

**TOWNSHIP OF MANSFIELD  
BURLINGTON COUNTY  
MEETING MINUTES  
November 28, 2018  
Regular Session – 4:00PM  
Executive Session – 5:00PM**

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 Gable, Committeeman Frederick Cain, Township Administrator Michael Fitzpatrick, Township Solicitor John Gillespie, Township Engineer Chris Briglia, Chief Financial Officer Joseph Monzo, Deputy Treasurer Bonnie Grouser, Deputy Clerk Caitlin Midgette, and Municipal Clerk Linda Semus.** Committeeman Magee was absent at tonight's meeting.

**Mayor Higgins** called the meeting to order at 4:01PM, 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.

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:

Georgetown Park: Regarding the drainage issue at Georgetown Park, Mr. Briglia recommended that excavation occur at the location to rule out the possibility of a leaking pipe prior to moving forward on a quote to install a drainage system. **Mayor Higgins** inquired about the approximate cost to excavate the area. Mr. Briglia stated that he would have to formulate a cost. Regarding the cost to install a drainage system, **CFO Monzo** stated that \$8,600.00 is available from the accumulation of park grants to be utilized. Discussion ensued on how to proceed, as there is a difference of opinion between Mr. Briglia and the contractor on whether the flooding occurred due to a damaged pipe or simple lack of drainage system.

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Cain** to table the above discussion regarding Georgetown Park so the same can be deliberated further. Motion carried.

On a separate topic, **Deputy Mayor DiGiuseppe** inquired as to the status of the Mansfield Road East – Phase II project. Mr. Briglia stated that he has been in discussion with the contractor regarding certain contractual changes and if approval, will contemplate a project start date with same.

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

**FINANCE – Best Practices**

**CFO Joseph Monzo** explained the best practices questionnaire as required by the NJDCA, and how the same relates to the municipality's receipt of state aid. After review by the state, Mansfield scored 89% on the questionnaire, effectively guaranteeing our final state aid payment. Mr. Monzo noted that in the last eight (8) years, Mansfield has never received less than full payment of state aid.

Regarding question #24 of the questionnaire, **Mayor Higgins** inquired if there are any municipal owned vehicles taken home by employees. Mr. Monzo responded that the Superintendent of Public Works does take a municipal vehicle home for emergency purposes, but the same does not fall under the state exemption for police and fire department employees.

Regarding question #22 of the questionnaire, **Deputy Mayor DiGiuseppe** stated for the record that she had no knowledge of discussion with Chesterfield Township regarding a shared services agreement for the court system.

A motion was offered by **Committeeman Gable** and seconded by **Committeeman Cain** to accept the best practices worksheet. Motioned carried on a Roll Call Vote, as follows:

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

**NAYS: ABSTAIN: ABSENT: MAGEE**

**RESOLUTIONS**

**RESOLUTION 2018-11-5**

**RESOLUTION FOR THE TRANSFER OF FUNDS IN THE CURRENT FUND IN THE TOWNSHIP OF MANSFIELD FOR THE BUDGET YEAR 2018**

**BE IT RESOLVED** on this 29<sup>th</sup> day of November 2018 by the Township Committee of the Township of Mansfield, County of Burlington, that from the surplus balance in the 2018 budget appropriations transfers be made as follows:

<u>Title</u>		<u>Transfer From</u>	<u>Transfer To</u>
Workers Comp	OE	1,000.00	
General Liability	OE	3,300.00	
Admin	OE	4,000.00	
Audit	OE	300.00	
Tax Collection	OE	5,000.00	
Tax Assessment	OE	1,500.00	
Engineering	OE	10,000.00	
JIF Safety	OE	1,500.00	
Planning	OE	4,000.00	
Affordable Housing	OE	500.00	
Unemployment	OE	1,000.00	
Public Health	OE	1,200.00	
Environmental Health	OE	1,200.00	
Animal Control	OE	1,000.00	
Salary and Wage Adj	SW	16,500.00	
Water	OE	5,000.00	
Clerk	SW	7,000.00	
Tax Collection	SW	7,200.00	
Police	SW	15,400.00	
Finance	OE		4,000.00
Solid Waste	OE		3,200.00
Park Maintenance	OE		5,500.00
PFRS	OE		9,740.00
DCRP	OE		2,500.00
BCBC	OE		785.00
Clerk	OE		1,350.00
Legal	OE		14,000.00
Land Use	OE		100.00
Streets	OE		14,000.00
Vehicle Maintenance	OE		1,050.00
Condo	OE		9,300.00
Electricity	OE		1,850.00
Petroleum	OE		7,000.00
PERS	OE		1,325.00
Buildings and Grounds	OE		1,100.00
Finance	SW		9,800.00
TOTAL		\$ 86,600.00	\$ 86,600.00

**Committeeman Cain** inquired if overages/shortages in certain appropriations are taken into account during the formulation of the following year's budget. **CFO Monzo** replied that upon the review of department head budget requests, some appropriations may be adjusted.

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor DiGiuseppe** to adopt Resolution 2018-11-5. Motion carried on a Roll Call Vote, as follows:

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

**NAYS:**                    **ABSTAIN: GABLE (LOSAP line item)**     **ABSENT: MAGEE**

**Township Solicitor Gillespie** stated that the above motion shall be amended to remove the LOSAP line item and approve Resolution 2018-11-5 accordingly, as Mr. Gable abstained from same and there is not 2/3 membership of the Governing Body in attendance at tonight's meeting to approve said line item.

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor DiGiuseppe** to amend the aforementioned vote on Resolution 2018-11-5 and adopt the same without the LOSAP line item. Motion carried on a Roll Call Vote, as follows:

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

**NAYS:**                    **ABSTAIN:**            **ABSENT: MAGEE**

**RESOLUTION 2018-11-6  
RESOLUTION ACCEPTING CHANGE ORDER #1 FOR  
ROADWAY IMPROVEMENTS FOR MANSFIELD ROAD EAST – PHASE I**

**WHEREAS**, the Township Committee of the Township of Mansfield adopted Resolution 2018-4-8 on March 21, 2018, authorizing an award of contract to Richard T. Barrett Paving Co., Inc., 400 Prospect Street, Trenton, New Jersey 08618 for the purpose of providing for Roadway Improvements for Mansfield Road East – Phase I in the amount of \$137,261.65; and

**WHEREAS**, Carroll Engineering, the appointed agent responsible for supervising said improvements for the Township of Mansfield, has advised the Township Committee by way of correspondence dated October 12, 2018, attached hereto and made part hereof, that the contract amount for the aforementioned project should be increased from \$137,261.65 to \$143,908.88 due to unforeseen circumstances specifically outlined in said correspondence.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey, that the aforementioned Change Order #1 is hereby authorized in the amount of \$6,647.23, funds of which will be made available through the following account: 02-286-54-000-274

**Township Engineer Briglia** explained the above change order, which has resulted in an increase of the contract amount for Mansfield Road East Phase I by a sum of \$6,647.23. **Mayor Higgins** inquired if a contingency was made for same. Mr. Briglia confirmed. **Committeeman Cain** questioned if funds for Mansfield Road East Phase II, which shall be utilized from the state aid received for Phase I, will now be in jeopardy due to the aforementioned change order. Mr. Briglia stated that he believes there will be an appropriate amount of funds remaining to complete Phase II, and if necessary, certain aspects of the contract, such as the required amount of asphalt, can be adjusted to ensure vigilance in spending. **CFO Monzo** stated that if necessary, the municipality can fund any monetary overages for the project.

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Gable** to adopt Resolution 2018-11-6. Motion carried.

