

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY
MEETING MINUTES
July 13, 2016
Executive Meeting
6:00 PM**

The Executive Session Meeting of the Mansfield Township Committee was held on the above shown date with the following in attendance: **Mayor Sean Gable, Committeewoman Laverne Cholewa, Committeeman Robert J. Higgins, Attorney Michael Magee, Clerk Linda Semus, and Administrator Michael Fitzpatrick.** **Committeeman Robert Semptimphelter and Committeeman Arthur Puglia** were not in attendance.

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 **Committeewoman Cholewa** and second by **Committeeman Higgins** to go into Executive Session by adoption of the following Resolution. Motion carried.

RESOLUTION 2016-7-1A

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 and personnel issues.
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.

Upon conclusion of the Executive Session, a motion was offered by **Committeewoman Cholewa** and second by **Committeeman Higgins** to adjourn the Executive Session and open the Regular Session. Motion carried.

The regular meeting of the Mansfield Township Committee was held on the above shown date with the following in attendance: **Mayor Sean Gable, Committeewoman Laverne Cholewa, Committeeman Robert J. Higgins, Engineer Richard Brown, Attorney Michael Magee, CFO Joseph Monzo, Township Administrator Michael Fitzpatrick, Clerk Linda Semus, and Deputy Clerk Barbara Crammer.**

Mayor Gable opened the meeting with the Salute to the Flag and a moment of silence.

Mayor Gable explained the items discussed in Executive Session were: pending litigation, and personnel issues.

PRESENTATION

Timothy C. Irons, Risk Manager, explained that, once a year, he is required to come to the meeting and discuss how we compare with other townships as reviewing some of the items in the safety program. Mansfield Township is running at a loss ratio of 9.2% which indicated we are performing much better than the constituents in the County. As for claims through Jif under \$200,000 paid out, Mansfield is running at a 6 year loss ratio of 97% compared to claims of 66% for the constituents. Most of that is from one injury in 2010 which was not a good year for Mansfield. For claims over \$200,000, Mansfield's 6 year average is 14.2% compared to constituents of 8.6%. The 5 year loss ratio is 0%. It was 2010 that caused this loss ratio.

Part of the safety incentive program other than banners is \$3,125 a year to use to promote safety in the town. \$1,200 was already used for playground safety to upgrade some playground issues. The balance is being determined by the Safety Committee on how to spend the money.

We still have approximately \$2,100 left plus the \$750 wellness grant given by JIF. **Administrator Fitzpatrick** said we are looking into buying a couple of FitBits and having a way to utilize them among the staff. Mr. Irons said the Township is doing well. There is great participation in the quarterly meetings. Committee members are welcome to attend.

ENGINEER'S REPORT

Richard Brown, Engineer, referred to his status report dated July 13, 2016. In regard to the Municipal Building fire protection, he submitted a proposal to **Administrator Fitzpatrick** for the "no pump" option and also they had a hydrant flow test performed on July 6th. DLB Associates is currently evaluating the test results. Based on the initial information, he is more than 75% confident that we will not need a fire pump as he feels the pressures from the New Jersey American System are going to be adequate to provide fire protection for the entire building.

Certain projects funded by the Transportation Trust Fund have been unfunded by the State. However, Axe Factory Road is not one of those projects so we are moving forward with that road. Upon making a phone call to the Committee Members regarding the opening and the removal of the barricades on that road, we have support that they want the road open. The County is going to participate. Therefore the entire reach of Axe Factor road from Old York Road to the municipal boundary can be done. Plans are to be submitted to the DOT in August for their review and approval after which we will go out to bid in later August or September.

Mansfield Road East is one of the unfunded projects. Therefore, that project is currently on hold. **Engineer Brown** asked for direction from the Committee if they want him to proceed with finalizing the design or keeping the project on hold at this time until such time that the DOT funds it.

Committeewoman Cholewa said she had read in the newspaper that projects considered a safety issue could go on. Although the project hasn't started, since it is in front of the school, she asked if we could plead safety.

Engineer Brown said he could reach out to the DOT and ask them.

The gutter line of Mansfield Road West as well as the intersection of Old York Road and Mansfield Road West had been surveyed. He explained the solution to the gutter line at Mansfield Road West and will seek quotes to present at the next Township Committee meeting.

Engineer Brown referred to the Mansfield Logistics Park also known as Margolis and said that the installation of the storm sewer outfalls and related piping have been installed. They have complied with their requirements.

