

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY
MEETING MINUTES
December 6, 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 Robert Higgins, Deputy Mayor Janice DiGiuseppe, Committeeman Sean Gable, Committeeman Michael Magee, Committeeman Frederick Cain, Township Administrator Michael Fitzpatrick, Township Solicitor John Gillespie, Deputy Clerk Caitlin Midgette, and Municipal Clerk Linda Semus.** Deputy Mayor DiGiuseppe arrived late to tonight's meeting.

Mayor Higgins called the meeting to order at 5:31PM, 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 2018-12-1
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; and

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 and RFP Review
3. It is anticipated at this time that the above subject matter will be made public when the matter has been resolved and approved for release by the Township Solicitor.

A motion was offered by **Committeeman Magee** and seconded by **Committeeman Cain** to adopt Resolution 2018-12-1 and convene into Executive Session. Motion carried. Township Committee entered Executive Session at 5:32PM.

A motion was offered by **Committeeman Cain** and seconded by **Mayor Higgins** to exit Executive Session with the intent to return to same at the conclusion of the public meeting. Motion carried. Township Committee returned to the dais at 6:03PM.

Township Solicitor Gillespie stated that the purpose of Executive Session was to discuss litigation, personnel, contract negotiations, and matters falling within attorney-client privilege.

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

Municipal Clerk Semus requested that Ordinance 2018-18 and Resolution 2018-12-2 be moved to the end of the agenda as there is currently not a quorum to vote on same due to possible abstentions. A motion was offered by **Committeeman Gable** and seconded by **Committeeman Magee** to move Ordinance 2018-18 and Resolution 2018-12-2 to the end of the agenda. Motion carried on a Roll Call Vote, as follows:

AYES: GABLE, MAGEE, CAIN, HIGGINS

NAYS:

ABSTAIN:

ABSENT: DIGIUSEPPE

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 State 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 **Committeeman Cain** and seconded by **Committeeman Gable** to introduce Ordinance 2018-17. Motion carried.

At this time, **Mayor Higgins** turned the meeting over to **Committeeman Gable** due to feeling under the weather.

RESOLUTIONS

RESOLUTION 2018-12-3

RESOLUTION FOR THE RELEASE OF PERFORMANCE GUARANTEE AND CASH BOND FOR COUNTRY WALK PHASE 6

WHEREAS, Generation Builders Inc posted a Performance Guarantee, Number 170 originally established in the amount of \$321,905.25 on May 2, 2005 and cash bond in the amount of \$35,767.25; and

WHEREAS, Laura J. Mannion, President of Generation Builders Inc., has requested the release of Performance Guarantee 170 and cash bond now in the amount of \$36,661.81; and

WHEREAS, Carroll Engineering has recommended the release of said Performance Guarantee and cash bond in communication dated November 14, 2018.

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

1. Agrees to release the Performance Guarantee, Number 170 Generation Builders Inc. in the amount of \$321,905.25 and cash bond in the amount of \$36,661.81
2. Carroll Engineering recommends that a Maintenance Guarantee be posted in the amount of \$42,920.70 for a period not to exceed two (2) years
3. Authorizes the Land Use Coordinator to forward a certified copy of this Resolution to Generation Builders Inc.
4. The Land Use Coordinator is authorized and directed to forward the Performance Guarantee to Generation Builders Inc. once all conditions above are met.

AND IT IS FURTHER RESOLVED by the Township Committee, as aforesaid, that this release is conditioned upon the payment of all fees incurred by the municipality to the engineer or other professionals in connection with any inspections and reports concerning the improvements covered by said bond or other performance guarantee; and if there be a sufficient sum held in escrow by the township for the purpose of paying for said inspections and reports, said escrow may be utilized for that purpose and in the absence of a sufficient escrow said fees shall be paid by the obligor directly, pursuant to N.J.S.A. 40:55D(2)h.

