

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY
MEETING MINUTES
July 18, 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 Frederick Cain, Township Administrator Michael Fitzpatrick, Township Solicitor John Gillespie, Chief Financial Officer Joseph Monzo, and Township Engineer Chris Briglia.** Also in attendance were **Municipal Clerk Linda Semus** and **Deputy Clerk Caitlin Midgette.** **Committeeman Magee** was absent from said meeting.

Mayor Higgins called the meeting to order at 5:32PM, 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 2018-7-1
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:
Personnel Matters 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 Cain** and seconded by **Committeeman Gable** to adopt Resolution 2018-7-1 and convene into Executive Session. Motion carried. Township Committee entered the same at 5:33PM.

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Gable** to exit Executive Session. Motion carried. Township Committee entered the public portion of the meeting at 6:17PM.

Township Solicitor Gillespie explained that the purpose of Executive Session was to discuss personnel matters, contract negotiations, and pending litigation.

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

ENGINEER'S REPORT

Township Engineer Briglia summarized the Engineer's Report as follows: an inspection was completed on Axe Factory Road, and a small punch list will be required; the contracts for Mansfield Road East have been partially executed, and upon full execution, a pre-construction meeting will be scheduled in order for work to begin on same; an on-site inspection should be scheduled to determine project limits for the resurfacing of Mt. Pleasant and Chesterfield-Georgetown Road; the construction at Georgetown Park is coming to completion, though there are still electrical issues that must be addressed; the tennis court at Hedding Park has been completed, and construction on the basketball court is set to begin in a couple weeks; the boundary and topographical survey for the former police and fire department buildings have been completed and contain easement description and subdivisions; quotes will be obtained to correct the sewer inlets

on Hansom Drive and several additional areas; a bond estimate and escrow recommendation has been prepared and distributed to the proper township officials for the Manheim New Jersey site improvements, the same of which should be established prior to the preconstruction meeting; and the total proposed cost of the municipal complex parking lot extension, including wetland delineation, survey preparation, the formulation of transitional area averaging plan, and other necessary items, will be approximately \$27,250. **Mayor Higgins** noted that approval of said amount cannot be taken until Ordinance 2018-9 is formally adopted.

Deputy Mayor DiGiuseppe thanked Mr. Briglia for moving forward with the Mansfield Road East project. **Committeeman Gable** questioned if the resurfacing of Mansfield Road East will be completed before the start of the schoolyear. Mr. Briglia responded by stating that it's possible to have the project completed, though there may be delays due to weather.

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Gable** to accept the Engineer's Report. Motion carried.

FINANCE

**ORDINANCE 2018-9
BOND ORDINANCE OF THE TOWNSHIP OF MANSFIELD, IN THE
COUNTY OF BURLINGTON, NEW JERSEY AMENDING BOND
ORDINANCE NUMBER 2008-08, FINALLY ADOPTED FEBRUARY 27,
2008 TO CHANGE PURPOSES AND USEFUL LIFE**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF BURLINGTON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), pursuant to the Local Bond Law, Chapter 169 of the Laws of the State of New Jersey, as amended and supplemented ("Local Bond Law"), AS FOLLOWS:

Section 1. Section 3(a) of Bond Ordinance 2008-08, finally adopted February 27, 2008 (the 'Prior Ordinance') is hereby amended to read as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Bonds or Notes</u>	<u>Down Payment Amount</u>	<u>Period of Usefulness</u>
a) Deleted				
b) Various improvements to the Civic Center Bridge in accordance with the plans and specifications on file with the Township Clerk	85,000	80,750	4,250	20 years
c) Various improvements to the existing firehouse in accordance with the plans and specifications on file with the Township Clerk	150,000	142,500	7,500	20 years
d) Various improvements to the Millenium Building in accordance with the plans and specifications on file with the Township Clerk	1,490,000	1,415,000	74,500	20 years
e) Purchase of approximately 18 acres of Block 30, Lot 4 located in the Township.	650,000	617,500	32,500	40 years
f) Road improvements to Petticoat Bridge, in accordance with the plans and specifications on file with the Township Clerk	<u>1,125,000</u>	<u>1,068,750</u>	<u>56,250</u>	15 years
TOTALS	<u>\$3,500,000</u>	<u>\$3,325,000</u>	<u>\$175,000</u>	

Section 2. Section 6(b) of the Prior Ordinance is hereby amended to read as follows:

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of respective amounts or obligations authorized for each improvement of purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 22.55 years.

Section 3. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 4. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

CFO Monzo explained that the purpose of the above bond ordinance is to reappropriate money from Ordinance 2008-8 for a different use.

Deputy Mayor DiGiuseppe expressed that a portion of the funds to be reappropriated should be used for recreational purposes. Slight discussion ensued on the same.

A motion was offered by **Committeeman Gable** and seconded by **Committeeman Cain** to introduce Ordinance 2018-9. Motion carried on a Roll Call Vote, as follows:

AYE: GABLE, CAIN, HIGGINS

NAY: ABSENT: MAGEE

ABSTAIN: DIGIUSEPPE

RESOLUTION 2018-7-2

RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE GOVERNING BODY OF MANSFIELD TOWNSHIP, BURLINGTON COUNTY, HAVE REVIEWED, AS A MINIMUM, THE SECTIONS OF THE 2017 ANNUAL AUDIT ENTITLED "GENERAL COMMENTS AND RECOMMENDATIONS"

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Township Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the annual audit entitled:

General Comments

Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52-27BB-52 - "A local officer or member of a local governing body, who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provision of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

CFO Monzo explained the purpose of the above resolution.

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Gable** to adopt Resolution 2018-7-2. Motion carried on a Roll Call Vote, as follows:

AYE: DIGIUSEPPE, GABLE, CAIN, HIGGINS

NAY: ABSENT: MAGEE

ABSTAIN:

RESOLUTION 2018-7-3

RESOLUTION OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, APPROVING A CORRECTIVE ACTION PLAN FOR THE 2017 AUDIT

WHEREAS, the Township of Mansfield, County of Burlington, State of New Jersey received its 2017 Audit, dated June 15, 2018, and submitted to the Township for review on June 21, 2018; and

WHEREAS, the Township will implement the 2017 Corrective Action Plan for the findings therein as follows:

**CORRECTIVE ACTION PLAN - 2017 AUDIT
TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY**

Recommendation Number 1 – During the audit it was noted that the Township’s Current Fund Statement of Expenditures and Appropriation Reserves reflects over-expenditures in the amount of \$10,898.97.

Corrective Action: The Township implements proper controls to ensure that budget appropriations are not over expended.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Mansfield, implement the Corrective Action Plan as outlined above by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that the Township Clerk of the Township of Mansfield, be directed to forward certified copies of this resolution to the New Jersey Division of Local Government Affairs, in compliance with State statute.

