

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY
MEETING MINUTES
February 10, 2016
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 Sean Gable, Deputy Mayor Robert Semptimphelter, Committeewoman Laverne Cholewa, Committeeman Arthur Puglia, Committeeman Robert J. Higgins, Clerk Linda Semus, Solicitor Michael H. Magee, and Administrator Michael Fitzpatrick.**

Deputy Mayor Gable 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, 2016. 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 8, 2016.

A motion was offered by **Deputy Mayor Semptimphelter** and second by **Committeeman Puglia** to go into executive session as per the following resolution.

RESOLUTION 2016-2-1

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: pending litigation, contract negotiations, and personnel.
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.

The meeting was called to order by **Mayor Sean Gable** followed by the Salute to the Flag and a Moment of Silence.

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

Attorney Magee explained the purpose of executive session as pending litigation, contract negotiations, and personnel.

FINANCE PRESENTATION: Proposed Budget – Joseph P. Monzo, CFO/Treasurer

CFO Monzo reviewed the results of the prior year's financial operations. He then referred to his memo and draft of projections for 2016. He read from his memo, a copy of which is found on the following pages.

Mayor Gable recommended picking a date for the budget review at a meeting with no other items on the agenda to allow for sufficient time. **Clerk Semus** is to organize a meeting.

ENGINEER'S REPORT

Engineer Rick Brown referred to his project status report dated February 10th.

Based on a conversation he had with **Administrator Fitzpatrick**, he reached out to the County Engineer since the first 2500 feet of frontage on Axe Factory Road is on County property where improvements are being made at Crystal Lake Park. The County Engineer responded indicating he was passing this on to his Resource Conservation Department. **Engineer Brown**

was hopeful to get them to participate in, at least, part of the improvements. The amount of the appropriation from the DOT does not match the estimated cost of the project, with about \$120,000 deficiency.

Engineer Brown will be presenting a proposal prior to the next Committee meeting for consideration in regard to the CDBG application for the second floor.

He looked at the fire house drainage today and will put together a quick sketch and cost estimate for consideration by the Committee to address the problem.

He met with **Administrator Fitzpatrick** and **Jef Jones** today regarding the fire riser pipe renovations. He will be gathering information for **Administrator Fitzpatrick** with a plan of action for that.

Engineer Brown met with the contractor about White Pine Road. The contractor is ready to proceed after reconciling a couple of issues with his bonding and inspection fees.

He is working on resolving the drainage problem at 300 Mansfield Road.

He has received plans in regard to the Mansfield logistics park. Work needs to be done on the site that is associated with the permit extension act which expires June 30th of this year. Drainage features need to be installed. **Engineer Brown** will be preparing a bond estimate and inspection fees.

Committeeman Higgins asked about the relocation of the utility poles on White Pine Road. **Engineer Brown** said that, according to the developer the relocations were staked by one of his engineers. When PSE&G did the relocation, they didn't put the poles where the stakes were. Now they have to relocate the poles to the proper location.

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to accept the Engineer's Report. Motion carried.

a. Axe Factory Proposal

Mayor Gable explained that the proposal is for \$29,750 for the reconstruction.

Committeeman Higgins explained that the money from the state is not sufficient to do the improvements. **Mayor Gable** felt we could do the portion of the road that needs it the most. Hopefully we get some contribution from the county. **Engineer Brown** said his proposal was for the entire project as it was estimated. If it is shortened, there will be a downward adjustment for their fee as the scope of the project would decrease. **Committeeman Higgins** suggested waiting until we get the response from the county which can be 30 days per **Engineer Brown**. A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to table this for 30 days. Motion carried.

