

**TOWNSHIP OF MANSFIELD  
BURLINGTON COUNTY  
MEETING MINUTES  
July 8, 2015  
Executive Session  
6:30 PM**

The regular meeting of the Mansfield Township Committee was held on the above shown date with the following in attendance: **Mayor Robert J. Higgins, Deputy Mayor Sean Gable, Committeewoman Janice A. DiGiuseppe, Committeeman Arthur R. Puglia, Committeeman Robert Semptimphelter, Solicitor Michael H. Magee, Administrator Michael Fitzpatrick, and Clerk Linda Semus.**

**Mayor Higgins** 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 4, 2015. 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, 2015.

A motion was offered by **Committeeman Puglia** and second by **Deputy Mayor Gable** to go into executive session by adoption of the following resolution. Motion carried.

**RESOLUTION 2015-7-2  
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 issues and pending litigation.
3. It is anticipated at this time that the above subject matter will be made public when the matter has been resolved and approved for release by the Township Solicitor.

Regular Meeting  
7:30PM

The regular meeting of the Mansfield Township Committee was held on the above shown date with the following in attendance **Mayor Robert Higgins, Deputy Mayor Sean Gable, Committeewoman Janice DiGiuseppe, Committeeman, Committeeman Arthur R. Puglia, CFO Joseph Monzo, Engineer Tim Staszewski, Attorney Michael Magee, Administrator Michael Fitzpatrick, Clerk Linda Semus, and Deputy Clerk Barbara Crammer. Committeeman Robert Semptimphelter left the meeting following the executive session.**

A motion was offered by **Committeeman Puglia** and second by **Committeewoman DiGiuseppe** to come out of executive session. Motion carried.

**Attorney Magee** said the purpose of the executive session was to discuss pending litigation and personnel issues.

**Mayor Higgins** called the regular meeting to order followed by the Salute to the Flag and a moment of silence.

**ENGINEER'S REPORT**

**a. Road Opening Permit – Albanesi Farms**

**Engineer Staszewski** explained the township has an ordinance regulating disturbance within the roadway. When this occurs, a road opening permit is required. Because Mr. Albanesi reconstructed additional work on a driveway exiting to Mill Lane, he was advised to apply for a road opening permit. Mr. Albanesi felt he was not responsible for this because he indicated that there was a driveway that had been in existence for hundreds of years. **Attorney Magee** had reviewed the township ordinance and correspondence from Mr. Albanesi and said

that there is no exception in the right to farm act. The intent of our ordinance is to make sure that any disturbance that is done is in according to our guidelines. **Attorney Magee** was instructed to send a letter to the property owner.

**Mayor Higgins** opened the public hearing in regard to this topic only.

Prior to anyone from the public speaking, **Engineer Staszewski** reviewed the fees associated with a road opening permit, including a \$200 application fee and \$200. Escrow fee.

Fritz Wainwright, 1091 Cedar Lane, Burlington, questioned whether there ever was a driveway as indicated by Mr. Albanesi as he didn't feel there was one. He also asked if any piping had been installed. **Engineer Staszewski** said Mr. Albanese had installed a pipe.

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

**Committeewoman DiGiuseppe** said she agreed with **Attorney Magee**. **Deputy Mayor Gable** felt **Attorney Magee** should follow up with a letter. **Mayor Higgins** questioned whether fees should be imposed. It was decided he has to follow the rules. **Committeewoman DiGiuseppe** made a motion for **Attorney Magee** to send a letter to Mr. Albanesi. Motion second by **Deputy Mayor Gable** and carried on a Roll Call Vote, recorded as follows:

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

**b. Lynnwood Farms Sewer Connection**

**Engineer Staszewski** explained that a resident from Lynnwood Farms who wants to connect to sewer has asked for a waiver of the \$1,000 sewer connection fee because the connection lateral at the street is only 5 feet deep. His home is located at a low point of the neighborhood thus requiring him to install a pumping station in the basement to collect the waste water and pump it up to the street. **Engineer Staszewski** pulled the construction plan and observed the depth of the sewer and the request for a waiver to offset the cost of a pump. He explained that the sewer was designed for the first floor of a house. If the resident hooked up originally, this may have been different. He felt that, if the committee granted a waiver, the rest of the township would have to absorb the cost.