A motion was offered by **Committeeman Gable** and seconded by **Deputy Mayor DiGiuseppe** to adopt Resolution 2018-7-3. Motion carried on a Roll Call Vote, as follows:

AYE: GABLE, DIGIUSEPPE, CAIN, HIGGINS

NAY: ABSENT: MAGEE ABSTAIN:

ORDINANCES – SECOND READING

ORDINANCE 2018-7

AN ORDINANCE AUTHORIZING ELIGIBILITY FOR FIVE-YEAR EXEMPTION AND ABATEMENT FOR CERTAIN PROPERTIES LOCATED WITHIN AREAS DETERMINED TO BE IN NEED OF REDEVELOPMENT AND/OR REHABILITATION IN OR WITHIN PROXIMITY TO THE DOWNTOWN COLUMBUS VILLAGE AREA

WHEREAS, by Resolutions 2015-5-2 (Exhibit A, A-1, A-2), 2015-5-3 (Exhibit B), 2015-9-3 (Exhibit C, C-1), 2015-12-17 (Exhibit D), the Township Committee of the Township of Mansfield has accepted recommendations from the Mansfield Township Planning Board to declare certain areas to be of either “In Need of Redevelopment” or “In Need of Rehabilitation”, under the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, by Ordinances 2017-9 (Exhibit E, E-1, E2), and 2017-14 (Exhibit F, F-1, F-2), the Township Committee adopted certain Redevelopment Plans for parcels both within the Columbus Village Redevelopment Area consisting of the former municipal complex, the fire station and municipal police station, and other areas of the Township consisting of Block 36, Lots 13, 14.01, 14.02, 14.03, 15 and 16 (Exhibit G- complete list of abatement area), in which Redevelopment Plans referenced tax incentives as mechanisms and tools for encouraging economic development within the areas so identified; and

WHEREAS, all of the properties referenced in said Resolutions and Ordinances are in or proximate to “The Downtown Columbus Village Area”; and

WHEREAS, among the powers and authority vested in a municipality to incentivize the redevelopment of properties deemed to be either “In Need of Redevelopment” or “In Need of Rehabilitation”, is the award of tax-abatement and exemption incentives, and specifically, exemption and abatements for periods of five years under the “Five Year Exemption and Abatement Law”, N.J.S.A. 40A:21-3; and

WHEREAS, said statute provides that, “The governing body of a municipality may determine to utilize the authority granted under Article VIII, Section 1, paragraph 6 of the New Jersey Constitution, and adopt an ordinance setting forth the eligibility or non-eligibility of dwellings, multiple dwellings, or commercial and industrial structures, or all of these, for exemptions or abatements, or both, from taxation in area “In Need of Redevelopment” or “In Need of Rehabilitation”, and

WHEREAS, the statute further provides that, “The ordinance may differentiate among these types of structures as to whether the property shall be eligible for exemptions or abatements, or both, within the limitations of said statute; and

WHEREAS, the Township Committee of the Township of Mansfield wishes to provide for the financial incentives associated with said statutes, and the abatements and exemptions authorized therein, and further to authorize, by way of a Resolution to be adopted in the future, of an appropriate Application Form for Five Year Exemption and/or Abatements.

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

ARTICLE I. Redevelopment Plans Hereby Amended.

To the extent not specifically identified in the Redevelopment Plans adopted and approved by Ordinances 2017-9 and 2017-14, respectively, the Township Committee hereby amends those Plans to allow for (although not require) Five Year Tax Exemption and Abatement Agreements, as contemplated by N.J.S.A. 40A:21-10, and in the sole discretion of the governing body; to use any of the three (3) methodologies, (cost basis, gross revenue basis, or tax phase-in basis) described in N.J.S.A. 40A:21-10. Prior to consideration of such an Agreement, the Applicant shall submit the form to be adopted by the Township Committee, by Resolution, seeking application for a Five Year Exemption and/or Abatement.

ARTICLE II. Five Year Exemption and/or Abatement Authorize for Other Areas Determined to be In Need of Redevelopment and/or Rehabilitation.

- A. There is hereby authorized, for such redevelopment/rehabilitation projects which the Township Committee, in its sole discretion, may deem worthy of, and appropriate for, of the financial incentive of tax abatement and/or exemption in areas which have been properly determined and delineated to be “Areas In Need Of Redevelopment” or “Areas In Need Of Rehabilitation.”

- B. No abatement and/or exemption shall be permitted, unless first authorized by a separate Agreement for said project or projects as shall be authorized by Resolution duly adopted by the Township Committee. The governing body shall have the discretion to negotiate such an Agreement based upon any of the three (3) methodologies set forth in N.J.S.A. 40A:21-10(a) through (c), to wit: cost basis, gross revenue basis, or tax phase-in basis.
- C. Each of said Agreements to be authorized by Resolution of the governing body as permitted herein, shall be for no more than five (5) full years next following the date of completion of the project, and shall follow the provisions of the New Jersey Five Year Tax Exemption and Abatement Law, N.J.S.A. 40A:21-1 et seq.

ARTICLE III. Repealer, Severability and Effective Date.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

Mayor Higgins opened public comment on Ordinance 2018-7.

Carl Schwartz, 40 Fitzgerald Lane, inquired about the specific area in which the abatement will apply. **Township Solicitor Gillespie** explained that the ordinance will affect the full length of New York Avenue and Atlantic Avenue, in addition to a portion of East Main Street. Mr. Schwartz questioned the purpose of an abatement program. Mr. Gillespie stated that the purpose is to incentivize a property owner to improve the area by abating a certain percentage of improvement assessment taxes over the course of the agreement.

There being no further comments, the public hearing on Ordinance 2018-7 was closed.

Deputy Mayor DiGiuseppe inquired if an application for abatement has already been formulated. Mr. Gillespie stated that there is a standard form provided by the State that can be utilized. Mrs. DiGiuseppe then clarified that upon application by a property owner, the Township Committee will review the same to determine eligibility. A tax abatement will not automatically be given solely because a property falls within a rehabilitation or redevelopment zone.

A motion was offered by **Committeeman Gable** and second by **Committeeman Cain** to adopt Ordinance 2018-7. Motion carried on a Roll Call Vote, recorded as follows:

AYE: GABLE, CAIN, DIGIUSEPPE

NAY:

ABSENT: MAGEE

ABSTAIN: HIGGINS

ORDINANCE – FIRST READING

ORDINANCE 2018-8

AN ORDINANCE TO AMEND CHAPTER 39B, SOLID WASTE PROGRAMS, OF THE CODE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY

WHEREAS, it is the desire of the Township Committee to modify, amend and clarify certain subsections within Chapter 39B of the Code of the Township; 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 amendments shall be established and become enforceable:

CHAPTER 39B-24 is hereby amended to delete and replace the following provisions;

“Chapter 39B, Section 24 A will be amended as follows: “Residential solid waste pickup. Residential solid waste pick up shall be twice each week.” **shall be deleted and replaced with** “Residential solid waste pickup. Residential solid waste pickup shall be once each week.”

“Chapter 39B, Section 24 B will be amended as follows: “Trade solid waste pickup shall be twice each week not to exceed an average of six bundles, bags, or containers per pickup (or 12 per week) unless special arrangements are made with the township for a dumpster.” **shall be deleted and replaced with** “Trade solid waste pickup shall be once each week not to exceed six (6) bundles, bags, or containers per pickup unless special arrangements are made with the Township.

“Chapter 39B, section 24 B (1) and (2) are hereby deleted in their entirety.

REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

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

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor DiGiuseppe** to introduce Ordinance 2018-8. Motion carried.

