

**TOWNSHIP OF MANSFIELD  
BURLINGTON COUNTY  
MEETING MINUTES  
November 1, 2018  
Executive Session – 5:00PM  
Regular Session – 6:00PM**

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

**Mayor Higgins** called the meeting to order at 5:00PM, 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. Notice of tonight's Executive Session was transmitted to the Burlington County Times and the Trenton Times and publicly posted on October 23, 2018.

**EXECUTIVE SESSION**

**RESOLUTION 2018-11-1  
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 Cain** and seconded by **Deputy Mayor DiGiuseppe** to adopt Resolution 2018-11-1 and convene into Executive Session. Motion carried. Township Committee entered the same at 5:02PM.

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

**Township Solicitor McElmoyl** stated that the purpose of tonight's Executive Session was to discuss contract negotiations for the sale of the former municipal complex, litigation involving Tower Gate, and personnel issues.

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: the final payment voucher will be requested from the NJDOT to finalize the Axe Factory Roadway Improvement project; we have yet to receive contract documents from the awarded contractor for Mansfield Road East – Phase II; pre-bid documentation was submitted for approval of the resurfacing of Mt. Pleasant and Chesterfield-Georgetown Road; quotes for repairs on White Pine have yet to be received, and noted that Township Committee can move forward in selecting another contractor due to the time delay; the flooding issue at Georgetown Park appears to be the result of a damaged pipe, and the water company has been contacted to shut off services to the same in order to

determine which areas need to be excavated; and the contractor for Hedding Park ordered materials to complete the playing surface.

**Township Administrator Fitzpatrick** stated that the installation of the pavilion at Georgetown Park has been placed on hold until the flooding problem is resolved.

**Committeeman Cain** inquired if the Mansfield Road East – Phase II project will be delayed until next year. **Township Engineer Briglia** replied that it is possible, as the awarded contractor has yet to furnish the required contract documents and the winter season is approaching.

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Magee** to accept the Engineer’s Report. Motion carried.

## **ORDINANCES – SECOND READING**

### **ORDINANCE 2018-15 AN ORDINANCE AMENDING CHAPTER 65, ARTICLE IV, SECTION 7 OF THE CODE OF THE TOWNSHIP OF MANSFIELD ENTITLED “DEFINITIONS”**

**WHEREAS**, there exists a need to amend a certain subsection of Chapter 65 of the Code of the Township of Mansfield to revise the definition of “Height of Building;”

**NOW THEREFORE, BE IT RESOLVED** that Chapter 65 of the Code of the Township of Mansfield be amended to read as follows:

Article IV. Definitions and Word Usage; Measurements

§65-7. Definitions.

#### **Height of Building.**

The vertical distance measured from the average elevation of the proposed finished grades at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the average height between eaves and ridge for gable, hip and gambrel roofs, provided that chimneys, spires, towers, mechanical penthouses, tanks and similar projections of the buildings not intended for human occupancy shall not be included in calculating the height. If there are two or more separate roofs on a single building, the height of such building shall be calculated from the highest roof.

#### **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 the floor for public hearing on the above ordinance. There being no comments, the public hearing was closed.

A motion was offered by **Committeeman Magee** and seconded by **Committeeman Cain** to adopt Ordinance 2018-15. Motion carried on a Roll Call Vote, as follows:

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

**NAYS:**

**ABSTAIN:**

**ABSENT:**

### **ORDINANCE 2018-16**

#### **AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MANSFIELD, AND TO RE-ALLOCATE AND REDEFINE CERTAIN POSITIONS WITHIN THE TOWNSHIP ADMINISTRATION**

**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 2-10, entitled “Construction Department”, is hereby amended to delete subparagraphs (B) “Land Use Coordinator” and (C) “Zoning Officer”, and re-alphabetizing paragraphs D through H, as B through F, respectively.
- B. Section 2-14, “Various Department Positions”, is hereby amended to add the following new subparagraphs:  
“G. Land Use Coordinator. The Land Use Coordinator shall serve as the Administrative Officer, as forth in N.J.S.A. 40:55D-3, to be appointed by the governing body for a term not to exceed one-year, commencing January 1 in the year in which (s)he is appointed, and subject to all qualifications, rights and entitlements as shall be prescribed by general law and the Ordinances of the Township of Mansfield. The Land Use Coordinator shall have the authority to carry out the various land use administrative functions and shall serve as both Township Planning Board Secretary and Township Zoning Board of Adjustment Secretary, shall receive and process all land use applications, submitted to either of said Boards, and shall perform all of the other duties and responsibilities set forth in the Township’s job description for the position of Land Use Coordinator.”  
“H. Zoning Officer. The individual responsible for enforcement and interpretation of the Zoning Ordinances of the Township of Mansfield, to be appointed by the Township Committee for a one-year term, which shall run from January

