

**TOWNSHIP OF MANSFIELD  
BURLINGTON COUNTY  
MEETING MINUTES  
May 16, 2018  
Executive Session – 5:30PM  
Regular Session – 6:00PM**

The Regular Meeting of the Mansfield Township Committee was held on the aforementioned date with the following in attendance: **Mayor Higgins, Deputy Mayor Janice DiGiuseppe, Committeeman Sean Gable, Committeeman Michael Magee, Committeeman Frederick Cain, Township Administrator Michael Fitzpatrick, Township Solicitor Gillespie, CFO Joseph Monzo, and Township Engineer Chris Briglia.** Also in attendance were **Municipal Clerk Linda Semus and Deputy Clerk Caitlin Midgette.**

**Mayor Higgins** called the meeting to order at 5:30PM, followed by the following opening statement read by **Municipal Clerk Semus:**

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 3, 2018. Said Resolution was transmitted to the Burlington County Times and the Trenton Times, filed with the Clerk of the Township of Mansfield, posted on the official bulletin board at the Municipal Complex, filed with the members of this body and mailed to each person who has prepaid any charge fixed for such service. All of the mailing, posting, and filing having been accomplished as of January 7, 2018.

**EXECUTIVE SESSION:**

**RESOLUTION 2018-5-1  
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:

*Litigation and Contract Negotiations*

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 Magee** and seconded by **Deputy Mayor DiGiuseppe** to adopt Resolution 2018-5-1 and convene into Executive Session. Motion carried. Township Committee entered the same at 5:32PM.

A motion was offered by **Committeeman Gable** and seconded by **Committeeman Cain** to exit Executive Session. Motion carried. Township Committee entered the public portion of the meeting at 6:12PM.

**Township Solicitor Gillespie** explained that the purpose of Executive Session was to discuss litigation, and contract negotiations for the sale of municipal property.

The above was followed by the Flag Salute and a moment of silence.

**APPEARANCE: Timothy C. Irons, Risk Management Consultant**

Mr. Irons discussed with Township Committee the purpose of utilizing a Facilities Use Permit for organizations that would like to operate events on municipal property to ensure that said organizations obtain the proper insurance and Committee approval. Discussion ensued on the particulars of the same and the requirements an organization must meet to hold such events.

**Deputy Mayor DiGiuseppe** explained that a Facilities Use Permit has been drafted, and requested that Township Committee adopt the same so it may be officially implemented into municipal procedures.

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Magee** to adopt the Facilities Use Permit. Motion carried.

### **ENGINEER'S REPORT**

**Township Engineer Briglia** summarized the Engineer's Report as follows:

Axe Factory Road has been milled and paved, with striping anticipated to be completed in the upcoming week, weather dependent. The contractors on the project failed to receive a road opening permit to perform construction in the County right-of-way, an issue that is currently being addressed.

Regarding Mt. Pleasant and Chesterfield-Georgetown Road, designs have been formulated and sent to Committee for consideration. The purchase options for a pavilion at Georgetown Park have been received and are currently being assessed. The construction of Hedding Park is set to begin mid-June, with the work anticipated to be completed within a few weeks. Short discussion ensued on the selected color scheme of the same. The boundary and topographical surveys for the sale of the former municipal complex have been revised and resubmitted for approval to include changes discussed at a previous meeting. Should Committee approve the same, a legal description will be prepared for sale.

In regard to Mansfield Road East, Mr. Briglia stated that a modification of scope of limits was sent to the State for approval. If the same is granted, the township can move forward with Phase II of the project.

**Deputy Mayor DiGiuseppe** requested that Mr. Briglia summarize the history of the Mansfield Road East project. Mr. Briglia stated that when funds for this project were originally applied for in 2015, the proposed limit of the project was a full road reconstruction from Island Road to Wayne Drive. The funding that was requested to accomplish the same was in an amount over one (1) million dollars. However, the funding received from the State was approximately \$220,000. This caused the scope of the project to be decreased by roughly 1500ft, resulting in a total project limit of 2650ft. Due to concern over the cost of the project at this length in comparison to the available grant funds, Mr. Briglia stated that upon his appointment of Township Engineer, he reduced the project another 270ft – resulting in a project limit of approximately half a mile. Mr. Briglia continued by stating that he is moving forward with the project as awarded, and has requested permission from the State to issue a separate bid for the remainder of the road utilizing whatever surplus of grant funds may be left over from Phase I. No response from the State on the matter has been provided to date. If this request is denied, the township can choose to fund phase II on its own.

**CFO Monzo** inquired as to why the project limit was further decreased if the contract awarded for the first phase of the project is approximately \$73,000 less than the allocated State aid of \$220,000. Additionally, Mr. Monzo questioned if the grant agreement will need to be extended should DOT give permission to utilize remaining grant funds for Phase II. **Township Engineer Briglia** stated that he anticipated construction costs of the project specs as advertised to be around \$183,000, which would leave additional funds from the grant money to finance inspections, change orders, and other contingencies that may arise. By not scaling back on the project for a final time, there may not have been enough remaining funds for said potential contingencies. However, the lowest bid received was significantly lower than anticipated, which is why there is a significant gap between the contract price and State aid amount. Regarding the grant agreement, Mr. Briglia stated that approval of an extension will need to be specified by the DOT.