ORDINANCE NO. 2018-10
AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE TOWNSHIP OF MANSFIELD
ENTITLED “ADMINISTRATION OF GOVERNMENT”

WHEREAS, certain provisions of the Township Code regarding the administration of the municipal government are not entirely consistent with current practice; and

WHEREAS, the Township Committee desires to advance and improve the efficient management of municipal departments; and

WHEREAS, the Township Committee believes it is necessary and helpful to clarify and define the authority of the Township Administrator and the position of Township Committee liaison, and to make certain other clarifying changes to its administrative code.

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

ARTICLE I. AMENDED SECTIONS.

- A. Section 2-1, titled “Township Committee” is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~strike through~~]:

“§ 2-1 Township Committee

The Township Committee shall consist of five (5) members, elected by the voters of the Township of Mansfield, who shall each hold office for a term of three (3) years commencing January 1 next succeeding their election.

“A. The Mayor shall be the Chairman of the Township Committee and the head of the municipal government in accordance with the provisions of N.J.S.A. 40A:63-5, and shall have those powers set forth in said statute. Mayor (one year term): N.J.S.A. 40A:63-

“B. Deputy Mayor (one year term): created pursuant to N.J.S.A. 40A:63-6b(3); The Township Committee shall annually elect from among its members a “Deputy Mayor”, who shall chair meetings and serve as Mayor in the absence of, or disability of, the Mayor.

“C. The Township Committee may assign its members to serve as “Committee Liaisons.” A Committee Liaison serves as a contact point to allow the relevant department, board or commission to address its concerns as if to the Township Committee as a whole. The Committee Liaisons positions shall include the following:

- a. Liaison to Engineering Services
- b. Liaison to Insurance and Safety
- c. Liaison to Emergency Management
- d. Liaison to Environmental Commission
- e. Liaison to Special Events Committee
- f. Liaison of Community Forestry Committee
- g. Liaison Of Recreation Committee
- h. Emergency Squad Liaison
- i. Fire Department Liaison”

D. Deleted.

E. Deleted.

2-1.1 Township Administrator: N.J.S.A. 40A:9-136 through 40A:9-138; delegated by the Township Committee, specified executive responsibilities of the municipality. The Township Administrator shall be appointed by the Township Committee and is responsible for the executive responsibilities of the Township, including but not limited to the daily management and oversight of all municipal departments and any other responsibilities delegated and assigned by the Township Committee. The Township Administrator shall serve at the pleasure of the governing body subject to the provisions of N.J.S.A. 40A:9-137 & 138.

2-1.2 Administrative Liaison to the Township Committee: The administrative liaison to the Township Committee shall assist the Committee in their daily operations.

ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- D. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- E. 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.
- F. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

A motion was offered by **Committeeman Gable** and seconded by **Committeeman Cain** to introduce Ordinance 2018-10. Motion carried.

ORDINANCE NO. 2018-11

AN ORDINANCE DIRECTING THE ESTABLISHMENT AND MAINTENANCE OF AN ABANDONED PROPERTY LIST PURSUANT TO N.J.S.A. 55:19-78 et seq., And ESTABLISHING PROCEDURES FOR ADDRESSING ABANDONED AND VACANT PROPERTIES WITHIN THE TOWNSHIP OF MANSFIELD

WHEREAS, the Mayor and Township Committee of the Township of Mansfield wish to protect the public health, safety, and welfare of its residents by establishing minimum standards for the maintenance of commercial and residential premises; and

WHEREAS, the Township Committee concurs with the findings of the State Legislature articulated at N.J.S.A. 55:19-79 that abandoned properties, particularly those located in close proximity to occupied residences and businesses, create a wide range of problems for local communities, foster crime, create public health problems, and otherwise diminish the quality of life for residents and business operators; and

WHEREAS, the Township further finds that abandoned properties diminish the property values of neighboring properties, have a negative effect on the quality of life of adjacent property owners, increase the risk of property damage through arson and vandalism, and discourage neighborhood stability and revitalization; and

WHEREAS, the Township further finds that it is well established that a property owner has the obligation to maintain his property in sound condition and prevent it from becoming a nuisance to others, which responsibility extends to properties which are not in use; and

WHEREAS, recent events in the local and national economy and its associated housing market have led to a drastic rise in the number of foreclosed houses; and closed businesses and homes are frequently repossessed by banks, financial institutions and large real estate conglomerates who have little or no connection with the municipality in which they own property; and;

WHEREAS, many of these businesses and homes are frequently vacated prior to the conclusion of the foreclosure process. Businesses and homes sit empty for months or years at a time awaiting foreclosure sales; often creating a substantial unattractive, unsafe public nuisance and neighborhood blight. In many instances, these businesses and homes are in violation of multiple aspects of state and local building, sanitary and nuisance codes. The mortgagees are large financial institutions located out-of-State and fail to adequately maintain and secure these vacant properties, making enforcement efforts very difficult; and

WHEREAS, the presence of vacant residences and businesses can discourage potential buyers and/or tenants from purchasing a home and/or business adjacent to, and/or within neighborhoods with such vacant properties; and

WHEREAS, foreclosures, closed businesses and vacant homes and their impact on local residents' quality of life have become a nationwide epidemic. Banks and other financial institutions are failing to adequately maintain properties they now own and municipal inspectors have turned into investigators as they try to find out who the new owners are and how to contact them to correct code violations; and

WHEREAS, it is in the public interest for the Township of Mansfield to impose a fee in conjunction with the registration of vacant and abandoned properties in light of the disproportionate costs imposed on the Township in dealing with the problems of vacant and abandoned properties, including, but not limited to, property inspections, neighborhood complaints, etc.; and

WHEREAS, fees generated by registration of vacant properties will be utilized to maintain safe conditions, address any quality of life violations, administrative costs, and the like; and

WHEREAS, the Township desires to use the powers granted by local governments under the laws of the State of New Jersey to address the conditions created by these building and unimproved properties, and further their re-use for productive purposes;

WHEREAS, in furtherance of the efforts to control the blight of abandoned properties, it is necessary for the Township to: (1) provide for the identification and listing of such properties; (2) maintain such list of abandoned properties, which may exist throughout the community; (3) designate the Public Officer charged with the responsibility for identifying such properties and maintaining such list; and (4) develop procedures to address the rehabilitation/possession of such properties; and

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

ARTICLE I. A new chapter to the Code of the Township of Mansfield entitled "Abandoned & Vacant Properties" is hereby created. Pursuant to the authority contained in N.J.S.A. 55:19-78 et seq., the Chapter shall read as follows:

Section One. Definitions.

As used under this Article, these words shall have the following meanings:

OWNER-every Mortgagor, Mortgagee, Executor, Administrator of Estate, Trustee, Agent, Real Estate Agency, Property Manager, or interested parties, who along or severally with others, has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit, business, commercial property, or parcel of land, vacant or otherwise; or

1. Has care, charge or control of any such property, vacant or otherwise, in any capacity, including, but not limited to, Agent, Executor, Executrix, Administrator, Administratrix, Trustee or Guardian of the Estate of the holder of legal title or Is a Mortgagee in possession of any such property; or
2. Is An agent, trustee, or other person appointed by the Courts and vested with possession or control of any such property; or
3. Is an Officer or Trustee of the Association of unit owners of a condominium. Each such person is bound to comply as if he/she were the owner. However, this Ordinance shall not apply to any Condominium Association or Co-Op that forecloses or initiates the foreclosure process for unpaid assessments due or owning the Association; or
4. Every person who operates a rooming or boarding house; or
5. Is a Trustee who holds, owns or controls mortgage loans for mortgage-backed securities, transactions and has initiate foreclosure process.

