

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY
MEETING MINUTES
November 8, 2017**

**Executive Session 6:30PM
Regular Meeting: 7:30PM**

The Regular Meeting of the Mansfield Township Committee was held on the above-noted date with the following in attendance: **Mayor Sean Gable, Deputy Mayor Robert Semptimphelter, Committeewoman Laverne Cholewa, Committeeman Robert J. Higgins, Attorney Michael Magee, Administrator Michael Fitzpatrick, and Municipal Clerk Linda Semus.** Also in attendance was **Deputy Clerk Caitlin Midgette.**

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 N.J.S.A. 10:4-6 to 10:4-21 has been satisfied. Notice of this meeting was properly given in the annual notice, which was adopted by the Mansfield Township Committee on January 3, 2017. 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 6, 2017.

EXECUTIVE SESSION

**RESOLUTION 2017-10-1
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: Contract Negotiations and Personnel Matters
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 **Deputy Mayor Semptimphelter** and second by **Committeewoman Cholewa** to adopt Resolution 2017-11-1 and to convene into Executive Session. Motion carried on a Roll Call Vote, recorded as follows:

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

REGULAR SESSION

A motion was offered by **Deputy Mayor Semptimphelter** and seconded by **Committeeman Higgins** to come out of Executive Session. Motion carried.

Committeeman Puglia entered the meeting.

Attorney Magee explained to the attending public that the purpose of Executive Session was to discuss contract negotiations and personnel matters.

The above was followed by the flag salute and a moment of silence.

PRESENTATION: Doug Borgstrom

Mayor Gable recused himself from the above discussion due to conflict of interest.

Doug Borgstrom, Fire Official, proposed to Township Committee the possibility of hiring a full-time firefighter, as about 30% of daytime calls go unanswered due to lack of staffing. Mr.

Borgstrom reviewed the responsibilities of the position and estimated that the hiring of said firefighter will cost around \$70,000.00 a year, including benefits. Discussion ensued regarding the fiscal impact and administrative procedures required to facilitate Mr. Borgstrom's proposal. Township Committee expressed support for the same, and agreed that said proposal be further examined.

Mayor Gable returned to the meeting.

Committeeman Puglia left the meeting.

ENGINEER'S REPORT

Due to the absence of **Engineer Rick Brown, Administrator Fitzpatrick** summarized the Engineer's Report regarding the production of a boundary or topographical survey for Block 28, Lots 2, 3, 5, 6 and 38 and examined the cost difference between the same. **Mayor Gable** explained that the creation of one or both surveys is necessary in order to sell the downtown properties that consist of the former municipal complex for redevelopment purposes.

Committeeman Higgins made a motion to support the production of both types of surveys in the amount of \$9,600.00. Said motion was seconded by **Deputy Mayor Semptimphelter**. Motion carried on a roll call vote as follows:

AYES: HIGGINS, SEMPTIMPHELTER, CHOLEWA, GABLE

NAYS: NONE

ABSTAIN: NONE

ABSENT: PUGLIA

A motion was offered by **Deputy Mayor Semptimphelter** and seconded by **Committeewoman Cholewa** to accept the Engineer's Report. Motion Carried.

PRESENTATION: Edward Fox

Edward Fox, Regional Planning Manager for the County of Burlington, presented to Township Committee his professional opinion on the rezoning as stipulated in Ordinance 2017-16. Accordingly, Mr. Fox expressed that said rezoning is not consistent with the Master Plan due to the township's prior focus on the farmland preservation program. Moreover, the current designation of Light Industrial would allow for development that not only would be more appropriate for areas along major highways, but would not necessitate the implementation of sewer service. However, Mr. Fox stated that the township and surrounding municipalities would be unable to accommodate the significant amount of traffic that would derive from the development of approved construction under the Light Industrial zoning designation. Ultimately, Mr. Fox concluded that should a land use application be filed for Light Industrial development before Ordinance 2017-16 is adopted, it will have a dramatically negative impact on the health, safety, and welfare of the community.

Committeeman Higgins inquired if the zoning change will affect the contractual agreement between a certain developer and resident Mary Ann Jones, part owner of Block 59, Lot 7.01, as discussed during the public hearing of Ordinance 2017-16 on October 25, 2017. **Administrator Fitzpatrick** stated that the change in zoning will have no negative impact on the sale and subsequent development of that area.