**RESOLUTION 2018-11-7  
RESOLUTION ACCEPTING THE CHANGE ORDER TO CONTRACT  
PREVIOUSLY AWARDED TO EARLE ASPHALT COMPANY FOR THE SERVICES RENDERED IN  
CONNECTION WITH ROADWAY IMPROVEMENTS FOR AXE FACTORY ROAD**

**WHEREAS**, the Township entered into a contract with Earle Asphalt Company to provide for roadway improvements for Axe Factory Road from Old York Road to the Mansfield\Bordentown Municipal Boundary line; and

**WHEREAS**, the township received a correspondence, dated October 31, 2018, from Carroll Engineering attaching the final change order for the project; and

**WHEREAS**, the Township has reviewed the requested change order pursuant to said letter regarding the services and compensation to be provided; and

**WHEREAS**, the Township Committee finds it to be in the best interest of the Township to agree to the changes pursuant to the aforesaid Change Order.

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

1. The original Contract entered into between the Township of Mansfield and Earle Asphalt Company, pursuant to Resolution No. 2017- 10-7, is hereby amended to include the aforementioned changes, resulting in a decreased contract price of \$856.29 as outlined in the October 31, 2018 letter from Carroll Engineering, and with the stipulation that an amendment/credit will be forthcoming from Earle Asphalt Company which is attached hereto and made a part hereof.
2. The Township believes that said Final Change Order is to be considered a contingency and thereby a credit to be awarded to the Township.

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Gable** to adopt Resolution 2018-11-7. Motion carried on a Roll Call Vote, as follows:

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

**RESOLUTION 2018-11-8  
RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND ADDENDUM TO THE  
AGREEMENT OF SALE BETWEEN THE TOWNSHIP OF MANSFIELD  
AND SAYLORS POND COMMONS, LLC**

**WHEREAS**, the Township of Mansfield entered into an agreement, the same of which is dated July 18, 2018, with Saylor's Pond Commons, LLC for the sale of real property located at Block 28, Lot 6 and a portion of Lot 5; and

**WHEREAS**, the first addendum to the aforementioned agreement was executed on October 16, 2018 with the intent to extend the Due Diligence Period relating to same to November 20, 2018; and

**WHEREAS**, it is the desire of the Township Committee to authorize a second addendum to the aforementioned agreement to allow for a subsequent extension of said Due Diligence Period to November 30, 2018.

**NOW THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey, that the Deputy Mayor and Township Clerk are hereby authorized to execute the second addendum to the agreement of sale for the property located at Block 28, Lot 6 and a portion of Lot 5.

**Mayor Higgins** recused himself from the meeting for the vote on the aforementioned resolution.

**Township Solicitor Gillespie** stated that the purpose of the above resolution is to extend the Due Diligence Period relating to the sale of the former municipal complex.

A motion was offered by **Committeeman Gable** and seconded by **Committeeman Cain** to adopt Resolution 2018-11-8. Motion carried.

**Mayor Higgins** returned to the dais.

**RESOLUTION 2018-11-9  
RESOLUTION FOR THE REDEMPTION OF TAX LIEN**

**WHEREAS**, at the Mansfield Township Tax Sale held on September 27, 2016, a lien was sold to US Bank, Cust/ProCap 4 & Creditors on Block 42.07, Lot 106, also known as 101 Deep Hollow Circle for 2015 delinquent taxes; and

**WHEREAS**, Linda DiJacklin has affected redemption of Certificate #16-00005 on behalf of John W. Fazekas.

**NOW, THEREFORE, BE IT RESOLVED**, the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, authorizes that a check be issued to US Bank, Cust/ProCap 4 & Creditors, for the redemption of this lien.

<u>Lien Holder</u>	<u>Lien #</u>	<u>Amount</u>
US Bank Cust/Pro Cap 4 & Creditors	16-00005	\$24,641.74

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Cain** to adopt Resolution 2018-11-9. Motion carried on a Roll Call Vote, as follows:

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

**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:

**AYES: CAIN, GABLE, DIGIUSEPPE, HIGGINS**  
**ABSTAIN: DIGIUSEPPE (8499) GABLE (8456, 8488)**  
**ABSENT: MAGEE NAYS:**

**MINUTES**

-October 17, 2018

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Cain** to approve the minutes of October 17, 2018. Motion carried on a Roll Call Vote, as follows:

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

- November 1, 2018

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

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

**REPORTS: Clerk, Court, Construction, Zoning Police, Fire, EMS, Finance**

A motion was offered by **Committeeman Gable** and seconded by **Committeeman Cain** to amend the agenda to include the finance reports. Motion carried.