VACANT PROPERTY-shall mean any building used or to be used for residential and/or commercial/business purposes which is not occupied or legally occupied or at which substantially all lawful construction operations or residential or commercial occupancy has ceased, and which is in such condition

that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-81; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order and where the building is in habitable condition and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this ordinance.

Section Two. Identification of Designated Public Officer.

The “Public Officer” charged with the responsibility for identifying abandoned properties and giving notice as set forth in N.J.S.A. 55:19-82 shall be that officer qualified to carry out the responsibilities and designated by the Township pursuant to N.J.S.A. 55:19-80.

Section Three. Duties and Powers of Public Officer.

- A. The Public Officer shall identify all properties within the municipality which are deemed abandoned pursuant to N.J.S.A. 55:19-78 et seq. The abandoned properties so identified shall include any and all properties found unfit for occupancy pursuant to the provisions of Chapter 25 of this Code.
- B. Each item of abandoned property shall be identified by tax block and lot number, the name of the owner of record (if known), and the street address of the lot.
- C. Upon identification of abandoned property, the Public Officer shall create and maintain a list of such property to be called the “Abandoned Property List.” Properties may be added to the list at any time, or deleted from the list at any time the Public Officer finds that the property no longer meets the definition of an abandoned property. An interested party may request that a property be included on the abandoned property list following the procedure set forth in N.J.S.A. 55:19-105.
- D. An abandoned property shall not be included on the Abandoned Property List if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of the rehabilitation work authorized by those permits. A property on which an entity other than the municipality has purchased or taken assignment from the municipality of a tax sale certificate, which has been placed on the Abandoned Property List, may be removed from the list in accordance with the provisions of N.J.S.A. 55:19-103. Notwithstanding the foregoing, a property deemed unfit pursuant to the provisions of Chapter 25 of this Code shall be subject to an order setting forth a specific time within which the repair, alteration or improvement of such unfit structure shall be made.

Section Four. Additional Duties of Public Officer; Notice.

- A. The Public Officer, within ten (10) days of the establishment of the abandoned property list, or any additions thereto, shall send a notice, by certified mail, return receipt requested, and by regular mail, to the owner of record of every property included on the list and shall cause the list to be published in the official newspaper of the municipality, which publication shall constitute public notice. The published and mailed notices shall identify the property determined to be abandoned setting forth the owner of record (if known), the tax lot and block number, and street address. The notice shall also include procedures on appealing the determination pursuant to N.J.S.A. 55:19-55(e). The Public Officer, in consultation with the tax collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to subsection d of N.J.S.A. 54:4-64. When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the tax collector, notice shall not be mailed but instead shall be posted on the property in the manner provided in N.J.S.A. 40:48-2.7. The mailed notice shall indicate the factual basis for the Public Officer’s finding that the property is abandoned property as that term is defined in N.J.S.A. 55:19-81, and the rules and regulations promulgated thereunder, specifying the information relied upon in making such finding. In all cases a copy of the mailed or posted notice shall also be filed by the public officer in the office of the Burlington County Clerk. This filing shall have the same force and effect as a notice of *lis pendens* under N.J.S.A. 2A:15-6.
- B. The Public Officer shall seek reimbursement for the postage costs and search fees associated with providing notice in accordance with paragraph A of this section from the Authority (as defined in N.J.S.A. 40:48-2.4) or its subsidiaries in accordance with procedures and rules promulgated by the Department of Community Affairs.

Section Five. Criteria for the Determination of Abandonment.

- A. Any property or building used or to be used as a residence or business which is not occupied, or not legally occupied, for a period of six months, and at least one of the following conditions exist:
 - (1) the property is in need of rehabilitation in the judgment of the Public Officer and no rehabilitation has taken place during the six month period; or
 - (2) construction was initiated on the property and then discontinued for a period of at least six months, leaving the building unsuitable for occupancy; or
 - (3) at least one installment of real property tax remains unpaid or delinquent; or
 - (4) the property has been determined to be a nuisance pursuant to N.J.S.A. 55:19-82.
- B. A property which contains both residential and non-residential space may be considered abandoned so long as two-thirds or more of the net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months and otherwise meets the criteria of either Subsection A (1) or A (4) above.
- C. Notwithstanding the foregoing, a property used on a seasonal basis shall not be deemed abandoned unless it meets two additional criteria set forth in Subsection A above.

Section Six. Options for Enforcement by the Municipality.

The Public Officer may, as appropriate and in the discretion of the Public Officer, proceed to obtain repair, alteration, improvement or demolition of a property on the Abandoned Property List, including those deemed unfit for occupancy, pursuant to either the provisions authorized by N.J.S.A. 40:48-2.3 et seq. or as authorized by N.J.S.A. 55:19-54 through 55:19-59 and N.J.S.A. 55:19-78 through 55:19-107. Pursuant to the provisions of N.J.S.A. 55:19-82, a property determined by the Public Officer to be a nuisance under the provisions of Subsection 82 of the statute shall be subject to the provisions of Chapter 25.

Section Seven. Remedies Available Under Abandoned Properties Rehabilitation Act.

The Public Officer shall have all of the powers available to the municipality, its agents, servants, and employees under the under the Abandoned Properties Rehabilitation Act (N.J.S.A. 55:19-78 et seq.). Specifically, the Public Officer may:

- A. When the owner or party in interest has failed to submit or initiate a rehabilitation plan, the Public Officer may bring a summary action in Superior Court to transfer possession and control of the property to the municipality for the development of such a plan. Upon being granted possession and control, in addition to adopting a rehabilitation plan, the municipality may commence and maintain further actions to: (1) conserve, protect or dispose of the property; (2) recover costs and expenses of the rehabilitation; and (3) if owner does not apply for reinstatement of control as provided for by N.J.S.A. 55:19-92, sell the property as directed by the court.
- B. After filing a notice of intent to take control of the property pursuant to N.J.S.A. 55:19-86, the Public Officer may enter onto the property as provided for in subsection C of this section of the statute in order to inspect, secure stabilize or repair the property for purposes of preparing a rehabilitation plan.
- C. Upon a proper showing to the court, the Public Officer may seek to obtain title to the property or sell same with the proceeds of such transaction to be distributed, in the following priority, for (1) the costs and expenses of sale; (2) other government liens; (3) repayment to the municipality for any borrowing or indebtedness granted priority lien status pursuant to N.J.S.A. 55:19-98; (4) a reasonable development fee to the municipality consistent with the standards established by the Department of Community Affairs or New Jersey Housing and Mortgage Finance Agency for rehabilitation programs; (5) other valid liens and security interests in accordance with their priority; and (6) the owner.
- D. With the approval of the court, place a lien on the property to cover the costs of proceeding under N.J.S.A. 55:19-78 et seq.

Section Eight. Additional Powers Available to the Municipality.