ORDINANCES – SECOND READING/FINAL ADOPTION

**ORDINANCE NO. 2017-16
AN ORDINANCE TO RESCIND ORDINANCE 2017-13 DUE TO
TECHNICAL ISSUE AND TO RE-INTRODUCE SAID ORDINANCE
AMENDING CHAPTER 65, ENTITLED "ZONING" IN THE TOWNSHIP
OF MANSFIELD, COUNTY OF BURLINGTON AND STATE OF NEW
JERSEY**

WHEREAS, due to a technical issue, it is necessary to rescind Ordinance 2017-13 which amends Chapter 65, entitled "Zoning" and re-introduce said Ordinance in its entirety; and

WHEREAS, the Mansfield Township governing Body has concerns about the non-residential development potential for lands located along US Route 130 that would be incompatible with surrounding residential uses and zones and that would generate unwanted additional truck traffic to the area; and

WHEREAS, the Mansfield Township Governing Body has decided to Amend Chapter 65, entitled "Zoning;" and

NOW, THEREFORE, BE IT RESOLVED Chapter 65 is hereby amended as follows:

ARTICLE –XII- LI Light Industrial District

The zoning map prepared by Remington Vernick and Arrango is hereby amended to incorporate the following blocks and lots as part of the R-1 district in the Township of Mansfield and made a part of the official tax map:

- Block 59, Lot 7.01 and 7.02**
- Block 60, Lot 16**
- Block 800.07, Lot 1 (P/O)**
- Block 800.08, Lot 1**

REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer.** Any and all Ordinance 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.

Attorney Magee noted that the statutory public hearing for the above ordinance occurred during the Committee Meeting of October 25, 2017, and all that is required at tonight’s meeting is a motion for adoption. However, due to the information presented by Edward Fox, **Mayor Gable** opened the floor to public comments. No comments were made.

A motion was offered by **Deputy Mayor Semptimpfelter** and seconded by **Committeewoman Cholewa** to adopt Ordinance No. 2017-16. Motion carried on a Roll Call Vote, recorded as follows:

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

ORDINANCES – FIRST READING/INTRODUCTION

ORDINANCE NO. 2017-17

AN ORDINANCE TO AMEND CHAPTER 12, ORDINANCE NO. 1964-4, ADOPTED 4-6-1964, AS AMENDED, WHICH ESTABLISHED IN AND FOR THE TOWNSHIP OF MANSFIELD CERTAIN STANDARDS AND REQUIREMENTS FOR THE ISSUANCE OF CERTIFICATES OF OCCUPANCY

WHEREAS, the adoption of Ordinance No.1964, as amended established certain requirements for certificates of occupancy in the Township of Mansfield; and

WHEREAS, the requirements included registration requirements, inspections, occupancy standards and violations and penalties, as well as fees in connection with same; and

WHEREAS, recent concerns have arisen regarding the need for a continuing commercial certificate of occupancy in the Township, particularly when commercial property is either sold or leased to a new occupant; and

WHEREAS, the current ordinance does not provide for the need to acquire a continuing commercial certificate of occupancy when that property is either sold or leased to a new owner or tenant; and

NOW THEREFORE BE IT ORDAINED AND ESTABLISHED, by the Township of Mansfield in the County of Burlington and State of New Jersey that the following language will be added to Chapter 12.

Chapter 12 will be amended to include the following;

“New Section 12-6 Application for a Continuing Commercial Certificate of Occupancy: Every Owner, Property Manager, Agent or Responsible Party must apply to the Township Zoning Office for a Continuing Certificate for the sale, transfer or change in occupancy for any existing Commercial Building.

New Section 12.7 Application and Registration: The applicant shall compete a Zoning Permit Application, (\$100.00) *non-refundable* application fee, and a Fire Safety Use Registration Form, “no fee,” The Zoning Official will review both forms and advise as to whether there is a use change requiring further action on the part of the Zoning Official. The applicant will also sign an affidavit stating that they agree to comply with all zoning, land use and safety requirements in effect.

New Section 12-8 Inspection If the Zoning Officer approves the permit, the Fire Prevention Office will do an inspection to ensure the new occupant and or use is compliant with the State of New Jersey Fire Safety Code

New Section 12-8-1 Uniform Fire Code Nothing contained herein shall alter the Owner, Property Manager, Agent or Responsible Party's obligation to fully comply with the Uniform Fire Code as referenced in Chapter 21A prior to any occupancy.

