

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY
MEETING MINUTES
January 7, 2019
Executive Session – 5:00PM
Regular Session – 5:30PM**

The Regular Meeting of the Mansfield Township Committee was held on the aforementioned date with the following in attendance: **Mayor Sean Gable, Deputy Mayor Michael Magee, Committeeman Robert Higgins, Committeewoman Janice DiGiuseppe, Committeeman Frederick Cain, Township Administrator Michael Fitzpatrick, Township Solicitor John Gillespie, Chief Financial Officer Joseph Monzo, Deputy Treasurer Bonnie Grouser, Township Engineer John Pyne, Deputy Clerk Caitlin Midgette, and Municipal Clerk Linda Semus.**

Mayor Gable called the meeting to order at 5:06PM, 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 2018 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, posted on the official website, 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. Public notice of the change in time of this meeting was transmitted to the Burlington County Times and the Trenton Times on December 21, 2018.

EXECUTIVE SESSION

**RESOLUTION 2019-1-23
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
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 **Deputy Mayor Magee** and seconded by **Committeewoman DiGiuseppe** to adopt Resolution 2019-1-23 and convene into Executive Session. Motion carried. Township Committee entered the same at 5:07PM.

Committeeman Cain arrived at 5:14PM.

Township Solicitor Gillespie arrived at 5:34PM.

A motion was offered by **Deputy Mayor Magee** 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 5:38PM.

Mayor Gable stated that the purpose of Executive Session was to discuss contract negotiations and Zoning Board appointments. **Township Solicitor Gillespie** further explained that no formal action was taken in Executive Session, and that the Governing Body provided direction on how to proceed on certain matters.

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

CDBG Public Hearing:

Colleen Herbert, 2 Millennium Drive, questioned the amount of the grant funds that would be received. **Municipal Clerk Semus** stated that the amount has yet to be determined. Ms. Herbert noted that the Recreation Committee provided project suggestions for the CDBG grant, such as ADA playground compliance. Accordingly, Ms. Herbert inquired if the township is aware of any

recreational facilities that are in need of ADA updates. **Mayor Gable** responded that all facilities were compliant when built. Ms. Herbert stated that she feels the grant money could be utilized in other areas to benefit the township. **Mayor Gable** explained that the gazebo project was chosen not only because it remains unfinished, but it will provide ADA access for residents who enjoy fishing at the pond. **Municipal Clerk Semus** noted that a portion of the grant funds will also be utilized to include ADA pathways at the Mansfield Township Community Park. **Committeeman Higgins** stated that the Township Committee is always open to public comment. Ms. Herbert stressed that the recreational areas need to be updated, and that a list reflecting recommendations relating to same has been provided to the Township Committee in the past.

Committeewoman DiGiuseppe questioned how Township Committee would move forward if not enough grant funds are provided. **Mayor Gable** stated that the scope of the project will be changed accordingly.

There being no further comments, the public hearing on the CDBG grant was closed.

FINANCE

Committeeman Cain explained that he would like to establish a budget subcommittee to review the current budget along with the long-term financial needs of individual departments, and formulate recommendations on how to increase budget efficiency. **CFO Monzo** stated that the township currently has a \$7.5 million budget, but only about 7% of the budget is discretionary to Township Committee. **Committeeman Cain** expressed the needs for a long-term financial plan from each department, so Township Committee can create a priority list of goals in order to better manage the anticipated revenue from PILOT agreements. Township Committee agreed with same.

ORDINANCE – FIRST READING

ORDINANCE 2019-1

AN ORDINANCE TO AMEND ORDINANCE 2018-18 WHICH AMENDS 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 existing buildings, does not seek new construction of buildings, parking, or change in existing drainage, 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.

Deputy Mayor Magee and **Committeeman Higgins** recused themselves for the vote on the above ordinance.

A motion was offered by **Committeewoman DiGiuseppe** and seconded by **Committeeman Cain** to introduce Ordinance 2019-1. Motion carried on a Roll Call Vote, as follows:

AYES: DIGIUSEPPE, CAIN, GABLE

NAYS: ABSTAIN: HIGGINS, MAGEE ABSENT:

Deputy Mayor Magee and Committeeman Higgins returned to the dais.

RESOLUTIONS

RESOLUTION 2019-1-24

RESOLUTION FOR THE CONSENT OF THE TREATMENT WORKS APPROVAL APPLICATION FOR THE OLDE COLUMBUS INNE

WHEREAS, Olde Columbus Inne, LLC has applied to the New Jersey Department of Environmental Protection for a Treatment Works Approval (TWA) for the purposes of installing a new septic system; and

WHEREAS, said permit application requires that endorsement of the application be made by the Mansfield Township Committee.