ORDINANCE

ORDINANCE 2016-3

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD AMENDING CHAPTER 65 OF THE CODE OF THE TOWNSHIP OF MANSFIELD, ENTITLED "LAND USE", TO ADD CERTAIN CONDITIONAL USES TO QUALIFYING PROPERTIES IN THE C-2 HIGHWAY COMMERCIAL DISTRICT

WHEREAS, the Township of Mansfield is desirous of amending its land use and development regulations to permit conditionally certain logistics uses on adjacent parcels totaling 30 acres or more north of Mansfield Road East with frontage on either US Route 206 or NJ Route 68 within the C-2 Highway Commercial District; and

WHEREAS the Township Committee believes that such rezoning is consistent with the Zoning Ordinance and Master Plan of the Township, and would be consistent with surrounding properties.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mansfield as follows:

SECTION ONE

The Zoning Ordinance, which is Chapter 65 of the Code of the Township of Mansfield, is hereby amended to add the following:

Chapter 65. Zoning

Article X.C-2 Highway Commercial District

§ 65-34. Conditional uses.

- A. (3) The following logistics uses may be permitted on individual parcels or combined adjacent parcels totaling 30 acres or more with frontage on US Route 206 north of Spring Hill Brook and Folwells Run or with frontage on NJ Route 68 north of White Pine Road:
- (a) Warehouse facilities, trucking facilities and distribution facilities, subject to the Area and Bulk Regulations of § 65-43 and the Special Regulations of § 65-44.
 - (b) Wholesale establishments, subject to the Area and Bulk Regulations of § 65-43 and the Special Regulations of § 65-44.

SECTION TWO

If any part of this Ordinance shall be deemed invalid by an administrative agency or court of competent jurisdiction, such decision shall not affect the legality and enforceability of any other provision hereof.

SECTION THREE

All ordinances, policies and or procedures or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency.

SECTION FOUR

Pursuant to the Municipal Land Use Law, the Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the County Planning Board pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this ordinance after public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance with the County Planning Board as required by N.J.S.A. 40:55D-16.

SECTION FIVE

Pursuant to N.J.S.A. 40:55D- 62.1, notice of scheduled the hearing date and this ordinance shall be given at least ten (10) days prior to the hearing by the Municipal Clerk by either personal service or certified mail and regular mail to the owners of all real property as shown on the current tax duplicates, located, in the case of a classification change, within the district and within the State within two hundred feet (200') in all directions of the boundaries of the district.

SECTION SIX

This Ordinance shall take effect upon final passage and publication as provided by law, however, subsequent to first reading, this ordinance must be referred to the Township Planning Board for review, which shall be based on whether the proposal is substantially consistent with the Master Plan. The Planning Board has a period of thirty-five (35) days after referral to report on the proposed ordinance.

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

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to adopt Ordinance 2016-3. Motion carried on a Roll Call Vote, recorded as follows:

AYE: PUGLIA, CHOLEWA, HIGGINS, SEMPTIMPHELTER, GABLE
NAY: NONE ABSENT: NONE ABSTAIN: NONE

ORDINANCE 2016-4

AN ORDINANCE AMENDING CHAPTER 65 OF THE CODE OF THE TOWNSHIP OF MANSFIELD ENTITLED "ZONING" BY ADDING AN ARTICLE XXXIII, ENTITLED REDEVELOPMENT ENTITY AND CERTAIN REDEVELOPMENT ZONES OF THE TOWNSHIP OF MANSFIELD ESTABLISHING A REDEVELOPMENT ENTITY AND CERTAIN REDEVELOPMENT ZONES IN THE TOWNSHIP OF MANSFIELD.