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

**DISCUSSION**

**A. Construction Rider: CFO Monzo** explained how the township's Uniform Construction Code trust fund operates and how the same is related to permit fees, as Township Committee received a complaint regarding the costs of certain construction permits. Mr. Monzo explained that the entire operation of the Construction Office, including salaries, are charged to said trust fund, and that this procedure has been approved by the State of New Jersey. However, Mr. Monzo continued by stating that the trust fund balance has significantly decreased over the years, and that the municipal budget may have to support the financing of the Construction Office once the trust fund is depleted. Township Committee discussed the various permit fees in comparison to that of other municipalities. **Committeeman Gable** suggested that all UCC fees be reviewed for adjustment. **Mayor Higgins** encouraged the Township Committee to formulate a plan to allow the trust fund to continue, as it is a benefit to the tax payers.

**B. EMS: CFO Monzo** stated that Ryan Lewis, Chief of the Emergency Squad, provided a response to Township Committee's request to clarify certain information in the organization's audit report. Mr. Monzo stated that Mr. Lewis addressed Township Committee's concerns to his satisfaction. Mr. Monzo also noted that Mr. Lewis contacted Bowman and Company for future financial services, and the same will provide a proposal to the organization to produce a report to satisfy the EMS and Township Committee in order to stay in compliance with Township Code and provide the financial documents required of non-profit organizations. In relation to same, **Mayor Higgins** suggested amending the language of the ordinance pertaining to non-profit organizations, since an audit is a costly venture for the EMS as a small-scale organization. **CFO Monzo** stated that the ordinance can be amended in the coming year to satisfy both parties.

**C. PSEG/NJ Conservation Foundation: Township Administrator Fitzpatrick** explained that the NJ Conservation Foundation has contacted PSEG and expressed interest in purchasing certain parcels of land on the border of Bordentown Township and Mansfield Township. **Township Solicitor Gillespie** inquired about the assessed value of same. Mr. Fitzpatrick stated that the parcels are assessed at a total value of \$405,100. Township Committee agreed that they would prefer to see the land developed rather than conserved, as developed land will prove to have taxable value. Mr. Monzo stated that currently, those parcels of land are taxed at an approximate total of \$3,000 annually. Mr. Gillespie recommended that Township Committee consider changing the zoning of said parcels in order to facilitate development. Mr. Fitzpatrick stated that, should the conversation between NJ Conservation Foundation and PSEG continue on the potential sale of said properties, he will relay the opinions and concerns of Township Committee.

**D. Leaf Bags: Township Administrator Fitzpatrick** stated that he's received complaints from residents who own large properties regarding the number of leaf bags distributed by the township for leaf collection, as a limit of 10 bags are allowed per resident per day. Jef Jones, Superintendent of Public Works, stated that early in the leaf collection program, bags were being distributed in significant quantities and it was found that oftentimes, these bags were utilized for purposes other than what they were intended for. Additionally, Mr. Jones stated that it takes approximately 4 weeks to replenish the stock of bags if the amount of same was to deplete rapidly. Slight discussion with Township Committee ensued. Mr. Fitzpatrick recommended that Mr. Jones be given discretionary power to determine if certain residents require more than 10 leaf bags at a time depending on the size of their property. Township Committee agreed to same.

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Gable** to give discretionary power to the Public Works Department on the number of leaf bags to be distributed to property owners. Motion carried.

**E. Sewer Discussion: Committeeman Cain** mentioned the possibility of approaching Florence Township or Bordentown Township for sewer connections so Mansfield may move forward with development along the Route 130 corridor. **Mayor Higgins** stated that though numerous conversations with both bordering municipalities have occurred without success, he has no objections to reopening discussions with same.