New Section 12-9 Penalties Failure of the Owner, Property Manager, Agent or Responsible Party to comply with the terms of this Chapter will result in a minimum fine of Five Hundred Dollars (\$500.00) for the first offense and a minimum fine of One Thousand Dollars (\$1,000.00) for every subsequent offense. Each other offense will carry a minimum fine of One Thousand Dollars (\$1,000.00). The Bureau of Fire Prevention will maintain a list that they will regularly audit to ensure compliance.

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

Effective Date. This Ordinance shall become effective upon adoption, approval by the Commissioner of the Transportation, and publication in accordance with law.

A motion was offered by **Committeewoman Cholewa** and seconded by **Deputy Mayor Semptimpfelter** to introduce Ordinance No. 2017-17. Motion carried on a Roll Call Vote, recorded as follows:

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

ORDINANCE 2017-18

AN ORDINANCE AMENDING ORDINANCE 2007-27 ADOPTED OCTOBER 24, 2007, OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON TO AMEND CHAPTER 16 "DOGS AND CATS" OF THE CODE OF THE TOWNSHIP OF MANSFIELD

WHEREAS, Mansfield Township collects fees, including late fees, for licensing animals in the Township; and

WHEREAS, Mansfield Township has been collecting a late fee of fifteen dollars (\$15.00) a month for each month the license is late; and

WHEREAS, the Township Committee wishes to reduce the late fee to Five Dollars (\$5.00) a month for each month that the license is late; and

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

CHAPTER 16 is hereby Amended as follows:

Chapter 16, section 6.B will be amended to read as follows:

"Late fees and penalties. In addition to the regular licensing fee, any person applying for a license on or about April 1 in any year for any cat or dog which was required to be licensed and registered under the provisions of this Chapter and could have been licensed and registered during the month of March of the licensed year shall pay an additional late fee in the amount of five dollars (\$5.00) per month for each month the license is late. If by June 1 of said year any person shall still have failed to obtain a pet license as provided within this Chapter, the a Complaint will be made against said person in the Municipal Court, with the fine to be a minimum of One Hundred Dollars (\$100.00), together with costs.

SEVERABILITY Should any portion of this Ordinance be declared invalid or unenforceable by a Court of competent jurisdiction, the remaining portions shall remain valid and of full force and effect.

EFFECTIVE DATE This Ordinance shall become effective upon adoption, and publication in accordance with law.

A motion was offered by **Deputy Mayor Semptimpfelter** and seconded by **Committeewoman Cholewa** to introduce Ordinance No. 2017-18. Motion carried on a Roll Call Vote, recorded as follows:

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

RESOLUTIONS

RESOLUTION 2017-11-2

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 2017; 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, 2017 or for Employees hired after January 2017 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 November 8, 2017 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, 2017.

A motion was offered by **Deputy Mayor Semptimpfelter** and seconded by **Committeewoman Cholewa** to adopt Resolution 2017-11-2. Motion carried on a Roll Call Vote, recorded as follows:

AYE: SEMPTIMPFELTER, CHOLEWA, HIGGINS, GABLE

NAY: NONE

ABSTAIN: NONE

ABSENT: PUGLIA

RESOLUTION 2017-11-3

RESOLUTION RESCINDING RESOLUTION 2017-10-6 AUTHORIZING THE TOWNSHIP TO LEASE PROPERTY IDENTIFIED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MANSFIELD AS BLOCK 41, LOT 2.01

WHEREAS, the Township Committee of the Township of Mansfield adopted Resolution 2017-10-6, authorizing the lease of property identified as Block 41, Lot 2.01 for farming purposes, at its regular meeting of October 25, 2017; and

WHEREAS, the lessee has informed the Township that they no longer wish to enter into an agreement for the same and desires to vacate the terms of the current lease agreement at its expiration on December 31, 2017 without renewal; and

WHEREAS, the Township Committee, for the aforementioned reasons, wishes to rescind Resolution 2017-10-6 and the corresponding lease agreement for the period of January 1, 2018 through December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield that Resolution 2017-10-6 is hereby rescinded.

A motion was offered by **Committeewoman Cholewa** and seconded by **Deputy Mayor Semptimpfelter** to adopt Resolution 2017-11-3. Motion carried on a Roll Call Vote, recorded as follows:

AYE: CHOLEWA, SEMPTIMPFELTER, HIGGINS, GABLE

NAY: NONE

ABSTAIN: NONE

ABSENT: PUGLIA

RESOLUTION 2017-11-4

RESOLUTION FOR THE REFUND OF TAX OVERPAYMENTS

WHEREAS, Property Taxes were overpaid on the properties listed below; and

WHEREAS, this overpayment was due to a payment by the homeowner and CoreLogic Real Estate Tax Service, and the homeowner is requesting a refund;

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

November 5, 2017 hereby authorizes the refunding of the following to Walter & Katherine Bula by the Tax Collector.