A motion was offered by **Deputy Major DiGiuseppe** and seconded by **Committeeman Cain** to approve the Engineer's Report. Motion carried.

Regarding the construction of a pavilion at Georgetown Park, **CFO Monzo** stated that in order for the same to be established, a state contract or an additional bid would need to be provided for, as inclusion of the same into the awarded contract would exceed the 20% change order limitation. Further discussion ensued. **Deputy Mayor DiGiuseppe** recommended that the township move

forward with the current contract as is, and consider the purchase of a pavilion by way of separate means at a later date. **Mayor Higgins** instructed **Township Administrator Fitzpatrick** to compile figures for the same for Committee review and deliberation.

## **ORDINANCES – SECOND READING**

### **ORDINANCE 2018-5 AMENDING THE TOWNSHIP CODE AT CHAPTER 27 GOVERNING “LAND USE PROCEDURES”, CHAPTER 44A GOVERNING “SITE PLAN REVIEW”, AND CHAPTER 50 GOVERNING “SUBDIVISION OF LAND” REGARDING PERFORMANCE, MAINTENANCE AND RELATED GUARANTEES**

**WHEREAS**, the State Legislature has recently amended provisions of the Municipal Land Use Law at N.J.S.A. 40:55D-53 governing performance, maintenance and related bonds; and

**WHEREAS**, the Township Committee desires to amend and update its existing Code provisions to be in accord with State statute and serve the best interests of the Township and its residents.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that the Township Code be and hereby is amended as follows:

**Section 1.** Chapter 27 governing “Land Use Procedures” shall be amended as follows:

Article III. Provisions Applicable to Both Planning Board and Zoning Board of Adjustment.

§ 27-24.1. Required Guarantees; surety.

In accordance with N.J.S.A. 40:55D-53.4, for the purpose of assuring the installation and maintenance of bondable land development improvements, as a condition of all final site plan, subdivision, and/or zoning permit approvals, the Board or Zoning Officer, as appropriate, shall require, and the Township Committee shall accept the following guarantees:

1) Performance Guarantees

- i. The furnishing of a performance guarantee in favor of the Township in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map; water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements. The performance guarantee shall also cover the cost for privately-owned perimeter buffer landscaping in an approved phase or section of a development, either as a separate guarantee or as a line item of the performance guarantee.
- ii. The cost of the improvements covered by the performance guarantee shall be determined by the Township Engineer.
- iii. The Township Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor. 2) Maintenance Guarantee. In accordance with N.J.S.A. 40:55D-53.4, developer shall post with the municipality, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined by the municipal engineer.
  - i. The Maintenance Guarantee shall be furnished upon the inspection and issuance of final approval of the applicable private site improvements by the municipal engineer.
  - ii. The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

3) Temporary Certificate of Occupancy Guarantee

- i. Pursuant to N.J.S.A. 40:55D-53(1)(c), a developer shall furnish a Temporary Certificate of Occupancy Guarantee (“TCOG”) whenever the developer seeks a temporary certificate of occupancy for a development, unit, lot, building, or phase of development. The TCOG shall be furnished in favor of the municipality in an amount equal to 120% of the cost of installation of any improvements which (1) remain to be completed or installed under the terms of the temporary certificate of occupancy; (2) are required to be completed or installed as a condition precedent to the issuance of a permanent certification of occupancy; and (3) are not covered by an existing performance guarantee.

The scope and amount of the TCOG shall be determined by the Municipal Engineer.

The TCOG shall be released upon the issuance of a permanent certificate of occupancy.

4) Safety and Stabilization Guarantee

- A. Pursuant to N.J.S.A. 40:55D-53(1)(d), a developer shall furnish a Safety and Stabilization Guarantee (“SSG”) in favor of the municipality, either as a separate guarantee or as a line item of the performance guarantee.

- B. The amount of the SSG for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000. The amount of the SSG for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:
  - \$5,000 for the first \$100,000 of bonded improvement costs, plus two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus one percent of bonded improvement costs in excess of \$1,000,000.
- C. The municipality shall release a separate SSG to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required pursuant to this chapter.
- D. A SSG shall be available the municipality for the purposes of returning property that has been disturbed to a safe and stable condition, or taking other measures to protect the public from access to an unsafe or unstable condition. An SSG shall be shall only be available to the municipality when:
  - 1. site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure; and
  - 2. work has not recommenced within 30 days following the provision of written notice by the municipality to the developer of the municipality's intent to claim payment under the guarantee. A municipality shall not provide notice of its intent to claim payment under a SSG until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. A municipality shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.
- E. The municipality shall release a SSG upon the Municipal Engineer's determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

§ 27-24.2. Other governmental agencies.