The current developer of Legends at Mansfield, Landmark Companies has requested a release of their performance bond. They are currently not doing work to accomplish that. However a letter has been received from Blue Sky Communities with six items they have requested. He responded to the six comments as follows: they requested omission of the emergency access road from Mansfield Road East into the property. **Engineer Brown** explained the entrance and said he felt the emergency access would not be necessary as there is a boulevard entrance but said he wanted to defer this request to Fire Police and Emergency Squad. The developer requested elimination of the front sidewalk to nowhere as they describe it. **Engineer Brown's** recommendation would be to get a contribution from Landmark Companies to be put into an escrow account to be used at the liberty of the town to construct sidewalks elsewhere in the township. The developer has regraded the area of the formal sales office and gazebo. They have been completing curbs, etc. However, at a prior site meeting, **Engineer Brown** had suggested that they plant the area with additional deciduous and evergreen trees and shrubs to make landscaping continuous along the opening of the driveway. They agreed. The original plan indicated placement of a split rail fence. However, they have asked to omit this fence. **Engineer Brown** felt we should discuss this with the Homeowner's Association although he felt it could be eliminated. They will provide something in writing. The applicant has requested breakaway sign installation to which **Engineer Brown** agrees. The applicant would like to increase the street tree spacing. **Engineer Browns'** position on this is that they should leave the tree spacing and plant the trees in accordance with the landscaping plan so each of the property owner receives the appropriate number of trees scheduled for their property.

Committeeman Higgins noted there are outstanding bills. **Engineer Brown** said he spoke with Ryan Homes representatives and requested that outstanding invoices be submitted to them as some of the inspection work was performed for Ryan and not Landmark. These have been submitted and they are in the process of reviewing them. Then a determination has been made as far as what invoices are owed by Landmark and what ones are owed by Ryan. However, Landmark has replenished part of the escrow account.

A motion was offered by **Committeeman Higgins** and second by **Committeewoman Cholewa** to accept the Engineer's report and approve the recommendations of the Engineer. **Clerk Semus** requested clarification on Mansfield Road East and whether the Committee wanted to move forward or if the Engineer should go back to the state and ask if this could be a safety issue. **Committeeman Higgins** expressed concern over Mansfield Township assuming the cost of repairs on Mansfield Road East when it is used by other townships. He felt it should not fall just on Mansfield. He felt that, if the state is not willing to contribute toward it, the township shouldn't do it. **Mayor Gable** clarified the discussion concluding that **Engineer Brown** should approach the State in regard to the safety issue. A Roll Call Vote, was taken as follows:

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

ORDINANCES: First Reading/Introduction

ORDINANCE NO. 2016-11
AN ORDINANCE TO AMEND ORDINANCE 1978-8, ADOPTED
12/19/1978, AMENDED 6/5/2000 BY ORDINANCE 2000-8 CHAPTER 65
ZONING; ARTICLE XXX LOW-AND-MODERATE INCOME
HOUSING MANAGEMENT PROGRAM AT SECTION 65-166, B(2) –
AFFIRMATIVE MARKETING

WHEREAS, the Township of Mansfield adopted a Zoning Ordinance to cover, among other things the low and moderate income housing Management program for the Township,

WHEREAS, said ordinance provided for the affirmative marketing of said low and moderate

WHEREAS, the Township of Mansfield has decided to amend that portion of the ordinance relating to affirmative marketing to allow the administrative agent to charge a reasonable fee to program participants for the administration of the Housing Affordability Control Program.

NOW, THEREFORE, BE IT RESOLVED, Chapter 65. Zoning; Article XXX. Low- and Moderate-Income Housing Management Program at section 65-166, B(2) be replaced with the following language;

“The developer shall assume all costs for the affirmative marketing and initial sales and rental transactions associated with the low and moderate income housing development. The developer’s administrative agent shall have all of the responsibilities as put forth in this rule and shall follow the same procedures for affirmative marketing, qualifying individuals and households and recording of property instruments as described herein for the Township’ Administrative Agent. After the initial sales and rental transactions, the Administrative Agent shall assume the duties of the developer’s administrative agent for any re-sales or re-rentals. The Administrative agent shall charge a reasonable fee to the program seller(s)/owner(s) for the administration of the housing affordability controls program.”

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.

Clerk Semus read Ordinance 2016-11 stating the public hearing/final adoption will be heard on August 10, 2016.

Mayor Gable explained this change is regarding administrative cost charged for low and moderate income housing.

