

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY
MEETING MINUTES
December 14, 2016**

Executive Session: 6:30PM

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, Committeeman Arthur Puglia, Committeeman Committeewoman Laverne Cholewa, Committeeman Robert J. Higgins, Attorney Michael Magee, Clerk Linda Semus, and Administrator Michael Fitzpatrick.**

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 **Committeeman Puglia** and second by **Committeewoman Cholewa** to go into executive session by adoption of the following Resolution. Motion carried.

RESOLUTION 2016-11-12-1

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, on-going contract negotiations, 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.

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

Attorney Magee explained the purpose of executive session to discuss pending litigation, on-going contract negotiations, and personnel issues.

Mayor Gable opened the regular meeting with the flag salute and a moment of silence. The following were in attendance: : **Mayor Sean Gable, Deputy Mayor Robert Semptimphelter, Committeeman Arthur Puglia, Committeeman Committeewoman Laverne Cholewa, Committeeman Robert J. Higgins, Engineer Richard Brown, Attorney Michael Magee, Clerk Linda Semus, Administrator Michael Fitzpatrick and Deputy Clerk Ashley Jolly.**

PRESENTATION

Larry Morgan, appearing on behalf of Tilson Technology, said his firm is under contract with Verizon Wireless to accomplish different goals. One is to enhance their signal strength in areas of Mansfield. This is done with small cell technology by attaching equipment to existing utility poles. It would consist of a small antenna in the shape of a canister to be placed on the top of the pole. He said we use our phones more for data now than for voice which takes up the existing signal. Sometimes it is maxed out when everyone is using their phones. These small cells help to prevent this which are placed in areas where they are weak or non-existing or will be weak or non-existent. The poles Verizon will focus on are in Mansfield and all they are looking for right now is the consent to be in our right-of-way. Specific locations will be selected to install the equipment. When that happens, they will return with schematics and exhibits. This will be for township roads.

Mayor Gable confirmed that no work is being done right now. Mr. Morgan responded saying no work now as everything is a process.

Engineer Brown asked if this is a DAS system. He was told no as the DAS is more for the interior of the building, Mr. Morgan explained that what he is proposing works off the existing infrastructure and is specific. **Engineer Brown**, in his experience in other townships, said that they can go on poles provided there is no solar panel on the poles.

Attorney Magee felt we should know where they are going and who, besides us, they need permission from. We have specific ordinances that apply regarding work in our right-of-way. As long as they have permission from the entity the poles they are sharing and, if they are working in our right-of-way, they must comply with our ordinance, including inspection fees and escrows. He didn't feel there would be any objection. **Engineer Brown** didn't see a problem either but there should be some type of administrative approval as opposed to making a formal application.

Mr. Morgan said that Verizon Wireless has attached agreements with all the utility companies in New Jersey.

Attorney Magee said, as long as Mr. Morgan's company has an agreement with them, they have to comply with local ordinances relative to work in the right-of-way.

Committeewoman Cholewa asked if Verizon tells him what poles to put them on and they install their equipment. Mr. Morgan said Verizon has radio frequency engineers who identify signal strength from their laptops and inform his company who does the installation.

Clerk Semus said she has the packet with the resolution included which has been sent to **Attorney Magee** for review. This will be on the next agenda for approval.

ENGINEER'S REPORT

Engineer Brown referred to his December 14, 2016 report indicating the firehouse drainage work is complete. After significant rainfall events, it appears the system is working as there is no ponding water.

A meeting was held on December 6th and it appears it will not be a requirement for a fire pump. The work will include an additional analysis of the existing system. The proposal for additional items of work have been scoped out and it will be provided to **Administrator Fitzpatrick** either at the December 28th meeting or the first meeting in January.

Additional work has been authorized for Axe Factory Road. This work is complete and now they are currently working on the additional design.

There is no change on Mansfield Road East which has been put on hold despite the fact that the DOT did refund that project.

The second floor accessibility is complete.

Roadway widening on White Pine Road is complete. Construction of the church with site improvements will commence in the spring of 2017. The application has requested release of his performance bond and will post the required maintenance bond.

Curb construction is complete on 959 Mansfield Road East. The DEP has been contacted regarding some information the resident had requested.

Marconi Landscaping installed the millings for the access drive. We now have a passable access. This will improve safety as route 206 can be avoided.