A motion was offered by **Committeeman Magee** and seconded by **Committeeman Cain** to adopt Resolution 2018-12-3. Motion carried on a Roll Call Vote, as follows:

AYES: MAGEE, CAIN, GABLE

NAYS: ABSTAIN: HIGGINS ABSENT: DIGIUSEPPE

RESOLUTION 2018-12-4
A RESOLUTION AUTHORIZING THE TRANSFER OF JUNK TITLES TO
HAMILTON AUTO CLINIC AND USA TOWING RESPECTIVELY

WHEREAS, the Township of Mansfield offered for public auction certain vehicles identified in Resolution 2018-8-3 and Resolution 2017-10-3; and

WHEREAS, the GovDeals site conducted the subsequent public auctions and the minimum bid threshold was not met; and

WHEREAS, NJSA 39:10A-3, allows a public agency, under certain circumstances, to apply for a junk title; and

WHEREAS, the Mansfield Township Police Department, on behalf of the Township of Mansfield, filed for and received junk titles from the New Jersey Motor Vehicle Commission for the below listed vehicles which did not sell during said auction.

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 Township Committee hereby transfers the following junk titles to the listed entities:

<u>Vehicle</u>	<u>VIN</u>	<u>Towing Agency</u>
2001 Nissan Maxima	JN1CA31DX1T600508	Hamilton Auto Clinic
2008 Chevrolet Cobolt	1G1AK58F087188213	Hamilton Auto Clinic
2011 Ford Fusion	3FAHP0HA6BR300016	Hamilton Auto Clinic
1999 Mercury Sable	1MEFM53S6XA634926	USA Towing

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Magee** to adopt Resolution 2018-12-4. Motion carried on a Roll Call Vote, as follows:

AYES: CAIN, MAGEE, GABLE

NAYS: **ABSTAIN: HIGGINS** **ABSENT: DIGIUSEPPE**

RESOLUTION 2018-12-5
RESOLUTION AUTHORIZING THE AWARD OF TOWING CONTRACTS
IN THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY

WHEREAS, there is a need for the Township of Mansfield to have a list of towers to be utilized in the Township of Mansfield; and

WHEREAS, pursuant to Township Ordinance 2012-10, a maximum number of towers to be approved is seven (7), and should any of the first towing companies be disqualified for any reason or withdrawn by the applicant, the township will move down the list to maintain its total of seven (7) towers; and

WHEREAS, the Chief of Police has reviewed and submitted the names of the applicants that were deemed eligible and to be called on a rotating basis; and

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

The Mansfield Township Committee hereby awards contract with below listed applicants effective January 1, 2019:

Hamilton Auto Clinic
USA Towing
Flynn's Towing
2001 Towing
Bill's Auto Body
Johnson Specialized Transportation, Inc.
Haines Towing

A motion was offered by **Committeeman Magee** and seconded by **Committeeman Cain** to adopt Resolution 2018-12-5. Motion carried on a Roll Call Vote, as follows:

AYES: MAGEE, CAIN, GABLE

NAYS: **ABSTAIN: HIGGINS** **ABSENT: DIGIUSEPPE**

BILL LIST: Regular and Escrow

A motion was offered by **Committeeman Magee** and seconded by **Committeeman Cain** to remove Check No. 8546 from the bill list as there is not a quorum for approval. Motion carried.

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

AYES: MAGEE, CAIN, HIGGINS

NAYS: **ABSTAIN:** **ABSENT: DIGIUSEPPE**

APPROVAL OF EXECUTIVE MINUTES

- **February 12, 2018, February 21, 2018, May 16, 2018, June 10, 2018, September 19, 2018, October 4, 2018, November 1, 2018** (all present)

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

- **January 24, 2018** (Deputy Mayor DiGiuseppe not present)

A motion was offered by **Committeeman Magee** and seconded by **Committeeman Cain** to approve the minutes of January 24, 2018. Motion carried.

- **July 18, 2018** (Committeeman Magee not present)

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Gable** to approve the minutes of July 18, 2018. Motion carried.