In addition to those powers set forth above, the municipality may proceed to tax sale on the property pursuant to N.J.S.A. 55:19-56, designate a qualified rehabilitation entity to act on behalf of the municipality in rehabilitating the property, borrow funds to facilitate the powers given to the municipality under the law and seek priority lien status for such borrowings. The purpose of this Chapter is to provide the municipality with all powers granted to it by the legislature under N.J.S.A. 40:48-2.3 et seq., N.J.S.A. 55:19-54 et seq., and N.J.S.A. 55:19-78 et seq. which are incorporated herein and made a part hereof.

Section Nine. Registration of Vacant/Abandoned Properties

Notwithstanding the requirements of any other section of the Code, all vacant or abandoned properties shall be required to register with the Township.

Section Ten. Registration Requirements.

Effective October 1, 2018, the owner of any vacant property as defined herein shall, within 30 calendar days after the building becomes vacant property or within 30 calendar days after assuming ownership of the vacant property, whichever is later; or within 10 calendar days of receipt of notice from the municipality, file a registration statement for such vacant property with the Township Code Enforcement Officer on forms provided by the Township for such purposes. The Owner of any property which meets the definition of vacant property at the time of the effectiveness of this Ordinance shall have thirty days to register the property. Any failure to provide notice by the municipality shall not constitute grounds for failing to register the property. A creditor serving a summons and complaint in an action to foreclose on a mortgage on residential property in the Township shall, within 10 days of serving the summons and complaint, notify the Township Clerk that an action has been filed on a property and contain the contact information and submit to the registration requirements detailed herein.

- A. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.
- B. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person eighteen (18) years or older, designated by the Owner as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such Owner in connection with the enforcement of any applicable code; and the name, street address, telephone number and e-mail address (if applicable) of the firm and actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a twenty-four (24) hour per day, seven (7) day per week basis. The two (2) entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey, or reside within the State of New Jersey.
- C. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
- D. The registration shall remain valid for one year from the date of registration except for the initial registration which shall be valid through December 31 of the year in which it was filed. The Owner shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in this ordinance for each vacant property registered.
- E. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be prorated for registration statements received less than 10 months prior to that date.
- F. The Owner shall notify the Clerk within 15 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Clerk for such purpose. The Owner shall have a continuing obligation to maintain true and accurate registration information with the Township.
- G. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the Owner of the building.

Section Eleven. Fee Schedule

A. The initial registration fee for an abandoned property shall be \$500 and shall be prorated for registration statements received less than 10 months prior to the due date

B. Vacant property registration fee schedule.

1. Initial registration: \$500.00

2. First Renewal: \$1,000.00

3. Second subsequent renewal: \$2,500.00

4. Any subsequent renewal: \$5,000.00

Section Eleven. Access to Vacant Properties.

The Owner of any vacant property registered under this Article shall provide access to the Township to conduct exterior and interior inspections of the building to determine compliance with municipal codes upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours between 7:30 am and 4:45 pm or at such other time as may be mutually agreed upon between the Owner and the Township.

Section Twelve. Requirements of Owners of Vacant Property.

The owner of any building that has become vacant property, and any person maintaining or operating or collecting rent for any such building that has become vacant shall, within 30 days thereof:

(1) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Township of Mansfield Code, or as set forth in the rules and regulations supplementing those Codes; and

(2) Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and

(3) Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, rights-of-way, alleys, retaining walls, attached or unattached accessory structures and driveways, are well maintained and free from trash, debris, loose litter, and grass and weed growth, vehicles and accumulation of newspapers/flyers/notices; and

(4) Continue to maintain the structure in a secure and closed condition and keep the grounds in a clean and well maintained condition, and ensure that the sign is visible and intact until the building is again occupied, demolished, or until repair and/or rehabilitation of the building is complete; and

(5) Pools and spas shall be kept in working order so that the water remains clear and free of pollutants and debris or drained and kept dry. In either case properties with pools and/or spas must comply with the minimum security fencing requirement of the Township.

Section Thirteen. Violations/Penalty.

(1) Any person who violates any provisions of this section of the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$1,250.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.

(2) For purposes of this section, failure to file a registration statement within thirty (30) calendar days after a building becomes vacant property or within thirty (30) calendar days after assuming ownership of a vacant property, whichever is later, or within ten (10) calendar days or receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein, shall be deemed to be violations of this article.

(3) Any fine(s) or cost(s) associated with cleaning up the property that remains uncollected or unpaid shall, by Resolution of the Township Committee, become a lien upon the property, which lien shall hereafter form part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as taxes to be collected and enforced by the same officers and in the same manner as taxes.

ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

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

H. 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.

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

Deputy Mayor DiGiuseppe asked for clarification on the above ordinance. **Township Solicitor Gillespie** explained that municipalities have been burdened with various issues brought forth by abandoned properties that fall into disrepair. Adoption of this ordinance will allow the township to not only be proactive in ensuring that abandoned properties are maintained, but to take action against the property if necessary. In summary, the owners of abandoned properties have a deadline of October 1st to register the property with the municipality and address maintenance issues. **Mayor Higgins** noted that property maintenance on abandoned properties has been a growing issue over the last decade.

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Cain** to introduce Ordinance 2018-11. Motion carried.

RESOLUTIONS

RESOLUTION 2018-7-4

RESOLUTION TO EXTEND TAX DUE DATE FOR THIRD QUARTER TAXES

WHEREAS, N.J.S.A. 54:4-66.3d states that: The third installment of current year taxes shall not be subject to interest until the later of August 1, the additional interest-free period authorized pursuant to R.S. 54:4-67, or the

twenty-fifth calendar day after the date that the tax bill or estimated tax bill for the third installment was mailed or otherwise delivered. Any payment received after the later of August 1, the additional interest-free period authorized pursuant to R.S. 54:4-67, or the twenty-fifth calendar day after the date that the tax bill or estimated tax bill for the third installment was mailed or otherwise delivered may be charged interest back to August 1. The estimated tax bill shall contain a notice specifying the date on which the interest may begin to accrue;

NOW, THEREFORE, BE IT RESOLVED, on this 18th day of July, 2018, by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, that Mansfield Township provides that no interest shall be charged if payment of any installment is made within the tenth calendar day following the date upon which the same became payable. In the event the taxes are not paid within the ten calendar days, interest will be charged from the date it became payable to the day it reaches the tax office.

In reference to the above resolution, **CFO Monzo** stated that when the State budget was adopted, it included changes to financial aid to certain school districts. Consequently, the County was delayed in formulating the tax rate, resulting in the need to extend the local tax due date.

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Gable** to adopt Resolution 2018-7-4. Motion carried on a Roll Call Vote, as follows:

AYE: CAIN, GABLE, DIGIUSEPPE, HIGGINS
NAY: ABSENT: MAGEE ABSTAIN:

RESOLUTION 2018-7-5
RESOLUTION TO REFUND TAX OVERPAYMENTS

WHEREAS, Property Taxes were overpaid on the property listed below; and
WHEREAS, this overpayment was due to a payment by Ocwen Loan Servicing, LLC., and they are 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 July 18, 2018 hereby authorizes the refunding of the following to Ocwen Loan Servicing, LLC by the Tax Collector.