1 in the year in which (s)he was appointed, and subject to all qualifications, rights and entitlements as prescribed by general law and the Ordinances of the Township of Mansfield. The Zoning Officer shall also be responsible for inspecting properties in the municipality for violations, issuing zoning cease & desist orders to owners of property in violation of Zoning Ordinances, filing complaints in Municipal Courts against property owners who fail to comply with Ordinance provisions; shall be the person responsible for issuing zoning permits; and shall perform such other duties as may be prescribed from time-to-time by the Township Committee in the job description for the position of Zoning Officer, as well as those duties set forth in Section 65-118(B) of this Code.”

c. Section 27-4, entitled “Organization”, relating to the Planning Board is hereby amended to read as follows:

“27-4. Organization. The Planning Board shall elect a Chairman and Vice-Chairman from the members of Class IV, select a Secretary who may or may not be a member or alternate member of the Planning Board or a municipal employee, and create and fill such other offices as established by Ordinance. The Township’s Land Use Coordinator shall be the Administrative Officer of the Board as set forth in Section 2-14 of the Code of the Township of Mansfield.”

D. Section 27-10, entitled “Officers”, is hereby amended to read as follows:

“The Board of Adjustment shall elect a Chairman and Vice-Chairman from its members and shall also select a Secretary who may or may not be a Board member or another municipal employee.” The Township’s Land Use Coordinator shall be the Administrative Officer of the Board as set forth in Section 2-14 of the Code of the Township of Mansfield.”

**ARTICLE II. 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.

**Township Solicitor McEmoyl** explained that the purpose of the above ordinance is to remove the position of Land Use Coordinator and Zoning Officer from under the Construction Office, as said positions do not fall under the purview of said office.

**Mayor Higgins** opened the floor for public hearing on the above ordinance. There being no comments, the public hearing was closed.

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor DiGiuseppe** to adopt Ordinance 2018-16. Motion carried on a Roll Call Vote, as follows:

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

**NAYS: ABSTAIN: ABSENT:**

**ORDINANCES – FIRST READING**

**ORDINANCE 2018-17**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MANSFIELD BY ADDING TO CHAPTER 2 “ADMINISTRATION OF GOVERNMENT,” THEREOF, SUBPARAGRAPH 13.5 ENTITLED MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER (2-13.5)**

**WHEREAS**, the New Jersey State Legislature enacted a law, the same of which is codified at N.J.S.A. 4:22-14.1 et seq. and went into effect on May 1, 2018, which requires municipalities throughout the State of New Jersey to formally appoint a Municipal Humane Law Enforcement Officer who shall be responsible for animal welfare within the jurisdiction of the municipality in which they are appointed.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** By the Township Committee of The Township of Mansfield, County of Burlington, and Sate of New Jersey that the position, duties, and compensation are hereby created as follows:

**2-13.5 MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER NJSA 4:22-14.1**

Shall be responsible for animal welfare within the jurisdiction of the Municipality in which they are appointed pursuant to NJSA 4:22-14.1 et seq; and will be required to complete a training course approved by the Police Training Commission within one year to qualify for the position.

**COMPENSATION**. The range of compensation will be between Five Hundred (\$500.00) dollars per year and One Thousand Five Hundred (\$1,500.00) dollars per year.

**ARTICLE II. 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 **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Gable** to table the introduction of Ordinance 2018-17. Motion carried on a Roll Call Vote, as follows:

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

**NAYS: ABSTAIN: ABSENT:**

## **RESOLUTIONS**

### **RESOLUTION 2018-11-2 RESOLUTION APPOINTING SANDRA J. ANTHONY DEPEW AS A PART-TIME POLICE RECORDS CLERK FOR THE MANSFIELD TOWNSHIP POLICE DEPARTMENT**

**WHEREAS**, the Mansfield Township Police Department is in need of a part-time Police Records Clerk at this point in time; and

**WHEREAS**, an application for said position was received from Sandra J. Anthony DePew; and

**WHEREAS**, Sandra J. Anthony DePew was interviewed by Chief Ronald Mulhall and was found to meet the qualifications that best meets the needs of the department.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey that Sandra J. Anthony DePew is hereby appointed as a part-time Police Records Clerk for the Township of Mansfield's Police Department effective November 2, 2018 at a rate of \$17.00 per hour with no benefits and holidays, and not to exceed 24 hours per week.