THEREFORE, BE IT RESOLVED, by the Mansfield Township Committee, that Mansfield Township hereby endorses the TWA application and authorizes the execution of the Statements of Consent relating to same.

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor DiGiuseppe** to adopt Resolution 2019-1-24. Motion carried on a Roll Call Vote, as follows:

AYES: CAIN, MAGEE, DIGIUSEPPE, HIGGINS, GABLE

NAYS: ABSTAIN: ABSENT:

RESOLUTION 2019-1-25

RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE RELATED TO THE HEDDING PARK IMPROVEMENTS PROJECT

WHEREAS, Picerno Giordano Construction, LLC posted Performance Guarantee No. EACX081000000025 in the amount of \$70,661.00 in relation to the Hedding Park Improvements project authorized by Resolution 2018-2-9 of the Township Committee; and

WHEREAS, Carroll Engineering, via correspondence dated December 13, 2018, has recommended the release of said Performance Guarantee contingent upon the posting of a Maintenance Guarantee in the amount of \$10,599.15.

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

1. Release the Performance Guarantee No. EACX081000000025 in the amount of \$70,661.00 contingent upon the official posting of a Maintenance Guarantee.
2. Carroll Engineering recommends that a Maintenance Guarantee be posted in the amount of \$10,599.15.
3. The Municipal Clerk is hereby authorized and directed to forward the Performance Guarantee to Picerno Giordano Construction, LLC.

Township Administrator Fitzpatrick explained that the work for the above reference project has been completed satisfactorily. Additionally, Carroll Engineering has recommended that a maintenance bond be posted; however, the bid specifications did not require a maintenance bond, which precludes the contractor from providing same.

Township Solicitor Gillespie made slight variations to verbiage within the presented resolution, and recommended that Township Committee adopt the amended version listed above.

A motion was offered by **Deputy Mayor Magee** and seconded by **Committeeman Cain** to adopt Resolution 2019-1-25 as amended. Motion carried on a Roll Call Vote, as follows:

AYES: MAGEE, CAIN, DIGIUSEPPE, HIGGINS, GABLE

NAYS: ABSTAIN: ABSENT:

RESOLUTION 2019-1-26

RESOLUTION OF THE TOWNSHIP COMMITTEE SUPPORTING BUS STOP LOCATIONS ALONG ROUTE US 130 IN THE TOWNSHIP OF MANSFIELD AS RECOMMENDED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a survey of all existing and recommended bus stop locations along Route US 130 within the Township of Mansfield, County of Burlington; and

WHEREAS, this survey included the following stops as currently existing or recommended stops along Route US 130 within the Township of Mansfield:

Along Route US 130, northbound, on the easterly side at:

- A. **Albert Avenue – (far side) (NJ Transit ID# 14497)**
Beginning at the northerly curb line of Albert Avenue and extending 100 feet northerly therefrom.
- B. **Maple Avenue – (far side) (NJ Transit ID# 14498)**
Beginning at the northerly curb line of Maple Avenue and extending 100 feet northerly therefrom.
- C. **Between Jachner Road (northerly intersect) and Kinkora Road (CR 678) – (mid-block) (NJ Transit ID# 14499)**
Beginning at a point 155 feet north of the northerly curb line of Jachner Road and extending 135 feet northerly therefrom.
- D. **Between Kinkora Road (CR 678) and Burlington Road (CR 662) – (mid-block) (NJ Transit ID# 14501)**
Beginning at a point 1960 feet north of the northerly curb line of Kinkora Road (CR 678) and extending 135 feet northerly therefrom.

Along Route US 130, southbound, on the westerly side at:

- A. **Between Burlington Road (CR 662) and Kinkora Road (CR 678) – (mid-block) (NJ Transit ID # 14502)**
Beginning at a point 2715 feet south of the southerly curb line of Burlington Road (CR 662) and extending 135 feet southerly therefrom.
- B. **Jachner Road – (near side) (NJ Transit ID# 14504)**
Beginning at the prolongation of the northerly curb line of Jachner Road and extending 105 feet northerly therefrom.
- C. **Maple Avenue – (near side) (NJ Transit ID# 14505)**
Beginning at the prolongation of the northerly curb line of Maple Avenue and extending 105 feet northerly therefrom.
- D. **Albert Avenue – (far side) (NJ Transit ID# 14506)**
Beginning at the prolongation of the southerly curb line of Albert Avenue and extending 100 feet southerly therefrom.