**Mayor Higgins** opened the discussion to the public.

William Steele, 29 Oaklynn Drive, said that, when the sewer was originally installed, there were fees and a loan involved. He said he has paid this in full. He referred to past issues with the pumping station and how he had to deal with big trucks pumping out the septic every day. This was an inconvenience to him. Mr. Steele said that, when the sewer was installed in the development, Mount Construction came to his home and told him the lateral would be 15 feet down but that is not the case. He feels it is a fair deal to waive the tie in fee for a system he already paid for.

**Committeewoman DiGiuseppe** questioned how many homes had not connected yet. He felt that waving Mr. Steele's fee would set a precedent for those not connected. **CFO Monzo** referred to the current ordinance which states that any further connections would be assessed a fee of \$1,000.

**Mayor Puglia** felt this was a unique situation as the pipe is not low enough for the sewer system. Upon noting that 7 to 9 properties are not connected. **Deputy Mayor Gable** said he was not comfortable about waiving the fee as other residents did pay for it and we are not aware of any unique situations with the remaining families who have not hooked up. **Committeewoman DiGiuseppe** said she was against waiving the fee. **Committeeman Puglia** made a motion to waive the connection fee. There was no second to the motion. The motion died.

**c. Manchester Court**

**Engineer Staszewski** aid Stout and Caldwell did additional survey on Manchester Court. The survey confirmed what has been suspected. There is not enough depth to have gravity fall from rear of yard to the front. It was suggested to run pipe in open space. However, this would require consent by the Homeowner's Association. The pre-existing grade went toward the

Albanesi property. The proposed grade does the same. However, Albanesi changed the grade and the issue came up.

**Administrator Fitzpatrick** said we have reached a point where decisions have to be made. He asked to meet with **Attorney Magee** to plan what needs to be done to put this to bed. **Mayor Higgins** felt more discussion is needed. **Administrator Fitzpatrick** asked to move forward with **Attorney Magee**.

**d. Riser Pump**

We have been pushing the contractor to move forward. However, he won't proceed without a change order. The scope in the change order is not correct. Instead of a \$20,000 savings, the contractor has stated that the savings is \$4,000. He has also asked for a wage increase of about \$2,400. He wants over \$6,000 in order to move forward by October 15<sup>th</sup>. **Engineer Staszewski** said the contract was awarded in September of 2014. He then reviewed the sequence of events with this contractor. **Mayor Higgins** was concerned about the hydrants. **Engineer Staszewski** said the new hydrants are connected and need to be unbagged with the valves turned on. This should be done by next week. The old hydrants will then be bagged.

**Deputy Mayor Gable** felt the project was way over scheduled. The ability to do the flow test affected the schedule. He also didn't think we should be responsible for the escalating fees and that **Attorney Magee** should review this. **Engineer Staszewski** said that the wage cost increase is \$2,442.53. **Deputy Mayor Gable** questioned whether the contractor will meet us half way. **Engineer Staszewski** said he will approach him. He is to be told that he misrepresented himself. **Deputy Mayor Gable** suggested offering him \$4,000. **Engineer Staszewski** said he will make the request.

**Deputy Mayor Gable** made a motion to offer the contractor \$4,000 and have **Engineer Staszewski** to move forward. The motion was second by **Committeewoman DiGiuseppe** and carried on a Roll Call Vote, recorded as follows:

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

**FINANCE:**

**CFO Monzo** had a conference with the auditor and two members of the committee to go over the audit which will be sent to the DCA. The audit will be presented at the August meeting.

**ORDINANCE**

**FIRST READING/INTRODUCTION**

**ORDINANCE NO. 2015-9**  
**AN ORDINANCE TO AMEND CHAPTER 33B OF THE CODE OF THE**  
**TOWNSHIP OF MANSFIELD ENTITLED "PARKS AND RECREATION**  
**AREAS"**

**WHEREAS**, the Township Committee of the Township of Mansfield has been approach by the Mansfield Township Recreation Committee concerning certain requested revisions to Chapter 33B of the Mansfield Township Code; and

**WHEREAS**, the revisions suggested by the Recreation Committee involving the sale of goods at municipal facilities by someone other than the Recreation Committee; and

**WHEREAS**, the Recreation Committee is revising their Recreation Permit Application to allow same; and

**WHEREAS**, it is necessary to amend Chapter 33B to be consistent with the Recreation Permit Application; and

**WHEREAS**, the Township Committee of the Township of Mansfield has reviewed the suggested revisions to Chapter 33B recommended by the Recreation Committee; and

**NOW THEREFORE BE IT ORDAINED AND ESTABLISHED**, by the Township of Mansfield in the County of Burlington and State of New Jersey that the following amendment to Chapter 33B shall be established and become enforceable:

**SECTION 33B-2 UNLAWFUL ACTS**

**N.** Expose or offer for sale any article or thing, individually or by use of any stand, cart or vehicle, except by any regularly licensed concessioner acting by and under authority of the rules and regulations promulgated hereafter adopted; **or by an authorized permit for such activity recommended by the Recreation Committee and approved by the Township committee. The Permit shall specify the area of use and the named applicant for each event; and**

**O.** To be highlighted in the revised ordinance: **"Use or operate any motorcycle, mini-bike, motorized all-terrain vehicle, or similar apparatus."**

**SECTION 33B-3 Park areas for enjoyment of Township residents.**

**Eliminate entirely.**

**SECTION 33B-7. Severability.** Should any portion of this Ordinance be declared invalid or unenforceable by a Court of competent jurisdiction, the remaining portions shall remain valid and of full force and effect.

**SECTION 33B-8. Effective Date.** This Ordinance shall become effective upon adoption, approval by the Commissioner of the Transportation, and publication in accordance with law.

**Clerk Semus** read the ordinance by title and said the public hearing will be held at the regular meeting to be held on August 12<sup>th</sup>.

A motion was offered by **Committeeman Puglia** and second by **Committeewoman DiGiuseppe** to introduce Ordinance 2015-9. Motion carried.

#### **ORDINANCE 2015-10**

#### **A SEWER CAPITAL ORDINANCE OF THE TOWNSHIP OF MANSFIELD IN THE COUNTY OF BURLINGTON, NEW JERSEY; APPROPRIATING \$1,614,602.48 FROM THE SEWER PLANT RESERVE FUND FOR CAPITAL IMPROVEMENTS TO THE TOWNSHIP'S SEWER SYSTEM**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF BURLINGTON, NEW JERSEY AS FOLLOWS:**

**Section 1.** \$1,614,602.48 is hereby appropriated from the Sewer Plant Reserve Fund for capital improvements to the Sewer System in the Township of Mansfield in the County of Burlington, New Jersey (the "Township"), including all related costs and expenditures incidental thereto.

**Section 2.** The Township Chief Financial Officer is hereby authorized to take all actions necessary to effectuate the appropriation contemplated in Section 1 hereof.

**Section 3.** The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

**Section 4.** This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

**Clerk Semus** read the foregoing ordinance by title and said the public hearing will be held at the regular meeting to be held on August 12<sup>th</sup>.

**CFO Monzo** said this ordinance was recommended by the auditors. Contributions from Centex have been in a reserve on our books for years. The auditor recommended taking the balance of the reserve and put it into a capital ordinance where it is appropriate to be able to spend money of a capital nature. We are not incurring additional costs, just moving money from one area to another. The money will be put aside for the design and conceptual plans in funding sewer.

A motion was offered by **Deputy Mayor Gable** and second by **Committeewoman DiGiuseppe** to introduce Ordinance 2015-10. Motion carried.

#### **BILL LIST**

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

**AYE: DIGIUSEPPE, PUGLIS, GABLE (see below) HIGGINS**  
**NAY: NONE ABSENT: SEMPTIMHELTER**  
**ABSTAIN: GABLE (on check number 4302 and 4310)**

#### **RESOLUTIONS**

##### **RESOLUTION 2015-7-3**

##### **RESOLUTION OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, APPROVING A CORRECTIVE ACTION PLAN FOR 2013 AUDIT**

**WHEREAS**, the Township of Mansfield, County of Burlington, State of New Jersey received its 2013 Audit, dated May 27<sup>th</sup>, 2014 and submitted to the Township for review on July 25, 2014; and

**WHEREAS**, the Township will implement the 2013 Corrective Action Plan for the findings therein as follows:

---

##### **CORRECTIVE ACTION PLAN - 2013 AUDIT TOWNSHIP OF MANSFIELD BURLINGTON COUNTY**

##### **Recommendation Number -1 – Over expenditures**

It was noted that there were three prior year over expenditure during the audit year and several prior to the approved transfer.

**Corrective Action:**

The finance staff will more closely monitor those accounts that may not have sufficient funds so that transfers may be done in the proper time frame.

**Recommendation Number-2-Purchasing and Contracts**

It was noted that a professional service contract for technology services was not awarded through the fair and open process in accordance with ordinance 2005-08 amended by 2013-8

**Corrective Action:**

All professional service contracts for the upcoming year are under review. All awards for 2014 and going forward will be in accordance with our local ordinance.