A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Higgins** to introduce Ordinance 2016-11. Motion carried on a Roll Call Vote, recorded as follows:

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

ORDINANCE NO. 2016-12
AN ORDINANCE TO AMEND CHAPTER 27, ENTITLED “LAND USE PROCEDURES”, SECTION 27 ATTACHMENT 1, CHECKLIST A, WHICH WAS AMENDED ON JANUARY 18, 1977 BY ORDINANCE 1977-1 AND AMENDED ORDINANCE 2008-28 ADOPTED OCTOBER 8, 2008

WHEREAS, Chapter 27 entitled Land Use Procedures has specific requirements in the form of checklists for completion in connection with development; and

WHEREAS, in today’s electronic age it has become necessary to require owners and applicants to provide certain technical information plans drawings etc. in connection with an application for development in ‘Mansfield Township

WHEREAS, Mansfield Township has decided to Chapter 27 Checklist A, Attachment 1, to require an electronic filing in addition to that which is required.

NOW, THEREFORE, BE IT RESOLVED be it resolved chapter 27 checklist a attachment one be amended to add a number 20 to read as follows:

The applicant needs to provide a copy of all plans/reports and estimates in electronic format on a CD disc after all approvals and all revisions are made to the final Site Plans and Mylar are endorsed by the Township Engineer and the Township Planner. The plans are to be in Auto-CAD version no later than 2014, correspondence in Word format or PDF format and estimates in Excel Version no later than 2010 or PDF format.

Applicant shall also provide in electronic format on the CD the entire signed set of plans in PDF format. 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.

Clerk Semus read Ordinance 2016-12 stating the public hearing/final adoption will be scheduled for August10, 2016.

Mayor Gable explained the purpose of the ordinance to update the requirement for developers to file their information electronically.

A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Higgins** to introduce ordinance 2016-12. Motion carried on a Roll Call Vote, recorded as follows:

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

ORDINANCE 2016-13
AN ORDINANCE AMENDING CHAPTER 34A OF THE TOWNSHIP CODE ENTITLED PEACE AND GOOD ORDER TO HELP PROTECT LOCAL BUSINESSES

WHEREAS, the Township Police Department has requested that the governing body review the Peace and Good Order ordinance to expand the police power to assist local businesses that experience an influx of disorderly behavior within their establishments; and

WHEREAS, the purpose of this ordinance is provide an enforcement power which IS authorized pursuant to the New Jersey Home Rule Act; and

WHEREAS, the ordinance is not pre-empted by the New Jersey Criminal Code as the Home Rule Act specifically permits ordinances to maintain order, prevent vice and to preserve the peace and good order;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that Chapter 34A of the Code of the Township of Mansfield, be and is hereby amended and supplemented to add the following new activity within the list of prohibited conduct in §34A-1(A):

“(11) wrongful interference with legitimate business activity within the Township.”

AND BE IT FURTHER ORDAINED AND ENACTED, that any provisions of the Township Code that are inconsistent with the foregoing amendment are repealed to the extent of any inconsistency;

AND BE IT FURTHER ORDAINED AND ENACTED that this Ordinance shall take effect twenty (20) days following adoption and publication according to law.

Clerk Semus read Ordinance 2016-13 by title and announced that the public hearing/adoption will be scheduled for the August 10, 2016 meeting,

Mayor Gable explained the purpose of this ordinance to permit the township to continue to proceed with charges of disorderly conduct. **Committeeman Higgins** noted this was requested by the Police Department.

A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Higgins** to introduce ordinance 2016-13. Motion carried on a Roll Call Vote, recorded as follows:

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

RESOLUTIONS

RESOLUTION 2016-7-2

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT RENEWING MEMBERSHIP IN THE BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, Mansfield Township (hereinafter the "MUNICIPALITY") is a member of the Burlington County Municipal Joint Insurance Fund (hereinafter the "FUND"); and

WHEREAS, the MUNICIPALITY'S membership terminates as of January 1, 2017 unless earlier renewed by a Contract between the MUNICIPALITY and the FUND; and

WHEREAS, N.J.S.A. 40A:11-5 (1) (m) provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the subject matter is for the purchase of insurance coverage and consultant services, provided that the award is in accordance with the requirements for extraordinary unspecifiable services; and

WHEREAS, N.J.S.A. 40A:11-6.1(b) provides that the MUNICIPALITY shall make a documented effort to secure competitive quotations; however, a Contract may be awarded upon a determination, in writing, that the solicitation of competitive quotations is impracticable; and

WHEREAS, in accordance with N.J.A.C. 5:34-2.3, a designated official of the MUNICIPALITY, has filed a certificate with the governing body describing in detail, as set forth below in this Resolution, why this Contract meets the provisions of the statutes and the regulations and why the solicitation of competitive quotations is impracticable; and

WHEREAS, it has been determined that the purchase of insurance coverage and insurance consultant services by the MUNICIPALITY requires a unique knowledge and understanding of the municipal exposures and risks associated with the operation of a municipal entity, and many insurance professionals are not qualified to assess these risks and exposures based upon their inherent complexity; and