In the event that other governmental agencies or public utilities will automatically own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Township for such utilities or improvements.

§ 27-24.3. Failure to perform; municipal completion.

If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected, and the Township may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.

§ 27-24.4. Conformance with municipal standards.

All improvements shall be in accordance with the design standards of the Township Code or as authorized by a design exception granted by the reviewing board and shall be subject to inspection and approval by the Municipal Engineer. The Municipal Engineer shall be notified 24 hours prior to the start of the various phases of the work, and if discontinued, shall again be notified when the work will be continued.

§ 27-24.4. Release or reduction of performance guarantee.

Upon substantial completion of all required improvements, the obligor may request of the governing body, in writing, by certified mail addressed in care of the Township Clerk, that the Township Engineer prepare, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to this Chapter, a list of all uncompleted or unsatisfactorily completed improvements. If such a request is made, the obligor shall send a copy of the request to the Township Engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor. Thereupon the Township Engineer shall inspect all improvements covered by the obligor's request and shall file a detailed list and report, in writing, with the Township Council, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

The list prepared by the Township Engineer shall state, in detail with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the Township Engineer shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to this Chapter.

The Township Committee, by resolution, shall either accept the improvements determined to be complete and satisfactory by the Township Engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction or release to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to this Chapter. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Township Engineer. Upon adoption of the resolution by the Township Committee, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those accepted improvements, except for that portion sufficient to secure completion or correction of the improvements not yet accepted; provided that 30% of the amount of the performance guarantee posted may be retained to ensure completion and acceptability of all improvements. If any portion of the required improvements is rejected, the Township shall require the obligor to complete or correct such improvements, and, upon completion or correction, the same procedure of notification, as set forth in this section, shall be followed.

§ 27-24.5. Release or reduction of performance guarantee.

The obligor shall reimburse the Township for all reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements; provided that the municipality may require of the developer a deposit for the

inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of \$270 or 5% of the cost of improvements, which cost shall be determined pursuant to N.J.S.A. 40:55D-53.4.

If the municipality determines that the amount in escrow for the payment of inspection fees, is insufficient to cover the cost of additional required inspections, the municipality may require the developer to deposit additional funds in escrow.

If additional funds are required, the municipality shall submit to the developer a written inspection escrow deposit request, signed by the municipal engineer, which:

1. informs the developer of the need for additional inspections;
2. details the items or undertakings that require inspection;
3. estimates the time required for those inspections; and
4. estimates the cost of performing those inspections.

§ 27-24.6. Phasing in sections.

In the event that final approval is by stages or sections of development pursuant to Subsection a of Section 29 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-38), the provisions of this section shall be applied by stage or section.

§ 27-24.7. Dedication and acceptance.

To the extent that any of the improvements have been dedicated to the Township on the subdivision plat, site plan and/or zoning permit, the municipality shall be deemed, upon the release of any performance guarantee required hereunder, to accept dedication for public use any improvements made thereunder, provided that such improvements have been inspected and have received final approval by the Township Engineer.

Section 2. Chapter 44A governing "Site Plan Review" shall be amended as follows:

§ 44A-14. Performance and Maintenance Bonds.

In approving the site plan, the Planning Board shall require that the applicant furnish a performance, maintenance, and related bonds in accordance with the requirements of this Code at Chapter 27-24.1, et seq.

Section 3. Chapter 50 governing "Subdivision of Land" shall be amended as follows:

§ 50-44. Performance Guaranties and Inspections.

Installation of improvements and maintenance guaranty or performance guaranty required. No final plat shall be approved by the approving authority until all items required to be bonded (on-site, off-site, on-tract and off-tract) in the public interest have been installed, inspected, certified and approved by the Township Engineer and accepted by the governing body and a maintenance guaranty has been filed and accepted by the governing body in accordance with the requirements of this Code at Chapter 27-24.1, et seq.

§ 50-46. Maintenance Guaranty.

The municipality shall also require a maintenance guaranty in accord with this Code at Chapter 27-24.1, et seq.

Section 4. Applicability to existing projects.

The modifications in this ordinance shall be applicable to all projects that have not received final approvals from the Township Planning Board or the Township Zoning Board of Adjustment and/or which have not posted bonds and begun construction of required improvements as of January 16, 2018, the date of enactment of P.L. 2017, c.312 obviated the Township's previously lawful ordinances.

Section 5. Repealer, Severability, and Effective Date.

Repealer. Any and all ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

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 it's 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.

Effective Date. This Ordinance shall take effect upon proper passage and approval in accordance with the law.

**Township Solicitor Gillespie** explained that the above ordinance is the result of a new legislation enacted by the State, which requires the township to amend its Code in relation to maintenance guarantees.