- **August 15, 2018** (Deputy Mayor DiGiuseppe not present)

A motion was offered by **Committeeman Magee** and seconded by **Committeeman Cain** to approve the minutes of August 15, 2018. Motion carried.

- **November 28, 2018** (Committeeman Magee not present)

A motion was offered by **Committeeman Cain** and seconded by **Mayor Higgins** to approve the minutes of November 28, 2018. Motion carried.

Deputy Mayor DiGiuseppe arrived to the meeting at 6:15PM.

DISCUSSION

A. CDBG Grant: Municipal Clerk Semus stated that in speaking with the engineering firm, Remington & Vernick, the amount of anticipated grant funds for the 2019 CDBG project will be approximately \$70,000, and that the grant application deadline is December 20th. Township Committee discussed certain projects to propose for funding.

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Cain** to utilize the 2019 CDBG grant funds to relocate the gazebo at the Municipal Complex and to make the same ADA accessible. Motion carried on a Roll Call Vote, as follows:

AYES: DIGIUSEPPE, CAIN, GABLE, MAGEE, HIGGINS

NAYS: ABSTAIN: ABSENT:

RESOLUTION

**RESOLUTION 2018-12-2
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 6th day of December, 2018 by the Township Committee for the Township of Mansfield, County of Burlington, that from the surplus balance in the 2018 budget appropriations transfers be made as follows:

CURRENT FUND: Inside the CAP to Inside the CAP
Operating Expenses and Salaries & Wages

<u>Title</u>		<u>From</u>	<u>To</u>
Police	SW	10,000.00	
Planning	OE	2,500.00	
Zoning	SW	500.00	
Zoning	OE	1,500.00	
Court	SW	13,285.00	
LOSAP	OE		1,285.00
Clerk	OE		200.00
Streets and Roads	OE		6,000.00
Streets and Roads	SW		14,000.00
Buildings	OE		1,500.00
Vehicle Maintenance	OE		2,000.00
electricity	OE		1,000.00
Petroleum	OE		1,800.00
TOTAL		\$27,785.00	\$27,785.00

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Cain** to adopt Resolution 2018-12-2. Motion carried on a Roll Call Vote, as follows:

AYES: DIGIUSEPPE, CAIN, MAGEE, HIGGINS

NAYS: ABSTAIN: GABLE ABSENT:

PUBLIC COMMENTS

No public comments.

MAYOR AND COMMITTEE COMMENTS

Township Committee thanked the public for attending.

BILL LIST – Regular and Escrow

A motion was offered by **Committeeman Magee** and seconded by **Deputy Mayor DiGiuseppe** to amend the vote for approval of the bill list to include an abstention for Mr. Magee on Check No. 8523. Motion carried.

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor DiGiuseppe** to approve Check No. 8546. Motion carried on a Roll Call Vote, as follows:

AYES: DIGIUSEPPE, CAIN, GABLE

NAYS: ABSTAIN: MAGEE, HIGGINS ABSENT:

EXECUTIVE SESSION

Township Solicitor Gillespie stated that formal action will be taken after Executive Session. Township Committee convened into Executive Session at 6:26PM.

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor DiGiuseppe** to exit Executive Session and return to same after formal action is taken on Ordinance 2018-18. Motion carried. Township Committee returned to the dais at 7:21PM.

ORDINANCE – FIRST READING

Committeeman Magee and **Mayor Higgins** recused themselves from the meeting for the vote on the following ordinance.

