penalty of up to twenty thousand (\$20,000.) dollars for each violation. The Township may bring this action in the Mansfield Township Municipal Court or the Superior Court of New Jersey as a summary proceeding under the Penalty Enforcement Law of 1999, (N.J.S.A. 2A:58-10 et seq.), and any penalty monies collected shall be paid to the Chief Financial Officer of the Township, to be used for general municipal purposes; and

B. Deemed ineligible to place, use, or employ a clothing donation bin for solicitation purposes pursuant to this article and N.J.S.A. 40:48-2.61. A person or entity disqualified from placing, using, or employing a clothing donation bin by violating the provisions of this article or N.J.S.A. 40:48-2.60 et seq., may apply to the Township Committee to have that person's or entity's eligibility restored. The Township Committee may restore the eligibility of a person or entity who:

(1) Acts within the public interest; and

C. Demonstrates that they have made a good faith effort to comply with the provisions of this article and N.J.S.A. 40:48-2.60 et seq., and all other applicable laws and regulations, or had no fraudulent intentions.

REPEALER, SEVERABILITY AND EFFECTIVE DATE.

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

Mayor Puglia opened the Public Hearing on Ordinance 2011-12. With no comments or questions, the public hearing was closed.

Committeewoman DiGiuseppe asked if GovDeals can be utilized for the public auction sales. She was told yes.

A motion was offered by **Committeeman Gable** and second by **Committeeman Clark** to adopt Ordinance 2011-12. Motion carried on a Roll Call Vote, recorded as follows:

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

ORDINANCE NO: 2011-11-13

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD TO AMEND CHAPTER 39A ENTITLED PURCHASING: CLAIMS APPROVAL, SPECIFICALLY SECTION 39A-5B

BE IT ORDAINED AND ENACTED by the Township Council of the Township of Mansfield, County of Burlington and State of New Jersey as follows:

WHEREAS, the Township Committee of the Township of Mansfield by Ordinance 1986 dated February 18, 1986 adopted an Ordinance regarding purchasing and claims approval: and

WHEREAS, since the adoption of this ordinance in 1986 by the Mansfield Township Committee, the state statutes and laws governing same have changed significantly; and

WHEREAS, the Mansfield Township Committee finds it necessary to amend Chapter 39A, specifically 39A-5B to more accurately reflect the dollar amounts reflected in the New Jersey Statutes;

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

Article I: Chapter 39A, specifically Section 39A-5B be amended as follows:

Purchase Orders which are over \$5,400.00 or not within the budget will require the Township Committee Director's approval prior to the submission to the Finance Office. All purchases over \$36,000.00 must be signed by the full Township Committee.

REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Gable** to introduce Ordinance 2011-13 and hold a public hearing on December 14, 2011. Motion carried.

ORDINANCE NO: 2011-14
AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD TO AMEND CHAPTER 2 OF THE CODE OF THE TOWNSHIP OF MANSFIELD ENTITLED ADMINISTRATION OF GOVERNMENT

BE IT ORDAINED AND ENACTED by the Township Council of the Township of Mansfield, County of Burlington and State of New Jersey as follows:

WHEREAS, the Township Committee of the Township of Mansfield currently does not contain a specific Attendance Policy for either the Mayor or the Township Committee Members: and

WHEREAS, the State of New Jersey through its Best Management Practices have suggested that municipalities consider such an Attendance Policy; and

WHEREAS, the Mansfield Township Committee has considered the requirements of Title 40A, specifically 40A: 16-3 as it relates to Mayor and Committee Members Absences at regularly scheduled meetings; and

WHEREAS, the Mansfield Township Committee after considering same has decided to institute an Attendance Policy for the Mayor and the Committee Members of the Township of Mansfield;

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

Chapter 2 of the Code of the Township of Mansfield be amended to specifically add Section 2-14 entitled When An Office Is Deemed Vacant, as follows:

The office of Mayor or a Member of a governing body of a municipality shall be deemed vacant, whenever the Mayor, when required by law to attend meetings of the governing body or a member of the governing body fails to attend or participate at any meetings of the governing body for a period of two (2) consecutive months or four (4) consecutive meetings, whichever shall be longer of duration, without being excused from attendance by a majority of the members of the governing body at the conclusion of such period: providing, however, that the governing body may refuse to excuse only with respect to those failures to attend and participate which are not due to legitimate illness.

REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

A motion was offered by **Deputy Mayor Higgins** and second by **Committeewoman DiGiuseppe** to introduce Ordinance 2011-14 and hold the public hearing on December 14, 2011. Motion carried.