The tree planting and final paving are complete at the Legends at Mansfield. Their request for release of their performance bond is being considered. A final inspection is being completed.

They are continuing to work on the Georgetown Park.

The application for the work on Columbus Road was submitted to the NJDOT and this has been deemed complete. All of the required information was submitted.

Mayor Gable asked if the site triangle and signage on the Hedding Road access park is sufficient. If residents are informed that it is ok to use this entrance, he was concerned that everything was in line. **Engineer Brown** suggested a stop sign be installed and a stop bar. He felt there is adequate sight distance and no obstructions. Therefore it can be utilized as an access.

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

RESOLUTIONS

RESOLUTION 2016-12-2

A RESOLUTION GRANTING A RAISE TO ALL MANSFIELD TOWNSHIP STATUTORY AND AT-WILL EMPLOYEES

WHEREAS, Mansfield Township is desirous of retaining dependable and experienced employees; and

WHEREAS, the Mansfield Township Committee is appreciative of the hard work of all of its Statutory and At-Will Township Employees; and

WHEREAS, the Township Committee realizes that the Township Employees had not received a Cost Of Living Increase for the year 2016; and

WHEREAS, the Township Committee has sufficient funds to grant a two percent (2%) increase in wages paid to all At-Will Township and Statutory Township Employees, which will be retroactive to January 1, 2016 or for Employees hired after January 2016 from their date of hire and employed as of today; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey at their regular meeting held on December 28, 2016 at the Municipal Complex at 7:30 PM that:

The Township Committee does hereby agree to provide a two percent (2%) raise in wages paid to all Statutory and At-Will Township Employees, retroactive to January 1, 2016.

CFO Monzo said the payment will be made in 2017 retroactive for the full year of 2016. The new salary will be in effect for 2017. If there are any transfers needed, this will be done the meeting of the 28th. The overall budget is within our budgetary line items.

A motion was offered by **Committeeman Puglia** and second by **Deputy Mayor Semptimphehler** to adopt Resolution 2016-12-2. Motion carried on a Roll Call Vote, recorded as follows:

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

RESOLUTION 2016-12-3

RESOLUTION FOR THE TRANSFER OF FUNDS IN THE CURRENT FUND IN THE TOWNSHIP OF MANSFIELD FOR THE BUDGET YEAR 2016

BE IT RESOLVED on this 9th day of November, **2016** by the Township Committee for the Township of Mansfield, County of Burlington, that from the surplus balance in the **2016** budget appropriations transfers be made as follows:

CURRENT FUND: Inside the CAP to Inside the CAP
Operating Expenses and Salaries & Wages

<u>TITLE</u>		<u>TRANSFER FROM</u>		<u>TRANSFER TO</u>
Planning Board	OE			750.00
Building and Grounds	OE			2,500.00
Animal Control	OE			100.00
Park Maintenance	OE			500.00
Water	OE			6,000.00
Employee Group Benefits	OE		\$9,850.00	
	TOTAL	\$	\$9850.00	\$
				9,850.00

A motion was offered by **Deputy Mayor Semptimphelter** and second by **Committeeman Puglia** to adopt Resolution 2016-12-3. Motion carried on a Roll Call Vote, recorded as follows:

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

CFO Monzo explained that the following Resolutions 2016-12-4 through 2016-12-10 are adjustments made by the assessor or collector relative to the taxes that were billed in 2016.

A motion was offered by **Committeeman Puglia** and second by **Deputy Mayor Semptimphelter** to adopt Resolutions 2016-12-4 through 2016-12-10. Motion carried on a Roll Call Vote, recorded as follows:

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

RESOLUTION 2016-12-4
REFUND OF TAX OVERPAYMENT

WHEREAS, Property Taxes were overpaid on the property listed below; and
WHEREAS, this overpayment was due to a duplicate payment by Ocwen Financial Servicing, LLC, and they are requesting a refund is;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey at their regular meeting held on December 14, 2016 hereby memorializes the refunding of the following to **Ocwen Financial Servicing** by the Tax Collector.