**Mayor Higgins** opened the floor for the public hearing. There being no comments, the public hearing for Ordinance 2018-5 was closed.

A motion was offered by **Committeeman Magee** and second by **Committeeman Cain** to adopt Ordinance 2018-5. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: MAGEE, CAIN, GABLE, DIGIUSEPPE, HIGGINS**

**NAY: ABSENT: ABSTAIN:**

## **ORDINANCE – FIRST READING**

### **ORDINANCE 2018-6**

#### **AN ORDINANCE AUTHORIZING SALE OF MUNICIPAL PROPERTY PURSUANT TO REDEVELOPMENT PLAN**

**WHEREAS**, the Township is the owner of certain property known as Block 28, Lots 5 & 6, located on Main Street, Columbus, New Jersey; and

**WHEREAS**, the Township wishes to convey a portion of Lot 5, and all of Lot 6; and

**WHEREAS**, the property was designated as an Area In Need Of Redevelopment, and the Township has adopted a Redevelopment Plan for said property; and

**WHEREAS**, following the adoption of the Redevelopment Plan, the Township has negotiated the sale of the property to Saylor's Pond Commons, LLC, with offices at 24059 West Main Street, Suite D, Columbus, New Jersey for a Purchase Price of Four Hundred Twenty Thousand Dollars (\$420,000.00), subject to certain terms and conditions as set forth in an Agreement of Sale to be executed by and between the Parties;

**WHEREAS**, the New Jersey Local Housing and Redevelopment Law, N.J.S.A. 40A:12A- 1 *et seq.* authorizes a municipality to convey property without public bidding, as such prices and upon such terms and conditions as it deems reasonable, provided that the conveyance is made in conjunction with the a Redevelopment Plan; and

**WHEREAS**, the Township Committee wishes to authorize by Ordinance the conveyance of said property to Saylor's Pond Commons, LLC.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, that the conveyance of certain property located on Main Street, identified as Block 28, Lot 6, and a portion of Block 28, Lot 5, the entirety of the conveyance consisting of approximately 44,470 square feet (1.02 acres +/-) to Saylor's Pond Commons, LLC be and the same is hereby authorized, as the property is no longer needed for public municipal use, is the subject of a Redevelopment Plan contemplating the redevelopment of said site, and the Township has negotiated a Purchase Price of Four Hundred Twenty Thousand Dollars (\$420,000.00) along with other terms and conditions with the governing body deems to be in the best interests of the municipality.

**Township Solicitor Gillespie**, in reference to the above ordinance, explained that the State requires Committee to adopt an ordinance authorizing the sale of municipal property.

A motion was offered by **Committeeman Gable** and seconded by **Deputy Mayor DiGiuseppe**. Motion carried on a Roll Call Vote, as follows:

**AYE: GABLE, DIGIUSEPPE, CAIN**

**NAY: ABSENT: ABSTAIN: HIGGINS, MAGEE**

## **RESOLUTIONS**

### **RESOLUTION 2018-5-2**

#### **RESOLUTION REJECTING BID FOR PUBLIC WORKS DUMP TRUCK AND AWARDING TO THE NEXT RESPONSIBLE BIDDER**

**WHEREAS**, on April 26, 2018, the Township accepted bids for a Public Works Dump Truck; and

**WHEREAS**, there were three bids received; and

**WHEREAS**, the bid submitted by the apparent low bidder, Beyer Ford took exceptions to the specification of the bid to the extent that their bid is non-conforming; and

**WHEREAS**, the Township Committee hereby determines that the bid of Beyer Ford shall be rejected since the bid submitted took exceptions to the specifications of the bid; and

**WHEREAS**, the bid submitted by Brian Hoskins Ford is deemed to be the lowest responsible bidder; and

**WHEREAS**, the Township Committee hereby determines that it is in the best interest of the Township to reject the bid of Beyer Ford and award the contract to Brian Hoskins Ford in the amount of \$66,985.00.

**NOW, THEREFORE, BE IT RESOLVED** on this 16<sup>th</sup> day of May 2018, by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, that:

1. The bid submitted by Beyer Ford is hereby rejected as being non-conformant to the bid specifications;
2. The bid of Brian Hoskins Ford is deemed to be the lowest responsible bid and the contract is hereby awarded in the amount of \$66,985.00;
3. The funds are available from Ordinance 2017-17, Account 04-215-20-170-702.

**CFO Monzo** stated that bids were accepted for the procurement of a Public Works dump truck, funds for which were provided for in the 2017 capital purchases. Mr. Monzo explained that the apparent low bidder took exception to several items, which negated the same from being considered as the most responsible bidder. Accordingly, he recommends that the contract be awarded to the second lowest bidder in the amount of \$66,985.00.