Committeewoman DiGiuseppe questioned the person who is the Township Director as noted in Article One of Ordinance 2011-13. **CFO Monzo** felt it would

depend on the department; therefore it would be the director of that department. She questioned whether it should be the Committee liaison or the department director. **CFO Monzo** felt it was the intention to have the member of the governing body who is in charge of certain departments to approve the purchases over the threshold. Therefore, the ordinance should reflect the director as the Committee Liaison. **Clerk Semus** noted that there is no Committee Liaison for the individual departments. Therefore, this would have to be an appointment at the beginning of the year. **Deputy Mayor Higgins** felt there should be a Township Committeeperson as head of each department. This will put a check and balance on a purchase order. **Committeewoman DiGiuseppe** questioned whether the wording “in compliance with the local public contracts law” should be included. **CFO Monzo** suggested that, instead of specific amounts of \$5,400 and \$36,000 due to the fact that the number changes every two years, we should probably say that “over the threshold of the public contracts law and over the bid threshold as per the current public contracts law. When the bid threshold changes, we won’t have to change the ordinance. A motion was offered by **Committeewoman DiGiuseppe** and second by **Deputy Mayor Higgins** to amend the ordinance 2011-13 to reflect the changes as suggested by **Deputy Mayor Higgins** and **CFO Monzo**. Motion carried.

MINUTES: October 12, 2011 and October 26, 2011

Committeeman Clark said he was not listed as being in attendance at the October 26th meeting. A motion was offered by **Committeeman Clark** and second by **Committeewoman DiGiuseppe** to approve the minutes of both meetings and to add **Committeeman Clark’s** name as being in attendance at the October 26th meeting. Motion carried on a Roll Call Vote, recorded as follows:

AYE: CLARK, DIGIUSEPPE, GABLE, HIGGINS, PUGLIA

NAY: NONE ABSENT: NONE ABSTAIN: NONE

DISCUSSION/ACTION:

a. Gov/Deals Contract

Chief Mulhall asked which options were chosen. **CFO Monzo** recommended option B2 because the township will pay a 5% fee and the buyer will pay a 7.5% premium. This will take the smallest percentage out of our pocket. If this is approved, Gov/Deals collect the money and take their percentage off the top. A motion was offered by **Committeewoman DiGiuseppe** and second by **Deputy Mayor Higgins** to approve using the B2 option for the gov/deals contract. Motion carried on a Roll Call Vote, recorded as follows:

AYE: DIGIUSEPPE, HIGGINS, CLARK, GABLE, PUGLIA

NAY: NONE ABSENT: NONE ABSTAIN: NONE

PUBLIC COMMENT

Charles Keintz, 3260 Route 206, represents MLC Developers and was in attendance asking for a reduction in his bond. He said he is experience some economic devastation relating to the financial situation. To keep the place afloat, he respectfully asked for a reduction. Currently they have 30% of their 1.8 million bond. He was asking for a more realistic number which he felt was about \$60,000 because that is about the amount of the work left to do. **Engineer Staszewski** said that, legally, we are only allowed to reduce the bond by 30% which would be \$500,000 although there is not that much work left to be completed. He felt that, if a bond is submitted by the developer for 100% of what is needed to be complete, consideration could be given to release the \$500,000. **Engineer Staszewski** said he wasn’t sure of calculations for a maintenance bond although there could be a condition in the new bond for the maintenance period of the work to be completed. It was suggested that **Engineer Staszewski** get together with Mr. Keintz to work out a solution. This was agreeable to the Committee.

Lou Wargo, W. Main Street, congratulated **Committeewoman DiGiuseppe** on the votes she received during the last election.

Bob Tallon, Axe Factor Road, asked if, although the open space has not been turned over to the Township, we can go ahead with the plans for trees. **Attorney Magee**

said it would be ok to plant the trees as it is on the filed map that the land is to be dedicated.

Antonio Esposito, 467 White Pine Road, feels that something should be done about the speeding on the road. Although the limit is 35mph, they don't go that speed. Her dog was hit by a speeding car. Kids wait for the school bus near the road. Something should be done about the speed. Mrs... Esposito also referred to the blocked left hand turn onto Route 206 and how some people ignore the new rule. **Mayor Puglia** is to talk to the police.

Mark Sprague, 535 White Pine Road, reiterated Mrs. Esposito's concern. He has the same concerns and added that we know it is a back door to NADE. It has changed dramatically over the past 5 years. He referred to a letter to the Committee about 2 years ago wherein he received a letter in return stating that the problems will be taken care of. Nothing has changed expect for higher speeding vehicles. He said he put a circular driveway in so his wife didn't back out onto the road. However, right now, he is desperate. He feels someone is going to get killed and added that the high school track teams runs on that road. Mr. Sprague said he is a concerned citizen.

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

MAYOR AND COMMITTEE COMMENTS

Committeewoman DiGiuseppe said she attended a Prime Point meeting with **Deputy Mayor Higgins** and Bonnie Grouser. She received, from a representative, a sample employee manual and felt our manual needs a lot of corrections and changes. The representative has offered to meet with us at no charge to go over the manual. She is thinking of scheduling a meeting to speak to him.

Committeeman Gable thanked the people for coming to the meeting and expressing their comments.

Mayor Puglia said there will be a Veteran's Program at 1PM on Saturday in the Municipal Park. He wished everyone a Happy Thanksgiving and announced that the next regular meeting is December 14th.

MOTION TO ADJOURN

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

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

Barbara A. Crammer
Deputy Clerk

Linda Semus, RMC
Municipal Clerk

Approved: December 14, 2011