Block	Lot	Property Owner	Amount	Check #
31.01	2	Darrell & Nemoy Barron	\$10,259.55	5977

RESOLUTION 2016-12-5
REDEMPTION OF TAX LIEN

WHEREAS, at the Mansfield Township Tax Sale held on September 14, 2016, a lien was sold on Block 40, Lot 4, also known as 1126 Jacksonville Road for 2015 delinquent taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate # 16-00001 was sold to Jeffrey M. Burd in the amount of \$588.92 and,

WHEREAS, Shafiq Rahmani, property owner, has affected redemption of Certificate #16-00001.

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, authorizes that a check be issued to Jeffrey M. Burd, for the redemption of this lien.

Lien Holder	Lien #	Amount
Jeffrey M. Burd	16-00001	\$1,418.09

RESOLUTION 2016-12-6
REFUND OF DEDUCTION

WHEREAS, a Veteran Tax Deductions was allowed on the property listed below for the year 2016 and;
WHEREAS, this allowance resulted in an overpayment on said property, and the refund is due to the homeowner,

A motion was offered by **Committeewoman Cholewa** and second by **Deputy Mayor Semptimphelter** to adopt the following Resolution 2016-12-14. Motion carried.

RESOLUTION 2016-12-14

A RESOLUTION IN SUPPORT OF SENATE BILL S-2254 AND ASSEMBLY BILL A-3821 WHICH AFFIRMS THE LANGUAGE AND LEGISLATIVE INTENT OF THE FAIR HOUSING ACT

WHEREAS, the Township of Mansfield supports the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of municipalities filed declaratory judgment actions to voluntarily comply with their State imposed affordable housing requirements; and

WHEREAS, in February, the Ocean County Superior Court included a distinct “gap period” analysis retroactively over an additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

WHEREAS, the Appellate Division recently, in a unanimous decision, overturned the February Ocean County Superior Court decision and held that municipalities are only responsible to address the ten year present and prospective need, not any “gap period” number; and

WHEREAS, the New Jersey Supreme Court has, for the stated purposes of, “...*judicial economy and efficiency based on the large number of actions involved. The Court makes no findings as to the reasonable probability of success on the merits, irreparable harm, or the relative hardship to the parties,*” agreed to hear an appeal of the Appellate Division ruling in late November; and

WHEREAS, the Fair Housing Act (FHA) and existing case law, requires that “present and prospective fair share of the housing need in a given region...shall be computed for a 10-year period.” [N.J.S.A. 52:27D-307(c)]; and

WHEREAS, the “gap issue” arises out of the inability of the New Jersey Council on Affordable Housing to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups; and

WHEREAS, any retroactive “gap” obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need, and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

WHEREAS, this issue needs a resolution which provides both certainty and an achievable path forward so municipalities can proceed with planning for and implementing their affordable housing obligations;

WHEREAS, Senate Bill S-2254, sponsored by Senators Greenstein and Bateman, and Assembly Bill A-3821, sponsored by Assemblymen DeAngelo and Benson, re-affirm the language and legislative intent of the Fair Housing Act, so as to preclude significant unfair impacts and instead further progress toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities, facilitate municipal compliance and the actual provision of affordable housing.

NOW, THEREFORE, BE IT RESOLVED, on this 14th day of December, 2016, by the Township Committee of the Township of Mansfield, County of Burlington that:

1. Mansfield Township strongly urges New Jersey Legislators to immediately reaffirm the language and legislative intent of the Fair Housing Act (FHA) and expressly clarify that the municipal affordable housing share is the sum of present and prospective need for the enumerated ten year period.
2. Mansfield Township supports Senate Bill S-2254 and Assembly Bill A-3821.
3. Copies of this resolution be distributed to the Governor, the Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the Legislative Sponsors, Senator Dawn Addiego, Assemblyman Joe Howarth, Assemblywoman Maria Rodriguez-Gregg, Senator Jeff VanDrew, Senator Ronald Rice, Assemblyman Jerry Green and Assemblywoman Mila Jasey, the New Jersey League of Municipalities and the New Jersey Conference of Mayors.

Engineer Brown referred back to the Engineer’s Report in regard to the DOT State Aid. He asked for input from the Committee and Mr. Jones as to which street or road we would like to apply for the upcoming State Aid Application. **Mayor Gable** felt input should be received from Mr. Jones who has expressed concern for a couple of roads which seem to be in dire need of repair. With his input and that of **Administrator Fitzpatrick** something should be available for the next meeting.