Block	Lot	Property Owner	Amount
31.01	17	Darrell Barron	\$5,135.90

A motion was offered by **Committeeman Gable** and seconded by **Committeeman Cain** to adopt Resolution 2018-7-5. Motion carried on a Roll Call Vote, as follows:

AYE: GABLE, CAIN, DIGIUSEPPE, HIGGINS
NAY: ABSENT: MAGEE ABSTAIN:

RESOLUTION 2018-7-6
A RESOLUTION OF THE TOWNSHIP COMMITTEE APPOINTING
DANA ELLIOTT AS TAX COLLECTOR FOR THE TOWNSHIP OF MANSFIELD, COUNTY OF
BURLINGTON, STATE OF NEW JERSEY

WHEREAS, the Tax Collector, Elaine Fortin, has retired effective June 30, 2018 after 28 years of service to the Township, rendering a vacancy; and

WHEREAS, Dana Elliott has served as the Assistant to the Tax Collector since November 12, 2014 and had expressed her interest in becoming the Tax Collector for Mansfield Township; and

WHEREAS, Ms. Elliott had taken all required certification courses and examination to become a certified Tax Collector; and

WHEREAS, on June 28, 2017, Ms. Elliott was notified that she had successfully passed the examination which she took on June 27, 2018 and is, therefore, duly qualified as a certified Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that Dana Elliott is hereby appointed as the Tax Collector for the Township of Mansfield, effective July 1, 2018 and with a 4 year term effective as of January 1, 2019 through December 31, 2022 at an annual salary of \$40,000 per year.

Mayor Higgins explained that the Tax Collector of 28 years, Elaine Fortin, recently retired. The above resolution to appoint a certified employee to the position.

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Gable** to adopt Resolution 2018-7-6. Motion carried on a Roll Call Vote, as follows:

AYE: DIGIUSEPPE, GABLE, CAIN, HIGGINS
NAY: ABSENT: MAGEE ABSTAIN:

RESOLUTION 2018-7-7
RESOLUTION APPROVING A PROPERTY TAX REDUCTION FOR 12 HARVEST LANE LOCATED AT BLOCK 6.05 LOT 5 ON MANSFIELD TOWNSHIP TAX MAP

WHEREAS, on May 3, 2018, a fire completely destroyed the house located at 12 Harvest Lane, also known as Block 6.05 Lot 5 on the Mansfield Township Tax Map; and

WHEREAS, because of this fire damage, the owner of the property submitted a written request with the Township for the reduction in the property tax assessment; and

WHEREAS, the owner request relief from paying the improvement portion of the property's tax assessment, which is presently assessed at \$369,000, but agrees to pay the land and in-ground pool portion of the property tax assessment, which is presently assessed at \$148,200; and

WHEREAS, the Tax Collector has consented to assess the property located at 12 Harvest Lane for the land and pool portion only; and

WHEREAS, the property taxes for 12 Harvest Lane shall be immediately reassessed by the Tax Assessor's Office to full fair market value when the property's improvements are rebuilt and final inspections are complete.

NOW THEREFORE BE IT RESOLVED, by the Township Council that the owner's written request for the property tax reduction at 12 Harvest Lane, also known as Block 6.05 Lot 5 on the Mansfield Township Tax Map, is granted as follows and shall be retroactive to May 3, 2018:

1. The improvement portion of the tax assessment for 12 Harvest Lane, which is presently assessed at 369,000, shall be cancelled.
2. The lane and in-ground pool portion of the assessment, which is presently assessed at 148,200, shall be due and owing in the normal course of payment.
3. The Tax Assessor's Office shall immediately reassess the tax assessment for 12 Harvest Lane to full fair market value when the property's improvements are rebuilt and final inspections are complete.

Tax Assessor Jeff Burd explained that there has been a catastrophic fire at 12 Harvest Lane, and the purpose of the above resolution is to grant relief of a portion of taxes to the property owner, as there is no longer a taxable structure. The tax relief will be effective for the remainder of the year, or when a new home is built, whichever comes first. **Township Solicitor Gillespie** noted that the resolution does not stipulate that taxes will be retroactive to the date of fire.

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Gable** to adopt Resolution 2018-7-7 retroactive to May 3, 2018. Motion carried on a Roll Call Vote, as follows:

AYE: DIGIUSEPPE, GABLE, CAIN, HIGGINS
NAY: ABSENT: MAGEE ABSTAIN:

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Gable** to amend the agenda to include Resolution 2018-7-8. Motion carried.

RESOLUTION 2018-7-8
A RESOLUTION APPOINTING A PART-TIME MANSFIELD TOWNSHIP PURCHASING ASSISTANT/TAX ASSISTANT TO THE FINANCE AND TAX OFFICES

WHEREAS, the Mansfield Township is in need of a part-time Assistant to the Finance and Tax Offices at this time; and

WHEREAS, a resume for said position was received from **Jean E. Pompei**; and

WHEREAS, **Jean E. Pompei** was interviewed by the Deputy Treasurer and Township Administrator, and was found to meet the qualifications that best meet the needs of the departments; and

WHEREAS, said part-time position is three days per week (days and times to be determined) for a total of 20 hours per week; and

WHEREAS, the Township Committee finds that it is in the Township's best interests that there be some type of continuity after a holiday, and thus should a work day fall on a holiday, the employee will be required to work the following business day, regardless of whether it is a normal scheduled work day for said Assistant; and

WHEREAS, the Township Committee further finds that in the Township's best interest that, if needed, that during the time frame for each Tax Quarter, the first (1st) of the month through the tenth (10th) of the month, that **Jean E. Pompei** shall work Monday through Friday, as well as, during vacation coverage for the Tax Collector and Deputy Treasurer; and

WHEREAS, the compensation for the position is Sixteen Dollars (\$16.00) per hour; 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 July 18, 2018 at the Municipal Complex at 6:00PM that **Jean E. Pompei** is hereby appointed as a part time Purchasing Assistant/Assistant to the Tax Collector for both the Finance and Tax Offices at the rate of \$16.00 hour, effective July 23, 2018, with a work schedule of three days per week at 20 hours per week (days and times to be determined) and if needed, Monday through Friday during the 10 day tax period of each quarter, as well as vacation coverage for the Tax Collector and Deputy Treasurer. Said position is without health benefits, vacation, sick or holidays. Should a work day fall on a holiday, employee will be

required to work those hours on the following business day, regardless of whether it is one of employee's normal work days.

A motion was offered by **Committeeman Gable** and seconded by **Deputy Mayor DiGiuseppe** to adopt Resolution 2018-7-8. Motion carried on a Roll Call Vote, as follows:

AYE: GABLE, DIGIUSEPPE, CAIN, HIGGINS
NAY: ABSENT: MAGEE ABSTAIN:

BILL LIST – Regular and Escrow

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Gable** to approve the bill list. Motion carried on a Roll Call Vote, as follows:

AYE: DIGIUSEPPE, CAIN, GABLE, HIGGINS
NAY: ABSENT: MAGEE ABSTAIN: HIGGINS (8075)
GABLE (8026)
DIGIUSEPPE (7967-8011)

Deputy Mayor DiGiuseppe explained that she abstained from approval of the above listed bills as she did not partake in the settlement.