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

WHEREAS, the Township Committee of the Township of Mansfield has directed the Township of Mansfield's Planning Board (by Resolution No. 2015-4-5 to conduct a preliminary-redevelopment investigation of Block 45.01 Lots 2.01, 2.02, 3.01 and 3.02; Block 47.01, Lots 3.02, 9.01, 9.02, 9.03, 10.01, 10.02, 11 and 12; and

WHEREAS, the Township Committee of the Township of Mansfield has received and approved the preliminary-investigation studies of these areas, which were previously submitted to and have been accepted by the Planning Board; and

NOW, THEREFORE, BE IT ORDAINED by the Township committee of the Township of Mansfield that the Land Development Ordinance includes the following:

Section 191, Redevelopment Entity and Redevelopment Zones

1. The Township Committee of the Township of Mansfield shall function as the redevelopment entity in the Township of Mansfield and have the ability to exercise all the powers set forth in **N.J.S.A. 48:12A-4(3)(c) and N.J.S.A. 40A;12A-8.**
2. Block 45.01 Lots 2.01, 2.02, 3.01 and 3.02; Block 45.01, Lots 3.02, 9.01, 9.02, 9.03, 10.01, 10.02, 11 and 12; are hereby designated as redevelopment zones within the Township of Mansfield.
3. These areas will be redeveloped in accordance with a redevelopment plan to be established by the Township Committee at a later time.

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 **Committeewoman Cholewa** and second by **Committeeman Puglia** to introduce Ordinance 2016-4 and hold the public hearing on February 24, 2016. Motion carried on a Roll Call Vote, recorded as follows:

AYE: CHOLEWA, PUGLIA, HIGGINS, SEMPTIMPHELTER, GABLE
NAY: NONE ABSENT: NONE ABSTAIN: NONE

RESOLUTIONS

RESOLUTION 2016-2-2

RESOLUTION OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING THE TOWNSHIP TO LEASE REAL PROPERTY IDENTIFIED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MANSFIELD AS BLOCK 9.01, LOT 2.01 FOR THE PERIOD OF MAY 28, 2016 THORUGH DECEMER 31, 2017

WHEREAS, the Township of Mansfield (“Township”) is the owner of a parcel of land located on the corner of Island Road and Mansfield Road East, officially identified on the Township tax map as Block 9.01, Lot 2.01 (the “Property”);

WHEREAS, the Township has no immediate use for the Property;

WHEREAS, pursuant to the provisions of NJSA 40A:12-14, the Township, advertised the bid in accordance with the regulations promulgated there under, to lease the property for farming purposes; and

WHEREAS, the Township received a response to said bid solicitation, M and N Farms, LLC for the amount of \$9,786.00; and

WHEREAS, the Township, concurrent with this Resolution, has prepared lease specifications offering to lease the property to M and N Farms, LLC., for farming purposes for the term of May 28, 2016 through December 31, 2017 for the sum of \$9,786.00.

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

1. The Township of Mansfield hereby affirms authorization to enter into a leasehold agreement with a lessee for the express purpose of farming the Property.
2. The lease agreement between the Township and the perspective lessee shall be prepared in accordance with the lease specifications as proposed.
3. The Township Mayor and Clerk are hereby authorized to execute on behalf of the Township any and all documents necessary to effectuate the lease of said property for the period of May 26, 2016 through December 31, 2017.
4. Any other resolutions inconsistent herewith are repealed and rescinded to the extent of such inconsistency.

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to adopt Resolution 2016-2-2. Motion carried on a Roll Call Vote, recorded as follows:

AYE: PUGLIA, CHOLEWA, HIGGINS, SEMPTIMPHELTER, GABLE
NAY: NONE ABSENT: NONE ABSTAIN: NONE

RESOLUTION 2016-2-3
CANCEL EXEMPT VETERAN

WHEREAS, N.J.S.A.54:4-3.30A allows for the exemption from taxation from real and personal property for any citizen and resident of the State who has a total or 100% permanent disability as defined by this statute; and,

WHEREAS, the properties listed below are owned by a 100% Disabled Veteran;

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, hereby memorializes the cancellation of the following **2015** taxes:

Block	Lot	Property Owner	Amount
42.30	24	Angela Stefani	\$5,062.73 (Effective 8/3/15)

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to adopt Resolution 2016-2-2. Motion carried on a Roll Call Vote, recorded as follows:

AYE: PUGLIA, CHOLEWA, HIGGINS, SEMPTIMPHELTER, GABLE
NAY: NONE ABSENT: NONE ABSTAIN: NONE

RESOLUTION 2016-2-4
REFUND OF ADDED ASSESSMENT APPEAL

WHEREAS, a County Appeal for 2015 Added Assessment Property Taxes was granted to property listed below and,

WHEREAS, this Appeal resulted in an overpayment which is due to the homeowner.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, State of New Jersey authorizes the refunding of the following by the Tax Collector:

Block	Lot	Name	Amount
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8.01 4 Gary & Jennifer White \$321.89
7 Millington Court

Appeal Amount: \$317.61
Interest to 2/10/16 4.28
\$321.89

A motion was offered by **Committeeman Puglia** and second by **Deputy Mayor Semptimphelter** to adopt Resolution 2016-2-4. Motion carried on a Roll Call Vote, recorded as follows:

AYE: PUGLIA, SEMPTIMPHELTER, CHOLEWA, HIGGINS, GABLE
NAY: NONE ABSENT: NONE ABSTAIN: NONE

RESOLUTION NO. 2016-2-5

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT BETWEEN TOWNSHIP OF MANSFIELD AND COMMUNICATION WORKERS OF AMERICA, LOCAL 1034

WHEREAS, the Employee(s) within the Township's Public Works/Sanitation Department previously formed a Collective Bargaining Unit under the auspices of the Communication Workers of America, Local 1034, and as a result of said formation, have negotiated a Contract with the Township Committee of the Township of Mansfield; and

WHEREAS, the Parties have completed those negotiations, and are desirous of memorializing same by way of formal Agreement; and

WHEREAS, the Township Committee has reviewed the attached "Agreement between the Township of Mansfield and Communication Workers of America, AFL-CIO, Local 1034, covering a time frame January 1, 2012 through December 31, 2015; and

WHEREAS, said Agreement sets forth the various terms and conditions, rights, privileges, benefits and emoluments the Parties relating to the employment relationship; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that the Mayor and Clerk be and are hereby authorized and directed to execute the attached Collective Bargaining Agreement between the Township of Mansfield and the Communication Workers of America, AFL-CIO, Local 1034.

Committeeman Higgins questioned whether this was reviewed by our labor attorney.

Administrator Fitzpatrick explained our attorney originally working on it retired midstream. A back-up was brought in and, after reviewing it, agreed this was originally approved.

A motion was offered by **Deputy Mayor Semptimphelter** and second by **Committeeman Puglia** to adopt Resolution 2016-2-5. Motion carried on a Roll Call Vote, recorded as follows:

AYES: SEMPTIMPHELTER, PUGLIA, CHOLEWA, HIGGINS, GABLE
NAYS: NONE ABSENT: NONE ABSTAIN: NONE

BILL LIST

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

AYE: SEMPTIMPHELTER, CHOLEWA, PUGLIA, HIGGINS, GABLE (see below)
NAY: NONE ABSENT: NONE ABSTAIN: GABLE (check #5008 and 5035)

MINUTES: January 27, 2016

A motion was offered by **Committeewoman Cholewa** and second by **Deputy Mayor Semptimphelter** to approve the minutes of the January 27, 2016 meeting. Motion carried.

DISCUSSION

Street Lighting

Committeewoman Cholewa stepped down from this portion of the meeting.

Administrator Fitzpatrick said a small discussion had been held at the prior meeting. It was decided to invite Mr. Gottesman from Four Seasons to explain the lighting situation. Mr. Gottesman, 29 Harrington Drive, said, when people first moved to Four Seasons as long as 15 years ago, they were younger and had no problem with the lighting. However, now it is difficult for them to get around as there are dark spots. In addition, some people came from suburban environment where there was more lighting. He felt the Committee should look at the lighting and

suggested three solutions. Do nothing and hope for the best leaving them open to law suits. They could hire an engineer or some other knowledgeable person and have an evaluation done. Or, contact PSE&G. **Administrator Fitzpatrick** commented that he spoke with Public Service who indicated that there is no code for brightness. Mr. Gottesman felt there is fusing in the lighting which dims the lights. They are not getting the full effect. He said they had good lighting during the snow storm when the ground was white. Mr. Gottesman suggested having PSE&G contacted to look at the lights to see if they are in good order. **Administrator Fitzpatrick** is to contact PSE&G to see if someone will inspect them and discuss possible options.