WHEREAS, insurance coverage for municipal entities can vary greatly in the type, limits, and exceptions to coverage, and therefore particularized expertise in determining and obtaining the appropriate coverage is required to protect the MUNICIPALITY; and

WHEREAS, it is the goal of the MUNICIPALITY to obtain a single integrated program to provide all types of insurance coverage with a plan to limit the MUNICIPALITIES exposure; and

WHEREAS, the FUND has provided comprehensive insurance coverage to member municipalities since 1991; and

WHEREAS, since 1991, the Fund has continually refined all of the types of coverage that it provides to its members so that it offers comprehensive insurance coverage and limits to all members that is unique and cannot be purchased from a single entity in the commercial insurance market; and

WHEREAS, the FUND has also developed and made available to its members Safety, Risk Management, and Litigation Management programs that address the specific exposures and risks associated with municipal entities; and

WHEREAS, the FUND provides the MUNICIPALITY with Fund Administration, Claims Review, Claims Processing, Claims Administration, Actuarial and Legal services; and

WHEREAS, the FUND is one of the most financially sound Municipal Joint Insurance Funds in New Jersey, and the FUND operates with strong fiscal controls, member oversight, and meets all of the requirements promulgated by the New Jersey Department of Community Affairs and the Department of Banking and Insurance; and

WHEREAS, as an existing member of the FUND, the MUNICIPALITY would be renewing its membership in an organization with experienced and dedicated FUND Professionals who provide specialized services to the members; and

WHEREAS, the membership of the FUND includes many neighboring municipalities that have uniquely similar exposures to the MUNICIPALITY, and with whom the MUNICIPALITY has existing inter-local arrangements; and

WHEREAS, all of the aforementioned factors categorize the award of this Contract as an "extraordinary, unspecifiable service" that cannot be duplicated, accounted for, accurately detailed, or described in a manner that truly depicts the value of the MUNICIPALITY'S membership in the FUND; and

WHEREAS, for all of the aforementioned reasons, it is impracticable for the MUNICIPALITY to seek competitive quotations for a Contract to provide the procurement of insurance coverage and consultant services; and

WHEREAS, the FUND has been organized pursuant to N.J.S.A. 40A:10-36 et seq., and as such is an agency of the municipalities that created it; and

WHEREAS, N.J.S.A. 40A:11-5(2) also provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the Contract is entered into with a municipality or any board, body, officer, agency or authority thereof; and

WHEREAS, the FUND meets the definition of an agency as set forth in N.J.S.A. 40A:11-5(2); and

WHEREAS, for all of the aforementioned reasons, the MUNICIPALITY desires to enter into a Contract to renew its membership with the FUND for a period of three (3) years, for insurance coverage and consultant services, as an exception to the public bidding requirements of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the MUNICIPALITY as follows:

1. The MUNICIPALITY agrees to renew its membership in the FUND and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the FUND.

2. The Mayor and Clerk of the MUNICIPALITY shall be and hereby are authorized to execute the "Contract to Renew Membership" annexed hereto and made a part hereof and to deliver same to the FUND evidencing the MUNICIPALITY'S renewal of its membership.
3. In accordance with N.J.A.C. 5:34-2.3, the certificate of a designated official of the MUNICIPALITY, which details why the solicitation of competitive quotations is impracticable, is attached hereto and made a part of this Resolution.
4. The Clerk of the MUNICIPALITY is authorized and directed to place a notice of the adoption of this Resolution and the award of this Contract in the official newspaper of the MUNICIPALITY.

A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Higgins** to introduce Resolution 2016-7-2. Motion carried on a Roll Call Vote, recorded as follows:

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

RESOLUTION NO. 2016-7-3
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD TO UNDERTAKE A PRELIMINARY INVESTIGATION FOR DETERMINING "AREAS IN NEED" OF NON-COMDEMNATION REDEVELOPMENT AS SET FORTH IN THE LOCAL REDEVELOPMENT AND HOUSING LAW PURSUANT TO NJSA 40A:12A

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of Non-Condensation Redevelopment in accordance with the Act, including Sections 3 and 5 thereof; and

WHEREAS, the Township has determined that the designation of Non-Condensation Redevelopment areas will foster the investment of private capital, the construction of projects that will benefit the Township, its residents and property owners; and

WHEREAS, the general boundary of the area which merit evaluation to see if such areas, and the parcels therein, would qualify as "Areas in Need of Non-Condensation Redevelopment" under the Act as set forth in Exhibit A (attached hereto); and