REPORTS: Clerk, Tax Collector, Court, Construction, EMS, Finance, Zoning, Police

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Gable** to approve the above listed reports. Motion carried.

APPROVAL OF MINUTES – June 20, 2018

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor DiGiuseppe** to approve the above listed minutes. Motion carried.

DISCUSSION

A. Doug Borgstrom – Franklin Fire Company: Mr. Borgstrom addressed Township Committee on various matters, as follows: (1) There has been a recent update to the Burlington County hazard mitigation plan, and he would like Committee to endorse the plan to department managers, as he feels he experienced difficulty in receiving information from same in order to be eligible to receive funding to address certain safety concerns, such as roadway flooding. **Township Administrator Fitzpatrick** asked that Mr. Borgstrom notify him of any issues regarding staff. (2) Mr. Borgstrom noted that last year, he requested the ability to relocate the standby generator currently housed in the former police station to the Civic Club, so the building may be used as an emergency charging station during power outages. He requested that Committee reconsider this request, as he feels it will be a benefit to the community. Brief discussion ensued. (3) Mr. Borgstrom addressed the need to amend the Township Code to allow police to enforce all fire lanes within the municipality, including on private property. The Code as written makes it difficult to enforce fire lane tickets at court. (4) Mr. Borgstrom stressed that the volunteer fire department is in need of daytime coverage, and asked that Committee consider hiring a full-time firefighter and establish a municipal Fire Department to address this issue. Discussion ensued on the particulars of same. (5) Mr. Borgstrom asked to be provided information on the Huston-Galveston Co-op, as it is a resource that can be utilized by the Fire Company. (6) Mr. Borgstrom voiced that his submitted budget proposals to help finance the Fire Company went unremarked. He then noted all of the expenses recently covered by the Fire Company, and the various equipment that will need to be purchased in the future to allow the company to continue to operate satisfactorily. Discussion ensued on the same between Committee and support staff. **CFO Monzo** explained that in order to provide the Fire Company with the requested funds, the township would have to increase taxation beyond the legal limit, creating the necessity for public referendum. Mr. Monzo proposed that a subcommittee be created to review and analyze the financial needs for the Fire Company. (7) Mr. Borgstrom noted that the Fire Company is struggling to increase volunteer membership, and requested that applications for same be advertised on township platforms. **Municipal Clerk Semus** agreed to same.

Finally, Mr. Borgstrom expressed frustration about the lack of communication between Committee and the Fire Company, as many of the above discussion points were brought before the Governing Body at previous dates and action was never taken. **Mayor Higgins** stated that he would like to have a meeting with Mr. Borgstrom to discuss his concerns further. **Deputy Mayor DiGiuseppe**

requested that Mr. Borgstrom submit his comments to **Township Administrator Fitzpatrick**, who will then provide the same to Committee for detailed review.

On a separate topic, **Deputy Mayor DiGiuseppe** requested that Mr. Borgstrom provide Committee with a calendar of events occurring at the Fire Company, as the same is located within a municipal owned building. Mr. Borgstrom agreed to this request.

B. Land Use Determination Letter: Township Solicitor Gillespie summarized a new Supreme Court Decision regarding land use. In essence, when reviewing applications made to the Planning and Zoning Boards, the municipality must abide by ordinances that were in place at the time the application was deemed complete. Additionally, the township's current application checklist must be reviewed in relation to current ordinances to ensure that the same reflect.

C. Georgetown Park – Cleaning Price: Township Administrator Fitzpatrick discussed increasing cleaning services for municipal property, including having two full cleanings in the Municipal Complex, an additional cleaning per month at the training center, and cleaning services to be performed at Georgetown Park on a weekly basis. After reviewing price proposals for said increase in services, approximately \$417.20 additional a month would be needed to fund the same. **Committeeman Gable** believes that investing in cleaning services for Georgetown Park would be beneficial, as a significant amount of money was spent to revitalize the area. **Township Solicitor Gillespie** stated that Committee may move forward with these changes, and an amended contract can be ratified as the following meeting.

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Gable** to approve the financing of the aforementioned additional cleaning services. Motion carried on a Roll Call Vote, as follows:

AYE: DIGIUSEPPE, GABLE, CAIN, HIGGINS
NAY: ABSENT: MAGEE ABSTAIN:

D. Georgetown Park Camera – Quote \$1,950.00 Location of Funding: Township Administrator Fitzpatrick stated that the funds to install a camera at Georgetown Park will be provided through the Park Maintenance budget.

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Gable** to approve camera installation in the amount of \$1,950.00. Motion carried on a Roll Call Vote, as follows:

AYE: DIGIUSEPPE, GABLE, CAIN, HIGGINS
NAY: ABSENT: MAGEE ABSTAIN:

E. Georgetown Park Pavilion: Township Administrator Fitzpatrick stated that upon research, a state contract can be utilized to purchase and install a pavilion at Georgetown Park in the amount of \$38,000. **Mayor Higgins** requested that a special meeting be scheduled to formally approve purchase of the same via resolution.

F. Update on Sale of Old Municipal Complex: Township Solicitor Gillespie stated that the agreement for the sale of the former municipal complex has been executed, and the subdivision application pertaining to same has been prepared.

A motion was offered by **Committeeman Gable** and seconded by **Deputy Mayor DiGiuseppe** to authorize the Township Solicitor and Township Engineer to submit said subdivision application to the Planning Board for review. Motion carried on a Roll Call Vote, as follows:

AYE: GABLE, DIGIUSEPPE, CAIN
NAY: ABSENT: MAGEE ABSTAIN: HIGGINS

G. Interlocal Service Agreement – Florence/Burlington Township & City: Township Solicitor Gillespie explained that a resolution will be prepared for next meeting to enter into an interlocal service agreement between Mansfield Township, Florence Township, Burlington Township, and Burlington City to develop traffic control plans along Route 130 in response to the construction of warehouse facilities within said municipalities.

H. Pond Maintenance: Committeeman Gable stated that the pond in front of the Municipal Complex is not presentable, and maintenance should be conducted on same. **Mayor Higgins** agreed, and noted that the geese problem should be addressed as well. Mr. Higgins requested that **Township Administrator Fitzpatrick** direct Jef Jones, Township Superintendent, to provide for pond maintenance. Committee agreed to move forward with same.

I. Update on Foreclosures: Township Solicitor Gillespie stated that Committee will be able to move forward with the previously authorized In-Rem foreclosures by filing a complaint with the Superior Court upon completion of title searches on the properties. A timeframe for same was briefly discussed.

J. Correspondence from Dr. Sarruda from Northern Burlington County Regional: Mayor Higgins explained that at the previous meeting, negative comments were made regarding the Police Department's handling of a possible shooting threat at the high school. Regarding same, **Municipal Clerk Semus** read into the record a letter from Dr. Sarruda, Superintendent of Schools, which expressed gratitude and praised the actions of the Police Department under the supervision of Chief Mulhall.