A motion was offered by **Committeeman Magee** and seconded by **Committeeman Gable** to adopt Resolution 2018-11-2. Motion carried on a Roll Call Vote, as follows:

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

**NAYS: ABSTAIN: ABSENT:**

### **RESOLUTION 2018-11-3 RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS PROPERTY**

**WHEREAS**, the Township Committee has found that various equipment that is surplus are no longer needed for public use by the township; and

**WHEREAS**, the Township Committee believes that it would be advantageous to dispose of its surplus property; and

**WHEREAS**, N.J.S.A. 40A:12-13 and 40A:12-13.1 permits the township to dispose of surplus property no longer needed and to authorize such action by resolution of the municipality.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, that the following equipment be disposed of:

HP LaserJet Printer P4014n – Serial No. CNDX131166  
Apple iMac (20") – Serial No. W8810E73ZE3  
Fellowes Paper Shredder C-220 – Serial No. 0020918

A motion was offered by **Committeeman Gable** and seconded by **Committeeman Magee** to adopt Resolution 2018-11-3. Motion carried.

### **RESOLUTION NO. 2018-11-4 RESOLUTION AUTHORIZING LIEN FOR PROPERTY MAINTENANCE EXPENSES FOR PROPERTY LOCATED AT 70 MANSFIELD ROAD EAST**

**WHEREAS**, Chapter 25 of the Mansfield Township Code provides for the maintenance of properties in Mansfield Township; and

**WHEREAS**, the property located at 70 Mansfield Road East. (being Block 7, Lot 2.04 on the Official Tax Map) has been identified as a residential property in need of clean up due to; and

**WHEREAS**, due notice was provided to the property owner to adhere to the property maintenance ordinance and concerning the potential costs and damages in the event of non-compliance; and

**WHEREAS**, the property owner took no action in response to the Township's notice; and

**WHEREAS**, the Township was compelled to assume the burden of clean-up for the property owner and expended manpower and monies to accomplish same at a cost of \$500.00, including any and all legal fees incurred.

**NOW, THEREFORE BE IT RESOLVED** that the Township Committee of the Township of Mansfield hereby approves the list of expenses and costs presented by the Township's Property Maintenance Official, and that the stated sum of \$500.00, including any and all legal fees incurred, shall serve as a lien against the premises located at 70 Mansfield Road East, and that said lien shall be collectible as provided by law.

**AND BE IT FURTHER RESOLVED** that a copy of this resolution approving the expenses and costs, as certified by the Township Clerk, shall be filed with the Office of the Mansfield Township Tax Collector who shall be responsible for the collection thereof, and a copy of the resolution shall be sent by certified and regular mail to the owner.

Regarding the above resolution, **Township Administrator Fitzpatrick** stated that numerous unsuccessful attempts were conducted to send violations to the foreclosed property's responsible party to have the debris abated. As of this afternoon, a new address for same was provided to the Property Maintenance Official. Mr. Fitzpatrick inquired if thirty (30) days' notice must be sent to the new address in order to establish the lien, as various attempts to contact were made prior.

**Township Solicitor McElmoyl** advised that the aforementioned resolution be tabled in order to give the company a proper notice of violation.

A motion was offered by **Committeeman Magee** and seconded by **Committeeman Gable** to table Resolution 2018-11-4. Motion carried on a Roll Call Vote, as follows:

**AYES: MAGEE, GABLE, CAIN, DIGIUSEPPE, HIGGINS**  
**NAYS: ABSTAIN: ABSENT:**

**Deputy Mayor DiGiuseppe** expressed her disappointment that the aforementioned resolution was tabled, as this is not only a longstanding issue, but she was advised that the debris would be removed this week. Mrs. DiGiuseppe noted that she voted to table the resolution at the advice of the Township Solicitor, but expressed her opinion that the matter could have been handled in a more efficient manner.

In response to Mrs. DiGiuseppe's comments, **Township Administrator Fitzpatrick** stated that it is oftentimes very difficult to locate the responsible party for a foreclosed or abandoned property in order to serve violation notices.

#### **DISCUSSION**

**A. Franklin Fire Company – Junior Volunteer Fireman – Mason Buckalew:** A motion was offered by **Committeeman Magee** and seconded by **Committeeman Cain** to approve the above listed Junior Volunteer Fireman application. Motion carried on a Roll Call Vote, as follows:

**AYES: MAGEE, CAIN, DIGIUSEPPE, HIGGINS**  
**NAYS: ABSTAIN: GABLE ABSENT:**

**B. Mansfield Historical Society Facilities Use Application – 12/13/18 – Museum Tour:** A motion was offered by **Committeeman Cain** and seconded by **Committeeman Gable** to approve the above listed Facilities Use Application. Motion carried.