WHEREAS, the Township desires to direct the Planning Board to perform a preliminary investigation of the parcels set forth in Exhibit A to determine whether such parcels would qualify as an "Area in Need of Non-Condensation Redevelopment" under the Act; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Mansfield as follows:

1. **PRELIMINARY INVESTIGATION OF STUDY AREA.** The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* and *N.J.S.A. 40A:12A-14* to determine whether all or a portions of the parcels set forth in Exhibit A (together, the "Study Area") satisfies the criteria set forth in the Act, including *N.J.S.A.40A:12A-5*, and *N.J.S.A.40A:12A-3*, to be designated as an "Area in Need of Non-Condensation Redevelopment":
2. **MAP TO BE PREPARED.** As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the proposed Non-Condensation Redevelopment Areas and the location of the various parcels contained therein.
3. **PUBLIC HEARING REQUIRED.** (a) The Planning Board shall conduct a public hearing. Said hearing date and time shall published in a newspaper of general circulation in the Municipality and a copy of the notice shall be mailed to the last owner, if any, or any persons who are interested in or would be affected by a determination that all, or a portion, of the study area is a Non-Condensation Redevelopment Area.
 (b) At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a Non-Condensation Redevelopment Area. All objections to a determination that all or a portion of the Study Area is an area in need of Non-Condensation Redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.
4. **PLANNING BOARD TO MAKE RECOMMENDATIONS.** After conducting its investigation, preparing a map of the proposed Non-Condensation Redevelopment Areas, and conducting a public hearing at which all objections to the designations are received and considered, the Planning Board shall make a recommendation to the Township as to whether the Township should designate all or part of the Study Area as an area in need of Non-Condensation Redevelopment.
5. **SEVERABILITY.** If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.
7. **AVAILABILITY OF THE RESOLUTION.** A copy of this Resolution shall be available for public inspection at the offices of the Municipal Clerk.
8. **EFFECTIVE DATE.** This Resolution shall take effect immediately.

A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Higgins** to introduce Resolution 2016-7-3. Motion carried on a Roll Call Vote, recorded as follows:

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

**RESOLUTION 2016-7-4
RESOLUTION APPOINTING ACTING CONSTRUCTION CODE OFFICIAL,
HARRY W. CASE**

WHEREAS, the Construction Official, Jeffrey K. Jones from time to time is absent due to vacation, sick, personal time; and

WHEREAS, Harry W. Case has the skills and training to temporarily fulfill the duties and responsibilities and exercised the powers of the Construction Official during Mr. Jones' absence; and

WHEREAS, the Township Committee wishes to assure that Mr. Case's authority to act in the absence of Mr. Jones is clearly established; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township Mansfield, County of Burlington, and State of New Jersey that Harry W. Case is authorized to act in the place and stead of the Construction Code Official for the Township of Mansfield during said officials absence due to vacation, sick, or personal time at an hourly rate of \$35.00 with no benefits or holidays; and

BE IT FURTHER RESOLVED that this Resolution shall take effect upon its adoption by the Township Committee.

A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Higgins** to introduce Resolution 2016-7-4. Motion carried on a Roll Call Vote, recorded as follows:

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

RESOLUTION 2016-7-5

AMENDMENT TO RESOLUTION 2016-1-4, APPOINTMENT OF MUNICIPAL POSITIONS/BOARDS/EMPLOYEES

BE IT HEREBY RESOLVED that the following individuals were recommended by the Mansfield Township Environmental Commission as members for the year 2016; and

WHEREAS, Resolution 2016-1-4, which was adopted by the Mansfield Township Committee at their Reorganization Meeting of January 4, 2016, be and is hereby amended to include the following individuals as members to the Mansfield Township Environmental Commission:

ENVIRONMENTAL COMMISSION:

John C. Kelly (filling unexpired term) expiration 12/31/18

A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Higgins** to introduce Resolution 2016-7-5. Motion carried on a Roll Call Vote, recorded as follows:

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

RESOLUTION 2016-7-6

WITHHOLD FROM TAX SALE SPECIAL ASSESSMENTS NOT YET DUE

WHEREAS, N.J.S.A. 54:5-22 provides that the governing body may determine that any subsequent installments for benefits for special assessments that become due, due to the default in the payment of any installment, or in the payment of any municipal lien, may direct the Tax Collector to withhold from Tax Sale the subsequent installments not yet otherwise due, and

WHEREAS, the property shown below has a Special Assessment for Sewer Improvements which has a total remaining balance of \$6,640.08, and

WHEREAS, the amount of the 2015 delinquent installment is \$707.52

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey at their regular meeting held on July 13, 2016 hereby authorizes the tax collector to withhold from the 2016 Tax Sale the subsequent installments not yet due in the amount of \$6,640.08.