ORDINANCE 2018-18

AN ORDINANCE TO AMEND ORDINANCE 2017-9, “AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD ADOPTING A REDEVELOPMENT PLAN FOR PARCELS WITHIN COLUMBUS VILLAGE REDEVELOPMENT AREA CONSISTING OF THE FORMER MUNICIPAL COMPLEX, THE FIRE STATION AND THE MUNICIPAL POLICE STATION”

WHEREAS, by Ordinance 2017-9, the Township Committee of the Township of Mansfield adopted a Redevelopment Plan for certain properties known as Block 28, Lots 5, 6 and 38, which included the municipal complex, fire station and police station, containing 3.82 acres; and

WHEREAS, by Ordinance 2018-6, the Township Committee authorized the sale of the municipally-owned properties at Block 28, Lots 5 and 6 to Saylor Ponds Commons, LLC; and

WHEREAS, following the adoption of said Ordinance, the Township Committee then entered into an Agreement of Sale with Saylor Ponds Commons, LLC, and over the last year, the parties have discussed the best re-use of the property and have determined that the Redevelopment Plan should be amended, to recognize that certain of the permitted uses contained therein, at pages 12-14, and specifically, subparagraph “H”, “Medical Offices for Doctors, Dentists and Other Licensed Medical Professionals”, might be able to be achieved without requiring formal site plan approval for said use, if certain conditions are met; and

WHEREAS, the Township Committee is desirous of facilitating the adaptive re-use of these buildings, and to do so in fashion that eliminates unnecessary delay and bureaucratic hurdles; and

WHEREAS, in order to achieve same, it is appropriate to amend the Redevelopment Plan to facilitate same.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey that the aforementioned “Columbus-Village/Former Municipal Complex Redevelopment Plan” is hereby amended at Article III “Redevelopment Plan” is hereby amended at page 18, paragraph “H”, to read as follows, with the underlined language being added hereby:

“H. Unless otherwise indicated within this Redevelopment Plan, all provisions of the Code of the Township of Mansfield shall apply. Notwithstanding the foregoing, however, should the former municipal building be adaptively re-used and re-develop for “medical offices for doctors, dentists and other licensed medical professionals” as set forth in paragraph ‘H’ on page 14, *supra*, and if said use is limited to normal business hours, does not entail a “24/7 urgent care” component, requires no further parking than that currently provided onsite, inclusive of the twelve (12) parking spaces being licensed to the Developer by the Township on the property retained by the municipality, and ingress and egress to

the site are adequately addressed by the Developer to the satisfaction of the Township Zoning Officer, then, and in those events, site plan approval for said use, from the Township Planning Board, shall not be required; however, all building, sanitary, and other public health, safety, and welfare codes must be satisfied.”

BE IT FURTHER ORDAINED AND ENACTED that this Ordinance shall take effect upon proper passage in accordance with the law, and any and all Ordinances inconsistent with the terms hereof are hereby repealed to the extent of any such inconsistencies.

Township Solicitor Gillespie added language to the above resolution to include the follow sentence at the conclusion of paragraph H: “however, all building, sanitary, and other public health, safety, and welfare codes must be satisfied.”

A motion was offered by **Deputy Mayor DiGiuseppe** and seconded by **Committeeman Cain** to introduce Ordinance 2018-18 with Mr. Gillespie’s amendment. Motion carried.

Municipal Clerk Semus requested a special meeting date to hold a public hearing and second reading on Ordinance 2018-18, as the same must be brought before the Planning Board for approval before final adoption, and the last meeting of the same is to occur after the final meeting of the year for the Governing Body. It was decided by Township Committee to hold a special meeting on December 28, 2018 at 9:30AM for the aforementioned purpose.

Committeeman Magee and **Mayor Higgins** returned to the dais.

EXECUTIVE SESSION

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Gable** to return to Executive Session. Motion carried. Township Committee convened into same at 7:27PM.

A motion was offered by **Committeeman Magee** and seconded by **Committeeman Cain** to exit Executive Session. Motion carried. Township Committee returned to the dais at 9:00PM.

Municipal Clerk Semus stated that the purpose of the final portion of Executive Session was to finalize contract negotiations and review RFPs for the year 2019.

ADJOURNMENT

A motion was offered by **Committeeman Cain** and seconded by **Mayor Higgins** to adjourn the meeting. Motion carried. Meeting adjourned at 9:01PM.

Prepared by:

Respectfully submitted by:

Caitlin Midgette, Deputy Clerk

Linda Semus, Municipal Clerk

APPROVED: DECEMBER 19, 2018