**Recommendation Number-3-Purchasing and Contracts**

It was noted that a janitorial services and third party payroll disbursing services exceeded the quote threshold without evidence of quotations.

**Corrective Action:**

All service contracts for the upcoming year are under review. All awards for 2014 and going forward will be in accordance with our state statutes

**Recommendation Number-4-Grants**

It was noted that the paperwork submitted to a grantor agency was not in agreement with the approved budget

**Corrective Action:**

The grantor agency approved this and the subsequent submittals. This grant has been fully paid

**NOW THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Mansfield, implement the Corrective Action Plan as outlined above by the Chief Financial Officer; and

**BE IT FURTHER RESOLVED**, that the Township Clerk of the Township of Mansfield, be directed to forward certified copies of this resolution to the New Jersey Division of Local Government Affairs, in compliance with State statute.

**CFO Monzo** said he neglected to have the above resolution prepared for the Committee last year. The auditors requested it but we could not produce it. Therefore, this resolution is being presented for the corrective action plan for the 2013 audit. **CFO Monzo** then reviewed the resolution.

A motion was offered by **Committeeman Puglia** and second by **Committeewoman DiGiuseppe** to adopt Resolution 2015-7-3. Motion carried on a Roll Call Vote, recorded as follows:

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

**RESOLUTION 2015-7-4**

**RESOLUTION AUTHORIZING MEMBERSHIP IN A MUTUAL AID AND ASSISTANCE AGREEMENT WITH PARTICIPATING UNITS.**

**WHEREAS**, mutual aid and assistance agreements between counties, municipal police, Emergency Medical Service or fire departments, volunteer fire companies or EMS organizations and fire departments situated in fire districts operated by a Board of Fire Commissioners, are permitted pursuant to N.J.S.A. 40A:14-26 and 40A-14-156.1; and

**WHEREAS**, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

**WHEREAS**, the State of New Jersey has promulgated rules commonly referred to as the Fire Service Resource Emergency Deployment Regulations N.J.A.C.5:75A et seq. specifically N.J.A.C. 5:75 A-2.2. and the New Jersey Civilian Defense and Disaster Control Act App. 9-33 et seq for which every municipality must comply; and

**WHEREAS**, it is deemed to be in the best interests of the residents of this municipality and/or fire district to enter into a mutual aid and assistance agreement with the County of Burlington and other municipalities including and municipal police, Emergency Medical Service or fire departments, volunteer fire companies or EMS organizations and/or fire districts to provide additional protection against loss, damage or destruction by fire, catastrophe, civil unrest, major emergency or other extraordinary devastation damage or destruction to person and property, in those situations when outside aid and assistance is needed.

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

- A. That the Township Committee is hereby authorized and directed to enter into the Burlington County Mutual Aid and Assistance Agreement between Participating Units, a copy of which is attached hereto and made part hereof, on the terms and conditions contained herein.
- B. That the Mayor and Municipal Clerk are hereby authorized and directed to execute said Mutual Aid and Assistance Agreement on behalf of the Township Committee.
- C. That the Municipal Clerk is hereby authorized and directed to forthwith forward a copy of this Resolution and an executed copy of the agreement to the offices of the Burlington County Office of Emergency Management for review and filing by the appropriate Fire, EMS and Law Enforcement Coordinator as appropriate.

A motion as offered by **Committeeman Puglia** and second by **Committeewoman DiGiuseppe** to adopt Resolution 2015-7-4. Motion carried.

**MINUTES: June 10, 2015**

A motion was offered by **Deputy Mayor Gable** and second by **Committeewoman DiGiuseppe** to approve the minutes of the June 10, 2015 meeting. Motion carried.

**DISCUSSION/ACTION:**

**a. Route 68 – Gas Pipeline**

**Committeeman Puglia** received a call from the county in regard to a gas line planned to go to McGuire followed by Lakehurst. The county has requested the township to endorse their installation of the pipeline in the center of Route 68 toward Ft. Dix, This would do less damage to roads. This is being presented to the Committee for their information. In several months, we will know what is happening. **Engineer Staszewski** said that, if the Committee were to endorse this, he suggested it be contingent upon them exploring construction of turning lanes into the median after construction to make this area more safely to residents as well as school buses.

**Committeeman Puglia** said there are conversations between the County and Public Service in regard to proposed routes. However there would be more damage to the roads. However, there would be less damage to Route 68 as they would use the median.