**F. Facilities Use Permits – Fire Company 12/16/18 & Ladies Auxiliary 12/21/18:** A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Cain** to approve the listed facilities use permits. Motion carried.

**G. Field Use Applications: South Jersey Mystics 10U (3/5/19 to 11/1/19), Northern Burlington Girls Softball (12/1/18-11/30/19), NJ Outlaws (12/1/18-11/30/19):** A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor DiGiuseppe** to approve the above listed field use applications. Motion carried.

#### **PUBLIC COMMENTS**

Carl Schwartz, 40 Fitzgerald Lane, asked for clarification on the leaf bag issue. Regarding the flooding issue at Georgetown Park, Mr. Schwartz questioned the feasibility of utilizing cameras in the underground pipes to search for a leak. **Township Engineer Briglia** stated that a camera was utilized for the sanitary pipe, but no leak was discovered. However, the same could not be performed on the water line, as the same has yet to be located. Slight discussion ensued.

Fred Wainwright, former resident, regarding Georgetown Park, inquired about the possibility that when the sewer line was installed during the development of the Mapleton community, if an old field drain previously used for farming purposes could have been damaged, resulting in a slow leak over time that has built up to the flooding issue present at the park today. Mr. Wainwright explained the mechanism of same.

Carl Schwartz, 40 Fitzgerald Lane, reflecting on Mr. Wainwright's comments, questioned if the developer of the Mapleton neighborhood will be liable to correct the flooding damage if Mr. Wainwright's speculations are correct. **Mayor Higgins** stated that the developer would not be liable. Regarding Mr. Briglia's comments on manipulating certain item quantities to maintain a lower cost to complete Mansfield Road East – Phase II, Mr. Schwartz questioned why the township does not make those adjustments regardless to save money. Mr. Briglia stated that the

greater quantity of certain items, such as asphalt, will make for a longer lasting project. Mr. Schwartz then questioned if Resolution 2018-11-8 pertains to the sale of the former municipal complex. **Mayor Higgins** confirmed. Relating to the UCC trust fund, Mr. Schwartz inquired about other options that may be available to continue to fund the same. **CFO Monzo** explained that Township Committee can explore a shared service agreement for UCC. Mr. Schwartz suggested that the same be considered in order to prevent a hefty tax increase. **Mayor Higgins** noted that upon the development of the Margolis warehouses, the township will experience an influx of revenue that can be used to offset the costs of the Construction Office. Finally, in regard to best practices, Mr. Schwartz inquired on how the township can improve to receive a grade of 100% on the State mandated worksheet. **CFO Monzo** stated that some of the questions are simply out of the township's control, which consequently lessens Mansfield's score to no fault of its own. Mr. Monzo and **Township Solicitor Gillespie** explained in detail said questions. **Mayor Higgins** noted that the township has worked diligently to ensure that it can receive as many points as possible for best practices.

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.

### **EXECUTIVE SESSION**

#### **RESOLUTION 2018-11-10 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, Contract Negotiations, Litigation, Potential Litigation and RFP Review*

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 Gable** and seconded by **Committeeman Cain** to adopt Resolution 2018-11-10 and convene into Executive Session. Motion carried.

Township Committee entered Executive Session at 5:53PM.

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Cain** to exit Executive Session and return to the public portion of the meeting. Motion carried. Township Committee returned to the dais at 7:17PM.

**Municipal Clerk Semus** explained that the purpose of Executive Session was to discuss personnel issues, contract negotiations, and litigation.

### **ADJOURNMENT**

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor DiGiuseppe** to adjourn the meeting. Motion carried. Meeting adjourned at 7:17PM.

**Prepared by:**

**Respectfully submitted by:**

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**Caitlin Midgette, Deputy Clerk**

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**Linda Semus, Municipal Clerk**

**APPROVED: DECEMBER 19, 2018**