BILL LIST

A motion was offered by **Committeewoman Cholewa** conditioned upon clarification of Bill 1635 and second by **Committeeman Puglia** to approve the bills. Motion carried on a Roll Call Vote, recorded as follows:

AYE: CHOLEWA(see below)**PUGLIA, SEMPTIMPHELTER**

HIGGINS(see below), **GABLE**

NAY: NONE ABSENT: NONE

ABSTAIN: CHOLEWA(on check 6035) **HIGGINS**(6034)

CFO Monzo said he works for three municipalities. One paid for his hotel, on paid for his registration and he put \$49 in for Mansfield as the only expense incurred for this township. **Committeeman Higgins** said he felt our policy is that we don’t pay for lunches. A motion was

offered by **Committeewoman Cholewa** that this bill be denied. Motion was second by **Committeeman Higgins** and carried on a Roll Call Vote, recorded as follows:

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

MINUTES: November 9, 2016 and November 29, 2016

A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Puglia** to approve the minutes of November 9 and November 29, 2016. Motion carried.

DISCUSSION/ACTION:

a. Recreation:

12U Jersey Inferno, Rick Rodriguez, for use of the indoor facility for softball Practices from January to September 2017

A motion was offered by **Deputy Mayor Semptimphelter** and second by **Committeeman Puglia** to approve the above. Motion carried.

b. Blue Light Permit – Franklin Fire Company Member: Ronald Cotrill

A motion was offered by **Deputy Mayor Semptimphelter** and second by **Committeeman Puglia** to approve the blue light permit. Motion carried.

c. Flag Poles

Committeewoman Cholewa reported that Lou Wargo, a member of American Legion Post 39, had approached her saying there are three flag poles not in use in town. He explained that the Boy Scouts in Florence were given a building to use with no flag pole. He asked if the township would be willing to donate one of the flag poles to the Boy Scouts, a non-profit organization. The Boy Scouts would dig it up, move it, and place it in Florence and repair the ground here. **Committeewoman Cholewa** said this would save them a lot of money. However, she asked for comments from the Committee.

Committeeman Puglia questioned which flag pole they were interested in. **Mayor Gable** questioned whether, if it is surplus, we can donate it. **Attorney Magee** said for surplus property, there is a specific statute we have to follow when getting rid of it. **CFO Monzo** explained that it has to be declared a surplus at first and, if giving it to another non-profit or government agency, it can be done by resolution rather than by auction. **Clerk Semus** said the Boy Scouts of America do provide insurance to cover the boys as well as girls for the Girl Scouts. **Engineer Brown** said removal of a pole would require the services of a rigging contractor. The boy scouts couldn't remove the pole on their own as the pole is set in concrete foundation and this would be a major project. **Engineer Brown** explained how it would be done. It was decided to ask the Scouts the exact details of their plans and how they would remove it. **Engineer Brown** said he would volunteer his time to assist the Boy Scouts in whatever they need to do.

d. Flood Plain Map Acceptance

Administrator Fitzpatrick said we received a package dealing with the flood insurance rate map in April. **Engineer Brown** and he went through the maps and did not have a problem with the flood plains. The maps were put out as preliminaries with newspaper articles published. There was an appeal process until February 25, 2017. If no appeals, the maps will be official as is. If anyone or if the township committee wants to review the maps, they are available. **Clerk Semus** added that residents can go to a link to view the maps on line.

PUBLIC COMMENT

Carol Foster, Atlantic Avenue, questioned what was going on with the old township hall and whether it would be dismantled and parts would be given away. She also suggested another avenue the boys could take for a flag pole. She then said she had heard the township was securing values for the buildings. She wanted to know if that was true. **Mayor Gable** explained that all of the property values were appraised and we also had people express interest in purchasing the properties. However, at this time, we are still reviewing the information received. No decision has been reached at this point. Different ideas have been expressed.

With no more comments from the public, this portion was closed.

MAYOR AND COMMITTEE COMMENTS

Comments from the committee included Happy Hanukah, Merry Christmas, and Happy Kwanza.

MOTION FOR ADJOURNMENT

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

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

Barbara A. Crammer
Deputy Clerk

Linda Semus, RMC
Municipal Clerk

Approved: September 28, 2016