Block	Lot	Property Owner	Amount
23.01	114	Walter & Katherine Bula	\$1,871.51

A motion was offered by **Committeewoman Cholewa** and seconded by **Deputy Mayor Semptimpfelter** to adopt Resolution 2017-11-4. Motion carried on a Roll Call Vote, recorded as follows:

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

RESOLUTION 2017-11-5

A RESOLUTION OF THE TOWNSHIP OF MANSFIELD AMENDING RESOLUTION 2017-10-2 APPOINTING JARROD FOSTER AS PART-TIME FIRE INSPECTOR

WHEREAS Douglas Borgstrom, Fire Official for the Township of Mansfield, feels the need to add qualified individuals to his roster of fire inspectors to cover all shifts necessary during the course of a day; and

WHEREAS, Jarrod Foster meets the requirements of the Mansfield Township job description for said position to do fire inspections for the Township of Mansfield.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, at their meeting held on October 25, 2017 that Jarrod Foster is hereby appointed as a part-time Fire Inspector, and said hourly rate is hereby amended to reflect \$15.00 per hour as set by Ordinance, effective October 26, with no benefits and holidays.

A motion was offered by **Deputy Mayor Semptimpfelter** and seconded by **Committeewoman Cholewa** to adopt Resolution 2017-11-5. Motion carried on a Roll Call Vote, recorded as follows:

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

BILL LIST: REGULAR AND ESCROW

A motion was offered by **Committeewoman Cholewa** and seconded by **Deputy Mayor Semptimpfelter** to approve payment of the bills. Motion carried on a Roll Call Vote, recorded as follows:

AYE: CHOLEWA, SEMPTIMPFELTER, HIGGINS, GABLE
NAY: NONE
ABSTAIN: GABLE (7172, 7184, 7181), HIGGINS (7111), SEMPTIMPFELTER (7173)
ABSENT: PUGLIA

MINUTES: October 25, 2017

A motion was offered by **Deputy Mayor Semptimpfelter** and seconded by **Committeewoman Cholewa** to approve the minutes of the October 25, 2017 regular meeting. A Roll Call Vote was taken as follows:

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

DISCUSSION/ACTION

A. Proposal – Sale of Former Municipal Building: Administrator Fitzpatrick stated that the counsel who will manage said sale will be the law firm of Parker McCay, as **Solicitor Magee** has a conflict of interest in the matter. The estimated fee to formulate a contract of sale is \$3,750.00.

A motion was offered by **Deputy Mayor Semptimpfelter** and seconded by **Committeewoman Cholewa** to approve the payment of the above funds for the aforementioned purpose. Motion carried on a Roll Call Vote, recorded as follows:

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

B. Condemnation – Planning Board Recommendation: Cellar’s Project: Mayor Gable stated that this matter must be tabled to the following meeting as there will not be a quorum to vote on the same due to the absence of **Committeeman Puglia**.

C. Cancellation of Compliance Plan for the 2018 Year: Mayor Gable explained that though Burlington County agreed with the compliance plan submitted by **Tax Assessor Jeff Burd**, county officials chose not to go forward with same due to reasons yet to be received in official correspondence.

PUBLIC COMMENT

Colleen Herbert, 2 Millennium Drive, inquired if the sports field behind the former municipal complex and the adjacent parking lot will be affected by the sale of the same, as those areas are utilized for recreational purposes and holiday events. **Mayor Gable** responded that the sale will not affect those areas, but should the same change in the future, the Recreation Committee and the Special Events Committee will be notified in a timely matter to make other arrangements.

MAYOR AND COMMITTEE COMMENT

Deputy Mayor Semptimphelter thanked the public for attending and congratulated the newly elected Committeepersons.

MOTION FOR ADJOURNMENT

A motion was offered by **Deputy Mayor Semptimphelter** and second by **Committeeman Higgins** to adjourn the meeting. Motion carried. The meeting was adjourned at 8:12PM.

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

Caitlin Midgette
Deputy Clerk

Linda Semus, RMC, CMR
Municipal Clerk