**b. Application for the use of Mansfield Township Community Park – Columbus Home and School – Mansfield Community Park use for September 27, 2015 from 10am to 5pm, soccer and softball fields and concession) contact person is JoEllen Boyd**

**Committeewoman DiGiuseppe** said, in speaking to recreation, this is an annual event. They are asking for a waiver of the fees for the use park as well as the concession. Although they have done this in the past, this is one of the changes in the ordinance that was introduced at this meeting. **Committeewoman DiGiuseppe** recommended this be use be granted. A motion as offered by **Committeewoman DiGiuseppe** and second by **Committeeman Puglia** to approve this request. Motion carried.

**c. Historic Society request for Wednesday, August 26, 2015 at 6:00 pm for general membership meeting.**

**Clerk Semus** explained that the Historic Society wants to use the building on August 26. However, they are aware that they cannot be in the building when no one else is here. They scheduled a meeting on August 26<sup>th</sup> in anticipation that the Township Committee would be holding their regular meeting although we are utilizing the summer month schedule and the township is not scheduled. They are asking for permission to enter the building.

A motion was offered by **Committeeman Puglia** and second by **Deputy Mayor Gable** to approve this request. Motion carried.

**d. Columbus Cemetery Company Correspondence**

**Clerk Semus** explained that the Columbus Cemetery has approached the Committee for Help in the way of mowers being used to cut the high brush along the perimeter of the cemetery. The brush is now out of control and their mowers cannot handle it. **Mayor Higgins** said they spend a tremendous amount of money on maintenance although the Corner House raised money last year. Although this is a non-profit organization, he felt it is a historical site and we might be able to help. **Mayor Higgins** asked **Administrator Fitzpatrick** to touch base with Jef Jones tomorrow to see what kind of burden it would be to use the heavy equipment to cut down the brush. **Mayor Puglia** felt it is in our community and there are some things we should do for our community. **Deputy Mayor Gable** agreed. **Attorney Magee** said we should make sure that, if Jef is willing, we check with our Risk Manager in regard to municipal employees working on private property. **Mayor Higgins** asked if they are asking for this on a regular basis. **Clerk Semus** referred to the letter which refers to the brush being taken down after which they can handle it. **Committeewoman DiGiuseppe** felt we should hear from Jef Jones and the Risk Manager and do it one time and go from there.

**PUBLIC COMMENT**

Bob Harrison, Mansfield Road East, said that the trees at the corner of Route 206 and Mansfield Road West obstruct the view the light or anything coming north. It is hard to make a left hand turn as you can't see unless you are out in the traffic. He felt the trees should either be

removed or trimmed. He felt someone will get hurt. **Mayor Higgins** advised him to contact **Administrator Fitzpatrick** when he observes a danger. **Administrator Fitzpatrick** said he will have our men address this if it is not on private property. Otherwise, the property owner will be contacted.

Mr. Harrison then referred to the speed on Mansfield Road West. Although it is posted at 35 miles per hour, no one does it. He felt they go 45 to 55. Motorcycles are a blur and must be going 70 to 80 mph. Upon speaking to the Chief today, he said he will place the mileage sign up again.

Ken Tomko, 23 Ellington Drive, said someone was sent out to address the crack situation on June 24<sup>th</sup> and 25<sup>th</sup>. One man had a back hoe and some with brooms. He questioned whether this was the effective way to attack the problem. **Administrator Fitzpatrick** explained that the Public Works Department was out there and all the large cracks have been filled with the smaller stone aggregate. The larger cracks have all been filled. The aggregate has not been working well with the smaller cracks. Therefore, sand was used. They are not putting down the hot tar until the end of the summer. All cracks have been filled. If the sand or aggregate has blown out, they will refill before putting down the hot tar.

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

#### **MAYOR AND COMMITTEE COMMENT**

**Committeewoman DiGiuseppe** thanked the County for filling in the tar on the bridges on Mansfield Road East. It had been dangerous. A call to the county was made and they responded quickly. She thanked those in attendance for coming.

**Committeeman Puglia** wished all a nice summer

**Deputy Mayor Gable** thanked all for coming.

#### **MOTION FOR ADJOURNMENT**

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

**PREPARED BY:**

**RESPECTFULLY SUBMITTED BY:**

---

**Barbara A. Crammer**  
**Deputy Clerk**

---

**Linda Semus**  
**Municipal Clerk**

Approved: August 12, 2015