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Magee** to adopt Resolution 2018-5-2. Motion carried on a Roll Call Vote, as follows:

**AYE: GABLE, MAGEE, GABLE DIGIUSEPPE, HIGGINS**

**NAY: ABSENT: ABSTAIN:**

**RESOLUTION 2018-5-3**

**A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM FOR THE YEAR 2018 ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY**

**WHEREAS**, the Township of Mansfield wishes to apply for funding of approximately \$30,000.00 with a match of \$67,323.56 for an approximate project total cost of \$97,323.56 for a project under the State Of New Jersey Safe and Secure Communities Grant Program, and

**WHEREAS**, the Mansfield Township Committee has reviewed the accompanying application and has approved said request; and

**WHEREAS**, the project is a joint effort between the Department of Law and Public Safety and the Township of Mansfield for the purpose described in the application;

**NOW, THEREFORE, BE IT RESOLVED** by the Mansfield Township Committee that:

1. As a matter of public policy the Township of Mansfield wishes to participate to the fullest extent possible with the Department of Law and Public Safety covering the period of October 15, 2017 through October 14, 2018.
2. The Attorney General will receive funds on behalf of the applicant, under subaward P-18-0318.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to each application as authorized.

**Township Administrator Fitzpatrick** explained that the grant stipulated in the aforementioned resolution will provide \$30,000 to help increase community security.

A motion was offered by **Committeeman Magee** and seconded by **Committeeman Cain** to adopt Resolution 2018-5-3. Motion carried on a Roll Call Vote, as follows:

**AYE: MAGEE, CAIN, GABLE, DIGIUSEPPE, HIGGINS**

**NAY: ABSENT: ABSTAIN:**

**RESOLUTION 2018-5-4**

**AMENDMENT TO RESOLUTION 2018-4-23 "REDEMPTION OF TAX LIEN"**

**WHEREAS**, at the Mansfield Township Tax Sale held on October 05, 2012, a lien was sold to the Township of Mansfield on Block 29, Lot 25, also known as West Main Street for 2011 delinquent taxes; and,

**WHEREAS**, this lien, known as Tax Sale Certificate # 12-00009 was assigned to OCI 1, LLC on January 18, 2017 in the amount of \$4,187.60 and,

**WHEREAS**, McCullough & Joseph, Attorneys at Law has affected redemption of Certificate #12-00009 on behalf of Peter & Elizabeth Poblete.

**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 OCI 1, LLC, for the redemption of this lien.

<u>Lien Holder</u>	<u>Lien #</u>	<u>Amount</u>
OCI 1, LLC	12-00009	\$5,188.41

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Gable** to adopt Resolution 2018-5-4. Motion carried on a Roll Call Vote, as follows:

**AYE: DIGIUSEPPE, GABLE, CAIN, MAGEE, HIGGINS**

**NAY: ABSENT: ABSTAIN:**

**RESOLUTION 2018-5-5**  
**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT**  
**WITH LEXISNEXIS CLAIMS SOLUTIONS, INC. FOR E-CRASH –**  
**ELECTRONIC POLICE RECORD PORTAL SERVICES**

**WHEREAS**, the Township's Police Department relies upon the use of specialized computer software to generate necessary reports and documents in performance of their duties; and

**WHEREAS**, LexisNexis Claims Solutions, Inc. provides the eCrash electronic software that meets the needs of the Township's Police Department; and

**WHEREAS**, this Contract is under the bid threshold pursuant to N.J.S.A. 40A:11-3; and

**WHEREAS**, this Contract may be awarded without public bidding for two (2) years; and

**WHEREAS**, the Township Attorney has slightly amended the form of Agreement provided by LexisNexis Claims Solutions, Inc. to provide for the eCrash services, which Agreement is attached hereto and made a part hereof;

**WHEREAS**, the Township Committee deems it to be in the best interest of the Township of Mansfield to adopt this Resolution and authorize the Chief of Police and Township Clerk to execute the attached Agreement with LexisNexis Claims Solutions, Inc.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, that the attached Agreement between the Township of Mansfield and LexisNexis Claims Solutions, Inc., be and the same is hereby approved, and the Chief of Police and Township Clerk are hereby authorized and directed to execute the attached Agreement;

**Township Administrator Fitzpatrick** stated that LexisNexis will replace the current software utilized by the Police Department for vehicle crash reports. Implementing the same will generate revenue from report requests by the public.

A motion was offered by **Committeeman Magee** and seconded by **Committeeman Cain** to adopt Resolution 2018-5-5. Motion carried.

**RESOLUTION 2018-5-6**

**A RESOLUTION AMENDING RESOLUTION 2009-3-14 WHICH AUTHORIZED THE ADOPTION OF THE PROVISIONS OF N.J.S.A. 52:14.17.38 UNDER WHICH A PUBLIC EMPLOYER MAY AGREE TO PAY FOR THE STATE HEALTH BENEFITS PROGRAM (SHBP) COVERAGE OF CERTAIN RETIREES TO INCLUDE DENTAL BENEFITS OF CERTAIN RETIREES COVERED THROUGH BARGAINING UNIT CONTRACTS**

**WHEREAS**, that the Township Committee of the Township of Mansfield, Burlington County, State Health Benefits Program (SHBP), Program ID Number, Direct 15, hereby elects to amend the adoption of the provisions of N.J.S.A. 52:14-17.38 and adheres to the rules and regulations promulgated by the State Health Benefits Commission to implement the provisions of that law to include dental benefits of certain retirees covered through bargaining unit contracts. This resolution affects employees as shown on the attached Chapter 48 resolution Addendum and is effective on the 1<sup>st</sup> day of January, 2018, and.