**C. Route 206 Project – Request for Staging on Municipal Property:** **Deputy Mayor DiGiuseppe** explained that the NJDOT has recently commenced a roadway project on Route 206, which has been suspended until spring due to the seasonal winter weather. Accordingly, permission was requested for the contractor to store construction equipment on municipal property, the same of which is also classified as a Green Acres area. However, **Township Administrator Fitzpatrick** noted that the contractor has been storing vehicles on said property without official permission from the township since the start of the project. **Mayor Higgins** suggested allowing the contractor to store their vehicles on the aforementioned property if they would agree to widen the apron at the intersection of Route 206 and Mansfield Road East. **Township Solicitor McElmoyl** advised against the same. Discussion ensued between Township Committee and support staff.

A motion was offered by **Committeeman Magee** and seconded by **Committeeman Gable** to instruct the contractor to remove the construction equipment from municipal property and to restore the damage areas of the property created by same, and that violations shall be issued if the contractor fails to comply. Motion carried on a Roll Call Vote, as follows:

**AYES: MAGEE, GABLE, CAIN, DIGIUSEPPE, HIGGINS**  
**NAYS: ABSTAIN: ABSENT:**

**D. Green Acres Property:** **Deputy Mayor DiGiuseppe** stated that she inquired if the Recreation Committee can charge for rental fees on designated Green Acres areas. Accordingly, she was informed via memo by George Morris, Esq. of the firm Parker McCay that if local residents are not charged a fee, the same procedure must be followed for non-locals. However, if local residents are charged, the fee for non-locals cannot exceed double that amount. Moreover, usage of Green

Acres properties cannot be denied for New Jersey residents, but properties can be rested as the Recreation Committee sees fit.

A motion was offered by **Committeeman Magee** and seconded by **Deputy Mayor DiGiuseppe** to have George Morris, Esq. formulate an official policy for the rental of Green Acres property for recreational purposes. Motion carried.

**E. Cultivation of Cannabis: Township Administrator Fitzpatrick** explained that he was contacted by a cannabis cultivator that would like to purchase property in Mansfield Township to construct a cannabis facility and wanted to gauge the Committee's opinion on the same. **Committeeman Cain** inquired if the cannabis would be grown for recreational or medical purposes. Mr. Fitzpatrick replied that since recreational cannabis is illegal, the facility would grow cannabis for medical needs. **Deputy Mayor DiGiuseppe** stated that she believes cannabis to be a gateway drug, and therefore is not in favor of a potential cannabis dispensary. **Mayor Higgins** noted his objection to the same.

**F. CDBG Project: Municipal Clerk Semus** stated that the application for the 2019 Community Development Block Grant is due on December 20<sup>th</sup>, and suggested that the application be filed with the purpose of restoring the public bathrooms on the second floor of the Municipal Building, as the same is often rented for private events. **Mayor Gable** recommended that the application be filed with the intent to use the grant funds for handicapped playgrounds. **Deputy Mayor DiGiuseppe** agreed with Mr. Gable's idea. **Township Administrator Fitzpatrick** suggested that ideas should be brought forth for discussion at the next Committee Meeting.

#### **PUBLIC COMMENTS**

Richard Furness, 26616 Mt. Pleasant Road, complained about the costs of obtaining an electrical permit through the Construction Office, and suggested that Township Committee research that costs of the same compared to other municipalities. **Township Committee** instructed **Township Administrator Fitzpatrick** to research the matter.

Colleen Herbert, 2 Millennium Drive, invited the Township Committee and the public to Mansfield's annual tree lighting event on December 1<sup>st</sup>.

Bob Harrison, 696 Mansfield Road West, stated that the speedometer on Mansfield Road West was marginally effective at deterring the excessive vehicular speeds on the same.

Carl Schwartz, 40 Fitzgerald Lane, thanked Township Committee for explaining the purpose of each ordinance and resolution on the agenda before voting. He asked that Committee reconsider releasing legislation prior to a meeting for public review.

There being no additional comments, the public comment section of the meeting was closed.

#### **MAYOR AND COMMITTEE COMMENTS**

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

#### **EXECUTIVE SESSION**

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor DiGiuseppe** to reconvene into Executive Session. Motion carried. Township Committee entered the same at 6:59PM.

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. Township Committee returned to the dais at 7:57PM.

#### **ADJOURNMENT**

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor DiGiuseppe** to adjourn the meeting. Motion carried. Meeting adjourned at 7:58PM.

**Prepared by:**

**Respectfully submitted by:**

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**Caitlin Midgette, Deputy Clerk**

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**Linda Semus, Municipal Clerk**

**APPROVED: November 28, 2018**