Block	Lot	Property Owner	Address
33.01	37	Timothy & Charlene Kapp	6 Sylvan View Drive

CFO Monzo said the Tax Collector was listing the 2016 Tax Sale which is meant to include unpaid Real Estate Taxes, sewer charges, and special assessments. One property has a special assessment which had a 20 year life when first adopted. In 2015, that amount was not paid. However, the statute says that, if a one year special assessment is not paid, you can include it in the tax sale. The statute also allows the Governing Body to waive the fee and include only the current amount that is delinquent in the tax sale. This is what the Tax Collector is requesting. It is his understanding the property is being sold and closing is next month. When the closing occurs, we will collect all of the special assessment at one time.

A motion was offered by **Committeeman Higgins** and second by **Committeewoman Cholewa** To adopt Resolution 2016-7-6. Motion carried on a Roll Call Vote, recorded as follows:

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

RESOLUTION 2016-7-7
REJECTING BID FOR THE CIVIC CLUB ALTERATIONS PURSUANT TO NJSA
40A:11-13.2b

WHEREAS, on July 6, 2016, the Township accepted a bid for the Civic Club Alterations from Joseph Porretta Builders, Inc.; and

WHEREAS, the bid exceeded the available amount of funding for the project; and

WHEREAS, the Chief Financial Officer has recommended that the bid be rejected since the bid exceeds the amount appropriated for this service; and

WHEREAS, the Township Committee hereby determines that it is in the best interest of the Township to reject said bid;

NOW, THEREFORE, BE IT RESOLVED on this 13th day of July, 2016, by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, that:

1. The bid received for the Alterations to the Civic Club shall be and is hereby rejected pursuant to N.J.S.A. 40A:11-13.2b since the bid exceeds the available funding for this service.
2. The Township's Architect is hereby authorized to rebid said project.

A motion was offered by **Committeeman Higgins** and second by **Committeewoman Cholewa** To adopt Resolution 2016-7-7. Motion carried on a Roll Call Vote, recorded as follows:

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

MINUTES: June 8, 2016

A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Higgins** to approve the minutes of the June 8, 2016 meeting. Motion carried.

BILL LIST

A motion was offered by **Committeewoman Cholewa** to pay the bills. **Mayor Gable** explained that, in order to move forward with the bill list, because there are two Committee Members out, to have enough votes, we need to contact one of the members by phone to provide a quorum for voting on all of the bills. This is because there will be abstentions on some of the bills. **Committeeman Higgins** said he will abstain from check 5505 to our attorney because of their professional relationships as they come in contact with each other.

Committeeman Puglia was contacted by phone and was told the Committee is moving forward with the bill list.

The motion of **Committeewoman Cholewa** was second by **Committeeman Higgins** Motion carried on a Roll Call Vote, recorded as follows:

AYE: CHOLEWA, PUGLIA, HIGGINS (see below), **GABLE** (see below)
NAY: NONE ABSENT: SEMPTIMHELTER
ABSTAIN: HIGGINS(on Check #5505) **GABLE** (on Check #5533)

REPORTS: (May and June) Clerk, Court, Construction, Tax, EMS, Police
(June) Recreation

A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Higgins** to accept the foregoing reports. Motion carried.

DISCUSSION/ACTION

a. River Route

Committeewoman Cholewa said she attended a River Route Committee meeting on June 27th with Dottie Wirth from the Environmental Commission and Bill Tahirak from the Zoning Board. Mansfield is a representative with 19 other municipalities for the strategic planning update. Sub-committees consisting of Economic Community Transportation and Circulation and Natural and Cultural Resources will hold meetings to exchange ideas between communities. **Committeewoman Cholewa** presented a questionnaire for the Committee members to complete and return to her so she could present it to the River Route Committee by the 19th of July.

b. Township Calendar

Administrator Fitzpatrick said the possibility of putting together a township calendar had been discussed a couple of months ago. As requested, he got some pricing on the calendar which would be all inclusive giving a total outlay in detail of everything going on in the township. They would be mailed out to all residents. This can be designed at any magnitude we want such as a smaller calendar with no pictures. He has asked Mrs. Elliott, one of our assistants, to put it together with help from the other employees. **Administrator Fitzpatrick** said the price would be \$8,485.45 if we go for a smaller calendar with no pictures. The money would be taken from a combination of Clean Communities and Recycling Grants. This price includes postage. **Committeeman Higgins** questioned whether we would be taking money from our sports teams who participate in the road clean up. **Administrator Fitzpatrick** said he hoped this wouldn't happen. Once he gets the approval from the Committee, he will start the process. **Committeewoman Cholewa** felt this was a wonderful idea. She then made a motion to approve this request. The motion was second by **Mayor Gable**. A Roll Call Vote was taken as follows:

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

Mayor Gable said the motion failed at this time. It can be considered at a later point if decided.

c. Air conditioning Unit 2nd Floor

Mayor Gable said this was handled as a maintenance issue internally.

d. Membership for Fire Company

Mayor Gable explained that, since he is a member of the Fire Company and there are two Committee Members absent, he requested a motion to table this until the next month. A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Higgins** to table this until the next meeting. Motion carried.

e. Connor Howard appearing with Eagle Scout Project Presentation

Connor Howard presented a packet to the Committee and explained that he is going to be a junior in High School next year and is working toward his Eagle. Currently he is a Boy Scout in Troup 45. He explained that his troop participates in many events including Memorial Day Services, Field Day, Tree Lighting, and Wagon Rides. For his Eagle Scout project, he wants to install a flag pole at some of the parks near the ball fields. He explained the type of flag pole and his desire to have a light at the base so the flag wouldn't have to be retired every night. He said he would submit the necessary applications to the Township. He felt that each installation of a flag pole would cost about \$1,400-\$1700. The installations would be done by the Troup Members and friends of the troop. He plans to have a fund raising project this summer so he can install a pole or more next summer, depending on the success of the fund drive. **Committeeman Higgins** pointed out some existing flag poles at the parks and added that he would contribute \$100. **Committeewoman Cholewa** suggested a flag pole at Mapleton and at the end of the ballfields at the Municipal Park. She also asked, if he collects a large amount of money, could she have 5 flag poles, one for each branch of the service, at the Veteran's Memorial. She also felt that having flag poles will remind children to be thankful for this country and why they are able to play the game and be so free. **Mayor Gable** thanked Connor for his presentation and complimented him on how nice the presentation was. A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Higgins** to approve this request. Motion carried.

PUBLIC COMMENT

Douglas Borgstrom spoke of the generous contribution of the County to construct the Kinkora trail to from our Community Park to Island Road. He said he is a heavy user of it whether for walks with the dog or biking. He felt it would be a good idea to use the money from developers in lieu of construction sidewalks to complete the sidewalks on East Main Street, both north and south sides as well as a continuation from New York Avenue up to the school as they stop. He felt there is no circulation and completion of sidewalks in town would help with pedestrian traffic.

In referring to the Kinkora trail, Mr. Borgstrom said he sees a lot of people he doesn't know who, when completing their walk, get in their car and leave. He said there is no way to draw the people up into the center of town as there is no sidewalk going up to the main street. He felt the trails in the park itself have tree roots, holes, and cracks. Since the County is

improving East Main Street this year, Mr. Borgstrom suggested asking them for a raised cross walk near the park exit. This would dramatically reduce the speed. If the sidewalks were finished, this would be a pedestrian friendly town. Mr. Borgstrom suggested sidewalks or a pedestrian bike trail to connect the village to Country Walk would make this area more pedestrian friendly. This would help in the revitalization plans.

Mayor Gable asked the Township Engineer if there is a possibility of grant money to connect the village to the Country Walk Park. **Engineer Brown** replied that the prior engineer had made an application under the Taft program which was rejected. Since he is not sure this program is refunded as it may be affected by the unfunding of Transportation Trust Fund. He will investigate. It is possible that an application can be made for that. **Mayor Gable** told Mr. Borgstrom he had good ideas that will be taken into consideration.

David Garwood, 235 Island Road, asked if the reports presented tonight from various departments were available for the public to read. He questioned why they weren't reviewed tonight. **Mayor Gable** said they were reviewed ahead of time and, if they have any questions or concerns, they can be addressed at this meeting. **Clerk Semus** added that, once the reports have been voted upon, she can give him copies for his review.

Mr. Garwood referred to the calendar. Rather than spend \$8,000 on calendars, he questioned why the website was not updated. **Committeeman Higgins** agreed and felt the updated website would be better than spending the \$8,000. **Committeewoman Cholewa** added that she lives in the Four Seasons Community where many people do not have a computer and, since there is no local newspaper, this is something that would be in the hands of the residents. Mr. Garwood said he moved here in 2014 hoping the township would be interested in the revitalization of the community with long term strategic planning. Mr. Garwood then referred to some deterioration of some properties including township owned parks including the placement of clothing bins at the expense of the aesthetics as they are horrendous and eye sores. He felt the clothing bins were a poor decision. Mr. Garwood distributed a booklet consisting of pictures illustrating area which he felt were in need of general property maintenance. He felt property maintenance issues should be enforced. **Mayor Gable** said we will have our Property Maintenance Official review his booklet although some were addressed and some are being addressed.