**WHEREAS**, the Mansfield Township Committee is aware that adoption of this resolution does not free the Township of the obligation to pay for post-retirement medical benefits of retirees or employees who qualify for those payments under any Chapter 88 or Chapter 48 Resolution adopted previously by this governing body, and

**NOW, THEREFORE, BE IT RESOLVED**, the Mansfield Township Committee agrees that this Resolution will remain in effect until properly amended or revoked with the State Health Benefits Program. The Township Committee recognizes that, while remaining in the State Health Benefits Program, they are responsible for providing the payment for post-retirement medical coverage as listed in the Attached Chapter 48 Resolution Addendum for all employees who qualify for this coverage while this Resolution is in force.

**NOW BE IT FURTHER RESOLVED** that Mansfield Township is required to provide the Division of Pensions and Benefits complete copies of all contracts, ordinances, and resolutions that detail post-requirement medical payment obligations they undertake. The Township Committee also recognizes that they may be required to provide the Division with information needed to carry out the terms of this Resolution.

**Deputy Mayor DiGiuseppe** stated that the purpose of the above resolution is to file with the State the township's update to benefits offered to retirees.

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Magee** to adopt Resolution 2018-5-6. Motion carried.

**RESOLUTION 2018-5-7**  
**A RESOLUTION TO REPLACE RESOLUTION 2017-12-6 CONDITIONALLY DESIGNATING FLORENCE-COLUMBUS ROAD, LLC AS A REDEVELOPER FOR A PORTION OF THE FLORENCE/COLUMBUS REDEVELOPMENT PLAN**

**WHEREAS**, Block 10.02 was inadvertently listed as property owned by Alan Margolis and is hereby excluded from the property referred to in the **Redevelopment Plan**; and

**WHEREAS**, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* (the “**LRHL**”) **THE TOWNSHIP OF MANSFIELD** (hereinafter referred to as the “**Township**”) adopted a Resolution duly designating an area in the Township as an area in need of redevelopment, referred to as the Florence/Columbus Redevelopment Area (the “**Redevelopment Area**”); and

**WHEREAS**, via Ordinance No. 2016-4 the Township Committee adopted the Florence/Columbus Redevelopment Plan for the Redevelopment Area (the “**Redevelopment Plan**”); and

**WHEREAS**, on April 21, 2016, the Township received a request from Florence-Columbus Road, LLC, having offices at 1911 South Federal Highway, Suite 800, Delray Beach, Florida 33483, to be conditionally designated redeveloper of the portion of the Florence/Columbus Redevelopment Area consisting of property which is owned by Alan Margolis and is located on Florence/Columbus Road and designated as Block 47.01, Lots 3.02, 9.01, 9.02, 11 and 12 (the “**Property**”); and

**WHEREAS**, Florence-Columbus Road, LLC has met with representatives of the Township Redevelopment Committee and staff to discuss the details of developing the Property in accordance with the Redevelopment Plan; and

**WHEREAS**, the Township Redevelopment Committee has conveyed its summary of discussions with Alan Margolis of Florence-Columbus Road, LLC to the Township Committee, and the Township Committee finds it desirable to conditionally designate Florence-Columbus Road, LLC as the redeveloper of the Property; and

**NOW, THEREFORE BE IT RESOLVED**, the Township Committee of the Township of Mansfield conditionally designates Florence-Columbus Road, LLC as the redeveloper of the Property provided the following actions are taken within 6 months from the adoption of this resolution:

1. Ownership of the Property is legally organized as an Urban Renewal Entity pursuant to LRHL and all applicable laws of the State of New Jersey.
2. Florence-Columbus Road, LLC submits to the Township a written proposal consisting of a project description and site plan.
3. Florence-Columbus Road LLC submits to the Township a draft redevelopment agreement for Township review.

**AND IT BE FURTHER RESOLVED**, upon receiving evidence of the execution of the three (3) conditions set forth above, the Township Committee of the Township shall designate the Urban Renewal Entity, Florence-Columbus Road, LLC, formed by Alan Margolis, as the redeveloper of the Property.

**Municipal Clerk Semus** stated that the aforementioned resolution provides for a six month extension to the developer noted in same.

A motion was offered by **Committeeman Magee** and seconded by **Committeeman Gable** to adopt Resolution 2018-5-7. Motion carried.