WHEREAS, based on this survey, all currently recommended and existing approved bus stop locations will be approved by a new Traffic Regulation Order (TRO) by the NJDOT; and

WHEREAS, an initial step in the TRO process is to receive a Resolution of Support from the municipal governing body.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Burlington, in the State of New Jersey, that it supports the bus stops along Route US 130 as listed herein.

BE IT FURTHER RESOLVED, that the Township of Mansfield concurs that any approved bus stop locations or Traffic regulations in conflict with or inconsistent with the provisions of this resolution be rescinded upon approval of the Traffic Regulation Order.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be submitted the NJDOT Bureau of Traffic Engineering as requested.

A motion was offered by **Deputy Mayor Magee** and seconded by **Committeeman Cain** to adopt Resolution 2019-1-16. Motion carried on a Roll Call Vote, as follows:

AYES: MAGEE, CAIN, DIGIUSEPPE, HIGGINS, GABLE

NAYS: ABSTAIN: ABSENT:

RESOLUTION 2019-1-27

**RESOLUTION AUTHORIZING APPOINTMENT OF POLICE SERGEANT JEFFREY SMITH AS
MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER
PURSUANT TO N.J.S.A. 4:22-14.1 ET SEQ.**

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; and

WHEREAS, pursuant to N.J.S.A. 4:22-14.1c, the Township of Mansfield (the "Township") may designate any qualified individual as its Municipal Humane Law Enforcement Officer, including a police officer who may serve both positions concurrently; and

WHEREAS, the Chief of Police has recommended the appointment of Sergeant Jeffrey Smith as Municipal Humane Law Enforcement Officer; and

WHEREAS, the Municipal Humane Law Enforcement Officer will be required to complete a training course approved by the Police Training Commission within one year to qualify for the position; and

WHEREAS, the Township has considered the recommendation of Chief of Police and the qualifications of Sergeant Smith and now seeks to appoint Sergeant Smith as the Township's municipal humane law enforcement officer.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, that Police Sergeant Jeffrey Smith is hereby appointed as Municipal Humane Law Enforcement officer pursuant to N.J.S.A. 4:22-14.1 et seq.

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Higgins** to adopt Resolution 2019-1-27. Motion carried on a Roll Call Vote, as follows:

AYES: CAIN, HIGGINS, DIGIUSEPPE, MAGEE, GABLE

NAYS: ABSTAIN: ABSENT:

DISCUSSION

A. White Pine Property: **Mayor Gable** stated that the Township Committee has previously foreclosed on a property on White Pine Road, and would like to move forward in selling the same. **Committeeman Higgins** suggested that the zoning of the area be changed from commercial to residential, as it may prove more valuable to purchasers. **Deputy Mayor Magee** agreed with Mr. Higgins. Slight discussion ensued.

A motion was offered by **Deputy Mayor Magee** and seconded by **Committeeman Cain** to direct **Township Solicitor Gillespie** to move forward in preparing all required documents to facilitate the change in zoning for the White Pine property. Motion carried on a Roll Call Vote, as follows:

AYES: MAGEE, CAIN, DIGIUSEPPE, HIGGINS, GABLE

NAYS: ABSTAIN: ABSENT:

B. Parliamentary Procedures: **Committeewoman DiGiuseppe** asked **Township Solicitor Gillespie** to clarify the procedures under which the Township Committee operates, as she has always been under impression the township followed Robert's Rules of Order. **Township Solicitor Gillespie** explained that the Township Committee has never adopted Robert's Rules of Order, and that state law does not require the same to be followed. Generally speaking, townships follow the statutory provisions laid out in state law under the township form of government. Mr. Gillespie stated that he feels Robert's Rules of Order to be unnecessary and contradictory to state law and respectfully recommends that Township Committee not use the same as parliamentary procedure. **Township Solicitor Gillespie** summarized his position as follows:

“Robert's Rules of Order, as my opinion letter from a week ago or two weeks ago indicated, is one hundred and...1876 it was [created.] This is Robert's Rules of Order. It is 600 plus pages. It is not the easiest thing to understand. I don't know how many towns or fire districts or sewage authorities in New Jersey actually follow Robert's Rules of Order. It's not required by state law. Robert's Rules of Order is, in my opinion, unnecessary for the Governing Body to adopt as its procedures. It is 640 pages of unnecessary materials as far as the local governing body goes in my opinion. I've been doing this for 35 years. I've probably covered over 1,000 township committee/township council meetings and I may have had to deal with a dozen parliamentary questions over those 1,000 meetings. The number of votes required is not always the same between New Jersey laws as it is in Robert's Rules. In New Jersey, the majority vote generally covers most things. However, there are statutory provisions for a 2/3 affirmative vote – bond ordinance, transfer resolutions in the last two months and first three months of the year... the zoning board's five affirmative votes for a use variance, not a majority. How abstentions affect those affirmative votes is important. How abstentions is addressed in Robert's Rules is not always the same way as the New Jersey Common Law addresses an abstention. An abstention – if there was a bond ordinance and you had a three “yes”, one “no”, and one “abstention” – in most cases, the abstention would go with the motion so long as it wasn't due to disqualification. On a bond ordinance or a transfer resolution, it won't carry the vote because it can't go – those statutes require affirmative votes of “yeses” not “abstentions.” So, the issue generally arose, or originally arose, from the discussion about when you [Township Committee] had your reorganization discussions in executive session and you took a straw vote – was that a binding vote? The answer is no, because you never came out to the public and made it a binding vote – you took a straw vote in closed session. That's permissible because you're giving direction. That's why we come out at the end of the meeting, and as you did this evening, Mayor, said what did we do [in executive session] – we gave direction – the Governing Body gave direction to staff, professionals, etc., but no formal vote was taken. So to answer the Committeewoman's question about what rules do you follow, generally speaking you follow the rules of governance that township committees have – and there's a whole statutory section on the township committee form of government just as there is on mayor-council, council-manager, Walsh Act, commission forms of government like Bordentown City has and Collingswood. When questions arise as to “what does this mean?” – in the last year, how often do you have those questions come up about procedure or parliamentary procedure? It doesn't happen that often, and when it does, the beauty of local government is that most things are pretty easily fixed. Again, we may disagree, I respectfully suggest that to follow Robert's Rules of Order – unless you all read it first, if you all read these 600 and some pages first, and decide this is how you want to go, then that's your call. It's a policy decision. But unless everyone's read Robert's

Rules of Order from page 1 to page 641, I would respectfully suggest that you would not know what you were voting on if you adopted them.”

Slight discussion ensued between **Township Solicitor Gillespie** and **Committeewoman DiGiuseppe** on the above matter.

On a separate topic, **Committeewoman DiGiuseppe** inquired if an ordinance is necessary to allow members of the Township Committee to take official part in a meeting via phone call. **Township Solicitor Gillespie** replied that the Sunshine Law implies that members are allowed to participate via electronic means. In Executive Session, he recommends that members certify that there are no other individuals in the room.

PUBLIC COMMENTS

Carl Schwarz, 40 Fitzgerald Lane, questioned Township Committee on the top five priorities for 2019. **Committeeman Higgins** stated safety and service to residents. **Deputy Mayor Magee** replied that his focus is on road repairs and infrastructure. **Committeewoman DiGiuseppe** stated that her priorities are to ensure the completion of Mansfield Road East and the installation of a sign in front of the Municipal Complex. **Mayor Gable** replied that his focus for the coming year is on infrastructure and mainting taxes. Mr. Schwartz inquired if there will be a tax reduction this year. **Mayor Gable** stated that the Township Committee will try to maintain the tax rate. **Deputy Mayor Magee** explained that a tax reduction would be more reasonable if the amount of surplus was at a comfortable level. Regarding the same, **Committeeman Higgins** stated that once PILOT funds are received from the Margolis Warehouse Project, the community should see an increase in services and infrastructure. Mr. Schwartz inquired as to the amount of revenue that can be expected from said project. **Township Solicitor Gillespie** replied that it would be premature to estimate an approximate amount. Mr. Schwartz and **CFO Monzo** discussed certain aspects of the budget, such as debt obligations.

Colleen Herbert, 2 Millennium Drive, thanked **CFO Monzo** for the information he provided regarding the budget, and she found it to be extremely informative. Ms. Herbert expressed her desire to have better communication between the residents and the township.

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

MAYOR AND COMMITTEE COMMENTS

Township Committee thanked the public for attending.

ADJOURNMENT

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor Magee** to adjourn the meeting. Motion carried. Meeting adjourned at 6:49PM.

Prepared by:

Caitlin Midgette, Deputy Clerk

Respectfully submitted by:

Linda Semus, Municipal Clerk

APPROVED: JANUARY 15, 2019