Committeeman Higgins thanked Mr. Garwood for his comments and his presentation. He said that, as a rural town, we take a passive approach to property maintenance. When someone points something out to us, we try to address it. In looking at the Columbus Inne and the old Municipal Properties, the Committee, in the past two year, has made a major effort to revive everything. The center of town has been designated a redevelopment area giving us an opportunity to work with people who want to do something that we think is the best for the community. We can only spend so many dollars. He noted that grant money often get used for road improvements. We have had county grants to do improvements to the parks. Mr. Garwood's input tonight was very valuable. We will look at these things he pointed out and start addressing them. We need people to give us input and we always need people for committees. **Committeeman Higgins** did point out that clothing bins do benefit the Police Department. Mr. Garwood added that he felt Island Road South needed repair. **Mayor Gable** explained to him how the selection of road improvements is made.

Mr. Garwood continued his concerns saying that he needs to feel good about working and living here. The areas should be cleaned up.

Rich Tarantino, 45 Augusta Drive said he was representing the Village of Mapleton Homeowner's Association. He questioned how much this municipal complex will cost the taxpayers. And is the total money figured into the tax bills yet. **Mayor Gable** said we are on the final phase of the Police and Public Works. All the money has been bonded and is included in the taxes. From the purchase to where we are now, it is about \$10 million dollars. Mr. Tarantino asked that, when the Committee does a Roll Call to pay the bills every month, there should be more transparency as that is a hefty bill list every month. None of the tax payers know what they are paying. He was told the bill list is on the website and is available for his review.

Mr. Tarantino referred to the ordinance for the Villages of Mansfield Homeowner's Association to put the administrative costs for COAH program in the Township. He felt the

Township spent the money in the COAH trust fund and now, after 16 years, the township wants them to foot the bill. **Mayor Gable** said we want the seller of the property to cover the expenses. He further explained, in prior years, it was funded through the 20% of the COAH fund and this was utilized. Mr. Tarantino said that, in 2009, he had a statement from the State of New Jersey indicating that there was almost \$900,000 in the trust fund. He said that 20% of that was roughly \$180,000. He didn't think there was that many resales in the past 16 years to use up all of that money.

Committeeman Higgins explained how the township utilized the funds. **Attorney Magee** also explained that the administrative agency fee has been paid for out of the COAH trust funds. **Committeeman Higgins** also explained that the State froze the trust fund and the Township can explain every dollar that was spent. A special meeting was held last week at 2pm on this topic. **Committeeman Higgins** asked for the minutes to be typed. **CFO Monzo** specifically addressed how we overspent the administrative fees. Mr. Tarantino commented that, now, you want them to pick up on the mistake. **Committeeman Higgins** further explained that the State basically froze our funds because we didn't have an approved spending plan. Mr. Tarantino disagreed and, again, said the township overspent and misappropriated the money. **Attorney Magee** said that Mr. Tarantino is incorrect. We have the option to have the seller pick up the administrative agency in connection with the development and administration from the affordable housing ordinance in Mansfield Township. **Committeeman Higgins** said if we can't charge the trust funds and we can't charge the sellers, we would have to charge everyone in the audience which would come from the general fund and he didn't believe it was an expenditure that should be charged to the rest of the people.

Mr. Tarantino referred to a recent proclamation supporting men and women in uniform who defend this nation and the flag of the USA. There are many residents in Augusta Drive in uniform that defend the flag every day. Now the township is creating a financial hardship on them. He felt the township had an audacity to charge these people because they can't handle money. After heated dialogue, Mr. Tarantino felt this ordinance is not appropriate nor it is lawful. He said this is only the beginning. He then questioned the fee. **Mayor Gable** told him I was about \$1,300 for the closing costs for the seller. Mr. Tarantino felt the township is overpaying and has wasted their money out of the COAH trust and now want them to pick up the tab. **Mayor Gable** again explained that the fee is for closing costs for the seller. We are also implementing the program for the additional 30% to make housing more affordable. This will provide options for the residents living there that need to have repairs done to their homes.

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

MAYOR AND COMMITTEE COMMENTS

Committeeman Higgins thanked the people for attending the meeting and said he looked forward to the flag poles.

Mayor Gable thanked the people for coming and wished them a good evening.

MOTION FOR ADJOURNMENT

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

PREPARED BY:

RESPECTFULLY SUMMITTED BY:

Barbara A. Crammer
Deputy Clerk

Linda Semus, RMC
Municipal Clerk

Adopted: August 10, 2016