PUBLIC COMMENT

Mr. Gottesman, 29 Harrington Drive, said the cracks in their streets got worse after the snowstorm. He didn't think the cracks had been efficiently corrected and further explained that the first and last 18 inches of each crack was not covered. This is where it is freezing. He felt the reason the ends were not filled was the machine could only reach up to 18 inches from the curb. Every crack is wider and, in some cases, deeper than before the snow storm. In addition, on Harrington, there are davits in the street with total indentation. **Mayor Gable** asked for a list of streets so we can evaluate them. Mr. Gottesman indicated there is a crack on any street and gave 29 Harrington and 21 or 23 Covington as specific streets. **Committeeman Puglia** said that, when it gets cold, the streets open up more. In the summer, they will close up. However, Mr. Gottesman felt they weren't done correctly. **Committeeman Puglia** felt Jef Jones does a good job and a lot has to do with the weather. **Administrator Fitzpatrick** said he, **Engineer Brown and Mr. Gottesman** will go to the location and inspect.

Colleen Herbert, 2 Millennium Drive, asked about the lease for M&M Farms and how they are going to use the property. **Mayor Gable** said they were doing the same as last year. Colleen was concerned about the number of cars parked on Island Road and whether this would interfere. **Mayor Gable** said he has spoken with the Police Chief who was going to address the parking. In addition, he would have a patrol car go out there at different times when the students were leaving the school so there would be a presence in that area.

Mrs. Herbert commented that she was glad we have a new engineer after which she welcomed him.

Mrs. Herbert then referred to the corner of Millennium and North Island said the storm drain in the road is sinking. **Committeeman Higgins** said his neighborhood has the same problem. Apparently, connections with piping were not sealed properly. Mrs. Herbert was concerned over a child's bike being stuck. She said the hole is getting worse as kids park there. Jef Jones is to be contacted to address this by patching them.

Bob Harrison, Mansfield Road West as if the motel on Route 206 is a truck stop as tractor trailers are parked constantly for weeks at a time. **Mayor Gable** has observed this and said it may or may not be against the zoning. Other people observed the trucks which do leave during the day but return at night. The Zoning Office is to be informed of this situation to see if it is legal or if it is a violation.

Bob Harrison, Mansfield Road West, asked if there is a time schedule for the final construction of the front part of this building. **Mayor Gable** said, due to bad weather, they stopped doing outside work. Other problems held this up such as water pipes and sewer system. Once the weather breaks, they will black top the surfaces. They are continuing work on the inside of the building. Hopefully, the outside will be completed in the spring.

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

MAYOR AND COMMITTEE COMMENTS

Committeewoman Cholewa said kudos to the Police Department and EMT's for coming to her house the second time in two weeks. She said they were wonderful, very understanding, and great. She said she is glad we have them and encouraged donations when envelopes are received.

Deputy Mayor Semptimphelter and Committeeman Puglia thanked all for coming.

Mayor Gable said he, **Administrator Fitzpatrick, and Jef Jones** met with the snow plow contractor. A good meeting revealed some changes in the equipment dedicated to Mansfield. We will have 4 large trucks and 4 small trucks in hopes of providing better service to our residents. Some communication issues were also addressed. He hopes the changes will help improve conditions of the roads.

MOTION FOR ADJOURNMENT

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to adjourn. Motion carried.

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

Barbara A. Crammer, Deputy Clerk

**Linda Semus, RMC
Municipal Clerk**

Approved: February 24, 2016