**RESOLUTION 2018-5-8**  
**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT OF SALE**

**WHEREAS**, the Township is the owner of certain property known as Block 28, Lots 5 & 6, located on Main Street, Columbus, New Jersey; and

**WHEREAS**, the Township wishes to convey a portion of Lot 5, and all of Lot 6; and

**WHEREAS**, the property was designated as an Area In Need of Redevelopment, and the Township has adopted a Redevelopment Plan for said property; and

**WHEREAS**, following the adoption of the Redevelopment Plan, the Township has negotiated the sale of the property to Saylor's Pond Commons, LLC, with offices at 24059 West Main Street, Suite D, Columbus, New Jersey for a Purchase Price of Four Hundred Twenty Thousand Dollars (\$420,000.00), subject to certain terms and conditions as set forth in an Agreement of Sale to be executed by and between the Parties;

**WHEREAS**, the Township has introduced an Ordinance to authorize the conveyance of said property, and the Agreement of Sale attached hereto is conditioned upon the adoption of said Ordinance, along with certain other terms and conditions; and

**WHEREAS**, the Township's administration has recommended to the governing body that the Agreement of Sale be executed, and that the conveyance be authorized, and eventually consummated before the end of this calendar year at a Purchase Price of Four Hundred Twenty Thousand Dollars (\$420,000.00).

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey, that the Mayor and Township Clerk be and they are hereby authorized and directed to execute an Agreement of Sale with Saylor's Pond Commons, LLC, 24059 West Main Street, Suite D, Columbus, New Jersey 08022, at a Purchase Price of Four Hundred Twenty Thousand Dollars (\$420,000.00), in a form of Agreement substantially similar to that document attached hereto, and made a part hereof, subject only to such minor changes as may be necessary to effectuate and implement the Township's Redevelopment Plan for this area, and the purpose and intent of this Resolution, and the Ordinance authorizing conveyance of same.

**Mayor Higgins** and **Committeeman Magee** recused themselves for discussion on the above resolution due to conflict of interests.

**Deputy Mayor DiGiuseppe** made a motion to adopt Resolution 2018-5-8 as modified during Executive Session. At the request of **Mayor Higgins**, **Deputy Mayor DiGiuseppe** opened the floor to public comment on the same with Committee approval.

Jeffrey Grouser, purchaser of the area noted in the aforementioned resolution, questioned said changes to the resolution. **Township Solicitor Gillespie** explained that the modifications include the continuation of an easement along Atlantic Avenue, and that the township will not be responsible for subdividing the property. **Township Solicitor Gillespie** stated that negotiations regarding the same will not be made during public session.

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Gable** to adopt Resolution 2018-5-8. Motion carried as follows:

**AYE: DIGIUSEPPE, GABLE, CAIN**

**NAY: ABSENT: ABSTAIN: MAGEE, HIGGINS**

#### **BILL LIST – Regular and Escrow**

**CFO Monzo** made a recommendation to remove checks #7795-7796 from the bill list as the auditor has yet to deliver the audit. The same will be paid after receipt.

A motion was offered by **Committeeman Magee** and seconded by **Deputy Mayor DiGiuseppe** to remove checks #7795-7796 from the bill list. Motion carried.

A motion was offered by **Committeeman Magee** and seconded by **Deputy Mayor DiGiuseppe** to approve the bill list as amended. Motion carried on a Roll Call Vote, as follows:

**AYE: MAGEE, DIGIUSEPPE, CAIN, GABLE, HIGGINS**

**NAY: MAGEE (7758) ABSENT: ABSTAIN: MAGEE (7826)**  
**GABLE (7767, 7790, 7815)**  
**HIGGINS (7826)**

#### **MARCH & APRIL REPORTS:**

##### **Clerk, Tax Collector, Court, Construction, Police, EMS, Zoning**

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Magee** to approve the above listed reports. Motion carried.

#### **APPROVAL OF MINUTES**

##### **• April 18, 2018**

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Cain** to approve the minutes of April 18, 2018. Motion carried.

##### **• May 1, 2018**

A motion was offered by **Committeeman Magee** and seconded by **Committeeman Gable** to approve the minutes of May 1, 2018. Motion carried on a Roll Call Vote, as follows:

**AYE: MAGEE, GABLE, CAIN, DIGIUSEPPE**

**NAY: ABSENT: ABSTAIN: HIGGINS**

## **DISCUSSION**

**A. Douglas Borgstrom – Fire Company President:** **Municipal Clerk Semus** stated that Mr. Borgstrom could not attend tonight's meeting and respectfully requests that this discussion item be moved to the following agenda.

**B. Franklin Fire Company Membership – John C. McCausland:** A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Cain**. Motion carried on a Roll Call Vote, as follows:

**AYE: DIGIUSEPPE, CAIN, MAGEE, HIGGINS**

**NAY: ABSENT: ABSTAIN: GABLE**

**C. Domain Name – No Charge:** **Township Administrator Fitzpatrick** referenced the potential domain name change as discussed at the prior Committee meeting. In speaking with Networks Plus, Mr. Fitzpatrick noted that there will be no charge for this service. Discussion ensued on the particulars of the same.

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Cain** to move forward with the domain name change. Motion carried.

**D. Emergency Beacon Light Update:** **Township Administrator Fitzpatrick** updated Township Committee on the potential installation of an emergency beacon light on Route 206 to stall traffic when emergency vehicles need to exit the property. Though the idea had been previously denied by the State, it is now amenable to the same and requests that the township fund the initial and monthly electric service costs. Mr. Fitzpatrick continued by stating that because the State will cover the costs of the construction and installation of the emergency beacon light, the township will save approximately \$19,000. **Mayor Higgins** thanked the professional staff for bringing this safety feature to fruition.

A motion was offered by **Committeeman Magee** and seconded by **Committeeman Cain** to move forward on the installation of the proposed emergency beacon light. Motion carried on a Roll Call Vote, as follows:

**AYE: MAGEE, CAIN, GABLE, DIGIUSEPPE, HIGGINS**

**NAY: ABSENT: ABSTAIN:**

**E. Site Plan – New Municipal Complex:** **Mayor Higgins** stated that renovations are required to be done to the exterior of the Municipal Complex, and that a member of Committee must be designated to supervise the same. Committee agreed that **Mayor Higgins** and **Committeeman Gable** oversee said updates and repairs.

**F. Update – Custodial Services:** **Deputy Mayor DiGiuseppe** stated that the custodial services utilized to clean the Municipal Complex were procured via State contract. After receiving complaints from staff regarding the quality of the same, information is being gathered and analyzed as the contract for custodial services is set to expire at the end of June.

**G. Burlington County Aggregation Program:** **Deputy Mayor DiGiuseppe** referred to the energy savings program presented before Committee several meetings ago and asked that Committee take action on the same. **Deputy Mayor DiGiuseppe** stated that she is in favor of the program, as it will provide a 3% reduction in energy rates for residents. **Committeeman Magee** reflected the Deputy Mayor's comments. **Committeeman Gable** expressed that he is not in favor of moving forward with the energy program, as the same automatically enrolls residents, and that there are similar options available for residents to be able to personally choose for themselves. **Committeeman Cain** and **Mayor Higgins** agreed with Mr. Gable's assessment. Committee will not move forward on the energy aggregation program.

**H. Municipal Clerk Semus** stated that the Historical Society has provided to the township the proper insurance, calendar of events, and supplemental materials required to facilitate a Facility Use Permit for June 9<sup>th</sup>. The organization is seeking approval from Committee to move forward with the opening of the museum at the Municipal Building. A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Magee** to approve the Historical Society's museum opening event on June 9, 2018. Motion carried.

**PUBLIC COMMENT**

Rose Scarlata, 411 Route 68, stated that the public consistently leaves large amounts of debris on her property. Consequently, Mrs. Scarlata has placed a large dumpster on her property to combat the same. However, she states that she has received notification from the township that the dumpster must be removed as it does not abide by the zoning code. **Mayor Higgins** referred this matter to the Township Administrator to be handled internally.

Pearl Truism, Director of the Historical Society, thanked Committee for their approval of the museum event, and noted that benefit the museum will bring to the township and future generations.

Stacy D'Artagnan, member of the Historical Society, asked for clarification on the Facilities Use Permit, and to what events the same may pertain to. **Committeeman Magee** clarified that the permit application is strictly for special events that go above and beyond the normal use of the facility or purpose of the organization. Discussion ensued between Ms. D'Artagnan and support staff on the particulars.

There being no more comments, the public comment portion of the meeting was closed.

**MAYOR AND COMMITTEE COMMENT**

**Deputy Mayor DiGiuseppe** thanked the public for attending, and wished the Historical Society luck on the opening of the museum.

**Committeeman Cain** wished success for the museum.

**Committeeman Gable** thanked the public for attending, and stated that the museum is a great addition to the community.

**Committeeman Magee** reflected the above comments on the museum and extended his appreciation for the Historical Society.

**Mayor Higgins** thanked the public for attending and expressed his gratitude for the museum.

**EXECUTIVE SESSION**

**Committeeman Magee** left the meeting at 7:44PM.

**Township Solicitor Gillespie** requested that Committee reconvene into Executive Session.

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Gable** to reenter Executive Session. Motion carried. Committee reconvened into Executive Session at 7:45PM.

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Gable** to exit Executive Session and return to the public portion of the meeting. Motion carried. Committee returned from Executive Session at 7:56PM.

**ADJOURNMENT**

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Gable** to adjourn the meeting. Motion carried. Meeting adjourned at 7:56PM.

**Prepared by:**

**Respectfully submitted by:**

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Caitlin Midgette, Deputy Clerk

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Linda Semus, Municipal Clerk

**APPROVED: JUNE 20, 2018**