K. Nolan Golowski – Boys Scout Eagle Scout Project: Municipal Clerk Semus explained that Mr. Golowski contacted the township to seek ideas for his upcoming Eagle Scout project. Discussion ensued between Committee and support staff. **Township Administrator Fitzpatrick** noted that projects that include landscaping should not be recommended, as the same would need to be maintained after its completion. Recreation Coordinator, Paul Narwid, suggested that a flag pole be installed at the Mapleton or Civic parks. **Committeeman Gable** suggested that a project be determined off of the needs of the Recreation Committee. Committee agreed to same.

PUBLIC COMMENT

Kenneth Tomko, 23 Ellington Drive, stated that sink holes continue to be a growing problem within the development. Out of a total of fourteen streets, Mr. Tomko noted that he personally listed over two hundred maintenance issues that need to be addressed, and asked for professional review of same. **Township Administrator Fitzpatrick** stated that there are available funds in the budget to correct stormwater inlets. Additionally, Mr. Fitzpatrick requested that Mr. Tomko provide him with a copy of his maintenance list to be reviewed by Committee and township professionals.

Fred Gottesman, 29 Harrington Drive, stated that several years ago, a company was hired to operate a seal master in the Four Seasons development, and that repairs from the same have held up well. Mr. Gottesman went on to explain that in the following year, the seal master equipment was rented and utilized by public works staff to provide road repairs. However, as it appears that workers were not properly trained, and consequently the repairs have been deteriorating. Additionally, Mr. Gottesman expressed that the Public Works Department does not correct potholes efficiently. **Township Administrator Fitzpatrick** replied that he will discuss with Jef Jones, Township Superintendent, about the quality of work performed by his employees. Slight discussion ensued on same.

Carl Schwartz, 40 Fitzgerald Lane, inquired about the lifespan of Ordinance 2018-7. **Township Solicitor Gillespie** stated that the ordinance will remain in effect until it is officially repealed. Mr. Schwartz inquired about the purpose of Ordinance 2018-10. Mr. Gillespie explained that the Township Code is being amended to clarify certain roles and responsibilities of certain employees. Mr. Schwartz questioned when said ordinances will be available for public inspection. **Municipal Clerk Semus** replied that all approved documents on tonight's agenda will be posted on the website the following day. Mr. Schwartz then inquired about the transfer of funds in Ordinance 2018-9. **Mayor Higgins** explained that the money previously approved for the construction of a proposed soccer field will be reappropriated for use on the Municipal Complex. Discussion ensued further between Committee, support staff, and Mr. Schwartz regarding the utilization of funds to relocate the Public Works Department from the former municipal complex to the new building.

Peter Mostellar, 6 Deerpath Lane, questioned the actions of the Police Chief after the discovery of the potential active shooter threat at the high school in terms of public communication, and how he determined that the same was in fact not a viable threat. **Mayor Higgins** and Mr. Mostellar discussed the public impression of the same and the apparent lapse of communication between the

public and the Police Department on the matter. **Deputy Mayor DiGiuseppe** inquired if Ron Mulhall, Police Chief, could come before Committee to explain in detail the procedure that was followed upon notification of a possible active shooter. **Mayor Higgins** agreed to pursue the same.

Brian Morro, 13 Fieldcrest Drive, expressed concern over the reappropriation of funds in Ordinance 2018-9, as the Recreation Committee is in need of many significant improvements, particularly on playing fields. Mr. Mauro went on to state that there has been a decrease in funding for recreation purposes, though services have been expected to increase. Accordingly, Mr. Mauro questioned where the funds from the sale of the former municipal complex will be appropriated. **Chief Financial Officer Monzo** explained that the money will be placed in the township's fund balance, or surplus, until it can be specifically appropriated in the 2019 Municipal Budget in the areas that the Committee feels most appropriate. Slight discussion ensued on the fund structure of the budget. Mr. Mauro stated that the field conditions are rapidly deteriorating, and are marginal at best in condition. Without sustained maintenance plans and irrigation, the conditions will rapidly decline and create safety hazards for sports players. Mr. Mauro urged Committee to refrain from reappropriating the funds in Ordinance 2018-9 and allow the same to be used for recreation purposes. **Mayor Higgins** stated that the Municipal Complex must be completed before the township can pursue new projects.

Amy Lewis, 24786 East Main Street, stressed that the community has significantly grown, and that parents have an expectation that the township provide recreational services for children. Without adequate facilities, parents will lose confidence in what the township can provide, and will seek other recreation programs in surrounding municipalities.

Deputy Mayor DiGiuseppe reiterated that a portion of the funds to be reappropriated via Ordinance 2018-9 should be utilized for recreational purposes.

Peter Mostellar, 6 Deerpath Lane, questioned if the full amount of the aforementioned ordinance must be reappropriated. **Chief Financial Officer Monzo** stated that should Committee choose to not adopt the ordinance, the same will have to be reintroduced to reflect the changes the Governing Body may want in terms of the reappropriation of funds. Additionally, a separate bond ordinance may be adopted and designed specifically for recreation updates. However, the earliest that a separate bond ordinance can be adopted is the following fiscal year, as a down payment of funds will need to be provide for.

Committeeman Gable expressed his appreciation for the Recreation Committee, and reflected **Mayor Higgins's** comments about finalizing the Municipal Complex project in order to move forward with additional plans. Mr. Gable also suggested that grant funds provided through the Burlington County Park Program be utilized by the Recreation Committee over the course of the next few years in order to accomplish the goals of the same. However, he stated that if there are safety concerns that need to be addressed, he is in favor of a future bond ordinance specifically for recreation updates.

MAYOR AND COMMITTEE COMMENTS

Deputy Mayor DiGiuseppe stated that she was notified of a potential dangerous issue at the field in Mapleton, in which large electrical breakers must be utilized in order to turn on the field lights. Accordingly, Mrs. DiGiuseppe asked that Committee consider installing automatic lights to negate the need to handle the breakers. Paul Narwid, Recreation Coordinator, stated that the purchase and installation of the same will cost between 17 and 20 thousand dollars, and that the breakers should only be used to forcibly turn off the electricity when there is an issue. Utilizing the breakers as they currently are may result in disrepair. **CFO Monzo** suggested that the recreation trust fund be utilized to correct the same. Mr. Narwid disagreed, expressing that since the breakers prove to be a safety issue, the funds should not be derived from recreation. Extensive discussion ensued between members of Committee and support staff over funding issues relating to recreational needs.

Committeeman Cain stated that there are various financing needs in the township that need to be addressed, the relocation of the generator as suggested by Mr. Borgstrom should be brought to fruition, and that a formal plan should be formulated for the Municipal Complex so funds are expended for the same appropriately.

Mayor Higgins stated that once the Municipal Complex is complete, the Committee will be able to focus attention on other areas of the township. Additionally, he stressed that the safety issues regarding the aforementioned breakers should be addressed immediately.

CFO Monzo honored the life of the late Marion Tallon, and spoke very highly of her commitment to the township.

Deputy Mayor DiGiuseppe also honored the memory of Al Vardallis, former member of the Zoning Board.

Township Committee thanked the public for attending tonight's meeting.

ADJOURNMENT

A motion was offered by **Committeeman Gable** and seconded by **Committeeman Cain** to adjourn the meeting. Motion carried. Meeting adjourned at 9:12PM.

Prepared by:

Respectfully submitted by:

Caitlin Midgette, Deputy Clerk

Linda Semus, Municipal Clerk

APPROVED: