

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY
MEETING MINUTES
SEPTEMBER 5, 2019
Regular Session: 7:00PM
Executive Session: 6:00PM**

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

Mayor Gable called the meeting to order at 6:00PM, 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. Adequate notice of this meeting was properly given via Resolution 2019-3-14 which was adopted by the Mansfield Township Committee on March 20, 2019. Said Resolution was transmitted to the Burlington County Times, Trenton Times and to the Clerk of the Township of Mansfield, posted on the official Bulletin Board of 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 mailings, posting, and filing having been accomplished as of March 21, 2019.”

EXECUTIVE SESSION

RESOLUTION 2019-9-1

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:
Potential Litigation, Contract Negotiations, Personnel Matters
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 **Committeewoman DiGiuseppe** to adopt Resolution 2019-9-1 and convene into Executive Session. Motion carried. Township Committee and support staff entered same at 6:01PM.

A motion was offered by **Committeeman Cain** and seconded by **Committeewoman DiGiuseppe** to exit Executive Session and return to the public portion of the meeting. Motion carried. Township Committee returned to the dais at 7:00PM.

Township Solicitor Gillespie stated that the purpose of Executive session was to discuss matters of pending litigation, potential litigation, contract negotiations, and personnel. No formal action on said matters will be taken at tonight’s meeting.

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

ENGINEER’S REPORT

Township Engineer Johnson summarized the Engineer’s Report as follows: repairs to the Georgetown Park pavilion have been completed; the resurfacing projects for Mansfield Road East have been completed and the close out documents with the State are being finalized so the township may receive its reimbursement; the resurfacing of Mt. Pleasant Road is anticipated to begin at the end of September and the school district has been notified so bus traffic can be coordinated accordingly; the stormwater basins at the Margolis Warehouse Project have been excavated, and concrete for the first building is to be poured in the next few weeks; the water main extensions for the Margolis Warehouse Project is set to begin in September, which will cause a portion of Jacksonville-Hedding Road to be closed down with a detour route at Mill Lane; repairs for the

widening and drainage of White Pine Road have been completed and notice will be submitted to the township for the release of the maintenance bond posted by Tuskarora; the Homestead Plaza has submitted an application to the Planning Board for driveway extension. There are no other updates.

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

DISCUSSION: EMS RFP

Mayor Gable: "Okay next item is the EMS RFP, which we all have a copy of. The final draft has been reviewed by John Gillespie and his office and has been given back to us to our final approval so we can go out for formal request for proposal. So at this time, anyone on the Committee have any questions or concerns on the proposal as drawn up?"

Committeewoman DiGiuseppe: "Are you asking for -?"

Mayor Gable: Anybody who has any comments on this so we can move forward with it tonight.

Committeewoman DiGiuseppe: "Okay. I have comments. Based on the draft RFP that we got, I have some questions. I sent them to the Committee and the Clerk. If you go along – the first one was who was going to be reviewing and evaluating the proposals and we have a resolution tonight that will address that. The second question is 7 & 8, the methodology, which would be in compliance with the competitive contracting statute. The attorney has offered a point system, and because it says that the evaluation will be done on the objective data, I agree with that consideration. Under the general conditions, on page 11, it says '1. Mansfield Township reserves the right to accept or reject any and or all proposals wholly or in part and or to waive formalities if it is considered in the best interest of Mansfield Township to do so.' Formalities are observance and compliance with regulations or requirements. I would like whomever wrote that to give us clarification because under competitive contracting statute it clearly says under no circumstances shall provisions under proposals be subject to negotiation by the contracting unit. So I would just ask for clarification on the word formality in that section."

Township Solicitor Gillespie: "It's just general language. I don't know if I can give you a specific example, we deal with them all the time, and they're often situations where – a formality is if it's required at 10:00AM and it comes in at 10:05AM we can waive that if it's in the best interest of the township. And the case law says five minutes is not going to stop you from opening a bid or opening a proposal. So I don't have anything specific in mind when we put it in there. We just want to be able to have the flexibility among the three of us to say, 'Look, that's a formality.' We are not going to suggest the violation of a regulation. We are not going to suggest the violation of a statute. But to the extent that there may be some sort of a report out there that someone wants to rely upon and says 'well this is how it should be done' - well that may be a formality, but it's not required under the Local Public Contracts Law and it might not be required under the regs. So we want that flexibility to – where there is an ability to have a waiver of a formality that is in the best interest of the community, that is what we are asking for and that's what that language means."

Committeewoman DiGiuseppe: "Okay. But it doesn't....okay. Under specific requirements, page 17, it says 'vendor's proposal will describe how it will bill residents whose costs exceed their insurance limits.' I agree with that, it's a good question. The anti-kickback statute needs to be addressed in that area. I'm not going to read all of those rules, but that's a recommendation. On page 17, the draft says the vendor will not charge any township resident a fee more than \$25 if the resident is not ultimately taken to the hospital. I have no idea...I would just like clarification if that can be a part of the specifications."

Township Solicitor Gillespie: "It is a part of the specifications. It was discussed at the last meeting. There was a discussion, I think one of the gentlemen from the squad says we don't charge but..."

Mayor Gable: "They (MTAC) don't presently charge. We were going back and forth. I think Fred offered up at least a minimal charge of \$25 to cover some expenses and we agreed to that."

Township Solicitor Gillespie: "Thank you. So that's where that came from."

Committeewoman DiGiuseppe: “Page 17 also. The draft says ‘will transport resident to one of the following hospitals,’ and it lists the specific hospitals. I would like clarification that that is not a risk factor of offering referrals under the anti-kickback statute.”

Township Solicitor Gillespie: “As the township attorneys, we are comfortable with that language.”

Committeeman DiGiuseppe: “Okay, that’s my comments.”

Mayor Gable: “Any other comments?”

Committeeman Cain: “Yes, Mr. Mayor, the only thing I want to be sure is that we get annual or at least - I’d love to see quarterly reports on the financial reports coming in from the provider. It’s just to make sure that our dollars that we spend are being used as effectively and as efficiently as possible and I didn’t see that specifically in here seeking a financial review more than the annual review.”

Township Solicitor Gillespie: “So do you want annual or quarterly? I thought we did have something, but we will certainly put that in.”

Committeeman Cain: “Honestly, Mr. Gillespie, I would like to see it at least quarterly.”

Mayor Gable: “Okay, is everybody okay with that? Is everybody okay if we make it quarterly, is that acceptable? Okay, so we can make it quarterly. Any other comments?”

Committeeman Higgins: “I have one comment.... (Inaudible). My concern is – this is one of the services that I think is very important to our township. I do agree that there is dollar and cents we have to assign to this. We all know what our service is now. When I look at the methodology, and I don’t think I’m a stupid person, but I’m finding myself fairly uncomfortable trying to determine, looking at this point system, how we can compare this to what our present service is, and that’s my concern. We all want to say we want the best service for our money, but I’m not sure if I look at this, can I say that this is comparative to what we have right now, and that’s my concern. And if I’m wrong – you know, Sean you have much more experience in this than I do, but I think this is a key service for our town and that’s my point.”

Mayor Gable: “The thing about this point system is that for pricing out of the 500 points that are possible to earn, the price is 100 points. Your quality, your service, your staffing plans, your total proposal is 230 point. Your bidder qualifications is 150 points. Your community outreach and involvement is 20 points. There’s a lot of points that can be earned by an organization that’s involved in the community, that has good quality and qualified employees in their staff and their planning, so I think it gives that opportunity and gives credit for that type of service that we’re looking for for our residents. We are looking for that good quality, well-trained, motivated individuals to provide an outstanding service to our residents, that’s what we’re looking for. It doesn’t necessarily...”

Committeeman Higgins: “(Inaudible)...understood is the redundancy. If something happened in our township, we had backup systems. I don’t see where that’s addressed and I don’t understand that.”

Mayor Gable: “That’s not addressed in the point system other than it would fall under the whole staffing plan and approach and total quality of the proposal. That’s where that will help them earn 230 points. So that fact of the backup plan and the additional rigs that can handle second and third rate calls in Mansfield is a priority helps to earn those points, those 230 points, I think that’s where that comes in at.”

Committeeman Higgins: “So you’re comfortable based on your understanding that this will address those issues.”

Mayor Gable: “The way I understand it and the way I interpret the way this is spelled out, I believe that this approach allows for the quality of the service that is being proposed. Those points to be able to be earned and outweigh the price of the service. And I think it’s – I know that there’s been a lot of concerns about it being fair for everybody, anybody who wants to provide EMS

service to Mansfield can provide everything that's listed here with the community outreach and the staff training and qualifications, experience. It's not something that would be slighted towards one bidder."

Committeeman Higgins: "This is not my area of expertise."

Mayor Gable: "Any other questions or comments?"

Township Solicitor Gillespie: "So the conversation you just had raises an issue, and I want to make sure everyone understands. In going through her comments, Committeewoman DiGiuseppe referred page 7 and quoted the language that says at the bottom under methodology to be used, she said all evaluations of proposals will be based on objective data that is to be submitted to the bidder, and she said she was comfortable with that. But I want to be real clear that objective data – so what you guys just talked about is that of the 500 points, 400 are based on specific responses to the RFP and so we consider that objective data. But it's still subjective in the sense that one person may think that someone's staffing plan is better than the other person and may award 80 points to that verses 70. So in that regard, it's not like you have to get it right and you get an 80 on that. That is some subjective, but it's based on objective data. I want to be clear that the understanding is that there is still subjectivity in the evaluation under this methodology. Does everyone understand that?"

Committeewoman DiGiuseppe: "I understand that, yes absolutely. That's why it would not be my first choice to do a point system. That's why I mentioned that objective data is mentioned in the specifications that was written by you."

Mayor Gable: "Okay any other? We are comfortable to move forward with this once we get to the resolution and we can then authorize this to go out for proposals."

Township Solicitor Gillespie: "We will have the part about the vendor providing quarterly financial reports."

ORDINANCE – SECOND READING

**ORDINANCE NO. 2019-13
ORDINANCE AUTHORIZING A SPECIAL EMERGENCY
APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53(a) FOR THE
PREPARATION OF AN APPROVED TAX MAP IN AND FOR THE
TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, NEW
JERSEY**

BE IT ORDAINED by the Township Committee of the Township of Mansfield, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Budget Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Budget Law"), as follows:

Section 1. The sum of \$80,000 is hereby appropriated for the preparation of an approved tax map in and for the Township of Mansfield, County of Burlington, New Jersey ("Township"), pursuant to *N.J.S.A. 40A:4-53(a)*.

Section 2. The appropriation shall be deemed a special emergency appropriation as defined and provided for in *N.J.S.A. 40A:4-55*.

Section 3. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized, pursuant to *N.J.S.A. 40A:4-55*.

Section 4. This Ordinance shall become effective immediately upon final passage and publication as required by law.

Municipal Clerk Semus stated that the public hearing on Ordinance 2019-13 was held at the previous meeting, and that it's on the agenda tonight for Township Committee to vote on adoption.

A motion was offered by **Committeeman Higgins** and seconded by **Committeeman Cain** to adopt Ordinance 2019-13. Motion carried on a Roll Call Vote, as follows:

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

ORDINANCE – FIRST READING

ORDINANCE 2019-16 AN ORDINANCE TO ADDING A CHAPTER TO THE CODE OF THE TOWNSHIP OF MANSFIELD TITLED “HOUSING STANDARDS.”

WHEREAS, The Burlington County Health Department has requested that the Township Committee of the Township of Mansfield adopt the State Housing Code to aid in its inspections; and

WHEREAS, N.J.S.A. 40:49-5.1 states that a municipality adopt certain state issued codes by reference; and

WHEREAS, the Township Committee, having reviewed the State Housing Code, and desiring to aid the County Health Department Inspectors in their important work, accept its recommendation to adopt the State Housing Code.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that the Code of the Township of Mansfield is hereby amended by the insertion of the following chapter:

ARTICLE I. NEW CHAPTER

Chapter 25B “Housing Standards”

§25B-1 Designation of enforcement officers

The Property Maintenance officer, Building Inspector, or their designee are hereby designated as the officers to exercise the powers prescribed by this chapter, and they shall serve in such capacity without any additional salary. In addition, the County Health Officer of Burlington County is hereby designated as an officer to exercise the powers under § 142-3 of this chapter and the power to make a determination that there has been a violation of this chapter, or of any rule or regulation adopted pursuant thereto, and to give notice of such alleged violation to the person or persons responsible therefor as provided for in § 142-4 of this chapter. The County Health Officer shall have the same power as the Construction Code Official and Code Enforcement Officer, as provided for in § 142-4 of this chapter, in the event of an emergency, to issue orders to meet any such emergency.

Further pursuant to N.J.S.A. 40:48-2.5, the Township Administrator, or his or her designee, is hereby designated the public officer to exercise the powers described by this chapter.

§25B-2 Adoption of Standards

Pursuant to N.J.S.A. 40:49-5.1, the New Jersey State Housing Code, as approved by the Department of Health and Conservation and Economic Development and filed in the Secretary of State's office, is hereby accepted, adopted and established as a standard to be used as a guide in determining whether dwellings in this municipality are safe, sanitary and fit for human habitation and rental. A copy of the New Jersey State Housing Code is annexed to this chapter, and three copies of the same have been placed on file in the office of the Township Clerk and are available to all persons desiring to use and examine the same.

§25B-3 Inspections; right of entry

Any enforcement officer, as defined in §25B-1, is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises in order that they may perform their duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the enforcement officers are hereby authorized to enter, examine and survey, at all reasonable times, all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit and rooming unit, or the person in charge thereof, shall give enforcement officers free access to such dwelling, dwelling unit or rooming unit and its premises, at all reasonable times, for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful order issued pursuant to the provisions of this chapter.

§25B-4 Notice of Violation

If a petition is filed by at least five residents of the Township, or is filed by an enforcement officer alleging a violation of this chapter, or that the premises is unfit for human habitation, the public official shall if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges in that respect and containing a notice that:

- a. A hearing will be held before the public officer or his designated agent at a place therein fixed not less than seven days nor more than 30 days after the serving of said complaint.
- b. The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaints
- c. The rules of evidence prevailing in courts of law or equity shall not be controlling in the hearings

§25B-5 Hearing

If, after such notice and hearing, the public officer determines that a violation of the State housing Code has occurred, the public officer may issue an order to remediate. After a reasonable time, if the order has not been obeyed, the public officer may bring a complaint in any court of competent jurisdiction seeking penalties under §25B-10. If, after such notice and hearing, the building under consideration is determined to be unfit for human habitation or occupancy or use, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order requiring:

- a. The repair, alteration or improvement of the said building be made by the owner within a reasonable time, which time shall be set forth in the order, or, at the option of the owner, to vacate or have the building vacated and closed within the time set forth in the order.

- b. If the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises, and the owner fails to repair, alter or improve the said building within the time specified in the order, then the owner shall be required to remove or demolish the said building within a reasonable time as specified in the said order of removal.
- c. If the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the public officer may cause to be posted on the main entrance of any building so closed a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."
- d. If the owner fails to comply with an order to remove or demolish the building, the public officer may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement for and receipt of bids therefor.
- e. The amount of
 - i. The cost of filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the course of any proceeding taken under this chapter determined in favor of the municipality; and
 - ii. Such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished by the public officer, he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof, including the cost of clearing and, if necessary, leveling of the site, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the Municipal Tax Assessor or other custodian of the records of tax liens, and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceed such costs, the balance remaining shall be deposited in the Superior Court by the public officer, shall be secured in such manner as may be directed by such Court and shall be disbursed according to the order or judgment of such Court. Any owner or party in interest may, within 30 days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate.
- f. If any actual and immediate danger to life is imposed by the threatened collapse of any fire-damaged or structurally unsafe building, the public officer may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof.
- g. Nothing in this section shall be construed to impair or limit in any way the power of the Township to define and declare nuisances to cause their removal or abatement, by summary proceedings or otherwise, nor is anything in this chapter intended to limit the authority of the Construction Code Official under the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) or any rules or regulations adopted thereunder.

§25B-6 Service

Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by said public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once in a newspaper printed and published in the County of Burlington and circulated in the Township. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order, and a copy of such complaint or order shall be duly recorded or lodged for record with the county recording officer of Burlington County.

§25B-7 Powers of Public Officer

The public officer is hereby authorized and empowered to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following, in addition to others herein granted:

- a. To investigate the conditions of buildings in the Township in order to determine which buildings therein are unfit for human habitation.
- b. To administer oaths and affirmations, examine witnesses and receive evidence.
- c. To enter upon premises for the purpose of making examination, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
- d. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter.
- e. To delegate any of his functions and powers under this chapter to such officers and agents as he may designate
- f. If any actual and immediate danger to life is proposed by the threatened collapse of any fire-damaged or other structurally unsafe building, the public officer may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof.

§25B-8 Conflict of powers

Nothing in this chapter shall be construed to abrogate or impair the power of the Township or any officer or department to enforce any provisions of its Charter, or its ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred upon the Township by any other law or ordinance.

§25B-9 Costs

In the event any building or structure is removed or demolished pursuant to this chapter because it is found to be dangerous to human life or the public welfare or because it constitutes a fire hazard, the Township Committee, in addition to assessing the cost of such removal or demolition as a municipal lien against the premises, may enforce the payment of such assessment, together with interest, as a debt of the owner of the premises and may authorize the institution of an action at law for the collection thereof. The Superior Court shall have jurisdiction over any such action.

§25B-10 Violations

Any person, firm or corporation who or which shall violate any of the provisions of this chapter shall, upon conviction, be punished by a fine of not to exceed \$200 or by imprisonment in the county jail for a period of not to exceed 90 days, or by both such fine and imprisonment, and each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

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.

Committeewoman DiGiuseppe inquired as to the purpose of the above ordinance. **Mayor Gable** explained that the ordinance allows for the Burlington County Board of Health to perform inspections in Mansfield.

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Higgins** to introduce Ordinance 2019-16. Motion carried.

RESOLUTIONS

RESOLUTION 2019-9-2

A RESOLUTION AMENDING RESOLUTION 2019-7-9 GRANTING A RAISE TO MANSFIELD TOWNSHIP STATUTORY AND AT-WILL EMPLOYEES

WHEREAS, Mansfield Township is desirous of retaining dependable and experienced employees; and
WHEREAS, the Mansfield Township Committee is appreciative of the hard work of all of its Statutory and At-Will Township Employees; and

WHEREAS, the Township Committee realizes that said employees have not received a Cost Of Living Increase for the year 2019; and

WHEREAS, the Township Committee has sufficient funds to grant a 2% increase in wages to be paid to At-Will and Statutory Township Employees who have been employed as of January 1, 2019, and said increase will be retroactive to January 1, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey at their regular meeting held on August 21, 2019 at the Municipal Complex at 7:00 PM that the Township Committee does hereby agree to provide a 2% increase in wages to all At-Will and Statutory Township Employees retroactive to January 1, 2019, with the following stipulations applied:

- 1. That all employees, who have received additional compensation due to promotion, and/or salary increase, shall receive the 2% increase solely for time paid in 2019 prior to promotion and/or salary increase.
- 2. That for all employees receiving additional compensation by way of stipends, the 2% increase shall only apply to base salaries.

A motion was offered by **Deputy Mayor Magee** and seconded by **Committeewoman DiGiuseppe** to adopt Resolution 2019-9-2. Motion carried on a Roll Call Vote, as follows:

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

RESOLUTION 2019-9-3

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$80,000 OF SPECIAL EMERGENCY NOTES OF THE TOWNSHIP OF MANSFIELD; MAKING CERTAIN COVENANTS TO MAINTAIN THE EXEMPTION OF THE INTEREST ON SAID NOTES FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE NOTES

BACKGROUND

WHEREAS, the Local Budget Law, Chapter 169 of the Laws of the State of New Jersey, as amended and supplemented ("Local Budget Law") authorizes, inter alia, municipalities to adopt ordinances authorizing special emergency appropriations for the preparation of an approved tax map; and

WHEREAS, the Township Committee of the Township of Mansfield, County of Burlington, New Jersey ("Township"), has duly and finally adopted Ordinance 2019-13 ("Ordinance"), appropriating the sum of \$80,000 to pay the costs associated with the preparation of an approved tax map for the Township ("Project"); and

WHEREAS, Section 55 of the Local Budget Law, *N.J.S.A. 40A:4-55*, authorizes the Township to issue special emergency notes to finance the costs of the Project and requires the Township to pay, at maturity, one-fifth of the total amount authorized under the Ordinance; and

WHEREAS, it is the desire of the Township to issue its special emergency notes in the principal amount of up to \$80,000, as further described in Exhibit "A", the proceeds of which will be used to finance the Project; and

WHEREAS, pursuant to the Local Budget Law and the Ordinance, it is the intent of the Township Committee to hereby authorize, approve and direct the issuance and sale of such special emergency notes for the Project as further described in Exhibit "A" attached hereto, to ratify and confirm certain actions heretofore taken by or on behalf of the Township, and to make certain related determinations and authorizations in connection with such issuance and sale.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING), PURSUANT TO LOCAL BUDGET LAW, AS FOLLOWS:

Section 1. Pursuant to the Local Budget Law, the issuance of special emergency notes of the Township, to be designated, substantially, "Township of Mansfield, County of Burlington, New Jersey, Special Emergency Notes of 2019, Series A" ("Notes"), in an aggregate principal amount of up to \$80,000, is hereby authorized, approved, ratified and confirmed.

Section 2. The Chief Financial Officer, with the assistance of the law firm of Parker McCay P.A., Bond Counsel, is hereby authorized and directed to award and sell the Notes at a public or private sale at a price of not less than par, and to deliver the same to the purchaser thereof upon receipt of the payment of the purchase price thereof.

Section 3. At the next meeting of the Township Committee after the sale of the Notes, the Chief Financial Officer is hereby authorized and directed to report, in writing, to the Township Committee, the principal amount, rate of interest and the name of the purchaser of the Notes.

Section 4. The Notes shall be dated the date of delivery thereof and mature no later than one year from said date. The Notes will not be subject to redemption prior to maturity. The Notes may be renewed from time to time, but shall be paid and mature in accordance with the provisions of Section 55(b) of the Local Budget Law, *N.J.S.A. 40A:4-55(b)*.

Section 5. The Notes shall be issued in bearer form in denominations of \$10,000 or greater. The Notes shall be executed in the name of the Township by the manual or facsimile signatures of the Mayor and Chief Financial Officer, and shall be under the corporate seal of the Township affixed, imprinted, or reproduced thereon, and attested by the manual or facsimile signature of the Township Clerk or Deputy Township Clerk.

Section 6. The Notes are ultimately payable from ad valorem taxes that shall be levied upon all taxable real property in the Township without limitation as to rate or amount.

Section 7. The Township hereby covenants that it will not make any use of the proceeds of the Notes or do or suffer any other action that would cause: (i) the Notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code"), and the Regulations promulgated thereunder; (ii) the interest on the Notes to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Notes to be treated as an item of tax preference under Section 57(a)(5) of the Code.

Section 8. The Township hereby covenants as follows: (i) it shall timely file, or cause to be filed, with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and (ii) it shall take no action that would cause the Notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 9. The Township hereby covenants that it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections 1.148-1 through 1.148-11, 1.149(b)-1, 1.149(d)-1, 1.149(g)-1, 1.150-1 and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Notes.

Section 10. The Township hereby designates the Notes as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b)(3) of the Code. For purposes of this designation, the Township hereby represents that it reasonably anticipates that the amount of tax-exempt obligations to be issued by the Township during the period from January 1, 2019 to December 31, 2019, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Notes.

For purposes of this Section 10, the following obligations are not taken into account in determining the aggregate principal amount of tax-exempt obligations issued by the Township: (i) a private activity bond as defined in Section 141 of the Code (other than a qualified 501(c)(3) bond, as defined in Section 145 of the Code); and (ii) any obligation issued to refund any other tax-exempt obligation (other than to advance refund within the meaning of Section 149(d)(5) of the Code) as provided in Section 265(b)(3)(c) of the Code.

Section 11. All actions heretofore taken and documents prepared or executed by or on behalf of the Township by the Mayor, Administrator, Chief Financial Officer, Township Clerk, other Township officials or by the Township's professional advisors, in connection with the issuance and sale of the Notes are hereby ratified, confirmed, approved and adopted.

Section 12. The Mayor, Chief Financial Officer and Township Clerk are hereby authorized and directed to determine all matters and execute all documents and instruments in connection with the Notes not determined or otherwise directed to be executed by the Local Budget Law or by this or any subsequent resolution, and the signatures of the Mayor, Chief Financial Officer or Township Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 13. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 14. This Resolution shall take effect immediately upon adoption this 5th day of September, 2019.

Exhibit "A"

Ordinance Number	Notes Authorized	Notes Outstanding	Notes to be Issued
2019-13	\$80,000	\$0	\$80,000

Mayor Gable stated that the above resolution relates to Ordinance 2019-13. **CFO Grouser** explained that said ordinance authorizes the appropriation for the tax map updates, and that the resolution designates the amount to be borrowed and the course of action to fund same over the next five years.

A motion was offered by **Committeeman Higgins** and seconded by **Committeeman Cain** to adopt Resolution 2019-9-3. Motion carried on a Roll Call Vote, as follows:

AYE: HIGGINS, CAIN, DIGIUSEPPE, MAGEE, GABLE

NAY: ABSTAIN: ABSENT:

RESOLUTION 2019-9-4

A RESOLUTION AUTHORIZING COMPETITIVE CONTRACTING FOR EMERGENCY MEDICAL SERVICES

WHEREAS, N.J.S.A. 40A:11-4.1 permits a municipality to engage in competitive contracting, in lieu of public bidding, for procurement of specialized goods and services; and

WHEREAS, N.J.S.A. 40A:11-4.1(f) specifically lists emergency medical services as a specialized service suitable for competitive contracting; and

WHEREAS, the Township Committee desires to issue a request for proposals, pursuant to N.J.S.A. 40A:11-4.1 et seq., seeking proposals for emergency medical services.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey that the Chief Financial Officer, Clerk, and Administrator of the Township of Mansfield are authorized to issue a request for proposal, utilizing competitive contracting, and seeking emergency medical services.

FURTHERMORE, BE IT RESOLVED, that pursuant to NJSA 40A:11-4..3 and NJSA 40A: 11-4.5 the following are hereby directed to evaluate any and all proposals received and report their findings and recommendations to the Township Committee: Township Purchasing Agent, Township Solicitor and Township Administrator.

A motion was offered by **Committeeman Cain** seconded by **Committeewoman DiGiuseppe** to adopt Resolution 2019-9-4. Motion carried on a Roll Call Vote, as follows:

AYE: CAIN, DIGIUSEPPE, HIGGINS, MAGEE, GABLE

NAY: ABSTAIN: ABSENT:

BILL LIST – Regular and Escrow

Mayor Gable stated that Check #9547 needs to be removed from the Bill List.

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

AYE: CAIN, DIGIUSEPPE, HIGGINS, MAGEE, GABLE

NAY: ABSENT:

ABSTAIN: HIGGINS (9522, 9523, 9524, 9532, 9533)

MAGEE (9532, 9533)

GABLE (9501)

MINUTES – Regular Session August 21, 2019

A motion was offered by **Deputy Mayor Magee** and seconded by **Committeewoman DiGiuseppe** to adopt the Regular Session minutes of August 21, 2019. Motion carried on a Roll Call Vote, as follows:

AYE: MAGEE, DIGIUSEPPE, HIGGINS

NAY: ABSTAIN: ABSENT: GABLE, CAIN

DISCUSSION

A. Motel/Hotel: Township Administrator Fitzpatrick explained that the Chief of Police has expressed concerns that the motel has become an extended stay, which is pulling resource from our Police Department. Accordingly, Township Committee may want to consider adopting an ordinance to limit the time of stay at the motel. **Committeeman Cain** inquired if there have been numerous calls for officers to be dispatched. Mr. Fitzpatrick confirmed and noted that other municipalities have adopted similar ordinances. **Mayor Gable** directed Mr. Fitzpatrick to gather further information on same for consideration.

B. Jacksonville Road Closure: Township Administrator Fitzpatrick explained that New Jersey American Water is prepared to start road work to install water pipes that lead to the Margolis Warehouse Project. Accordingly, NJAW and the developer of the project are seeking permission to have road closures/detours on municipal owned roadways, as diverting same to county owned roadways will cause more of a delay due to additional procedures that would need to be followed. Mr. Fitzpatrick further stated that if Mill Lane was to be used as a detour road, the Chief of Police has expressed concern over the turning radius on said roadway for tractor trailers. Not only will the turning radius be too small for larger vehicles, but there may be further issues when it comes to overhead clearance and tree limbs. Additionally, Mill Lane only has a 10 ton weight limit. Moreover, the bridge at Mansfield Oil may also prove problematic. If the Township Committee prefers the detour to take place on county owned roadways, then Kinkora Road would be the detour route during the week in October that Jacksonville Road is closed. **Deputy Mayor Magee** expressed that the county road detour is more appropriate given the concerns of the Chief. **Committeeman Higgins** stated that unless there is a better alternative, the county roads should be utilized. **Mayor Gable** directed Mr. Fitzpatrick to notify the utility company that the detour should take place on county roadways.

C. Facilities Use Permit – Northern Burlington Soccer Club – August 31, 2019 through August 31, 2020; Community Park, Civic Club, Georgetown Park: Committeeman Higgins inquired about the fields at Civic Club, as he believes that the same are currently being rested. Colleen Herbert, Chair of the Recreation Committee, confirmed same and stated that the Civic Club fields will be unavailable. Ms. Herbert noted that the resting of fields may prove to be an issue for recreation permits that cover the span of an entire year. **Deputy Mayor Magee** recommended that the aforementioned permit request be approved with the exception of the use of the Civic Club.

A motion was offered by **Committeeman Higgins** and seconded by **Deputy Mayor Magee** to approve the aforementioned recreation permit for the Northern Burlington Soccer Club with the exception of the use of the Civic Club. Motion carried.

D. Municipal Park Development Program Grant: Mayor Gable explained that a municipal park development grant is available in an amount up to \$250,000 and that submissions are due by October 1st **Township Administrator Fitzpatrick** stated that the Recreation Committee suggested a list of projects for consideration as follows: fully handicapped accessible playground, renovation of basketball courts, and irrigation at the Mansfield Community Park; rehabilitation of the tennis and basketball courts and the installation of an irrigation system at the Mapleton Park; rehabilitation of the tennis court, construction of a basketball court, rehabilitation of the baseball fields, the addition of a pavilion, and an upgraded playground at the park in Country Walk. **Mayor Gable** suggested that the grant should be for a fully handicapped accessible playground, as the township does not currently have one. **Deputy Mayor Magee** agreed with Mr. Gable, and suggested that if not the handicap playground, then the irrigation systems should be a priority, followed by the basketball and tennis courts. **Committeewoman DiGiuseppe** agreed with Mr. Gable's recommendation. **Committeeman Higgins** noted that if the grant was awarded for the rehabilitation of basketball courts, he would have to abstain. **Township Administrator Fitzpatrick** noted that a fully handicapped accessible playground at the Mansfield Community

Park would most likely utilized the entire \$250,000 grant amount. Additionally, **Municipal Clerk Semus** stated that with previously awarded CDBG funds, a handicap pathway to the park will be installed.

A motion was offered by **Deputy Mayor Magee** and seconded by **Committeewoman DiGiuseppe** to submit the grant for a fully handicapped accessible playground at the Mansfield Community Park. Motion carried.

PUBLIC COMMENT

Marilyn Koll, 18 Wagon Wheel, stated that at the previous Committee Meeting a petition of signatures from residents who want to keep MTAC as the EMS provider for the township was submitted to the Committee. Since then, there has been additional 170 residents to come forward and sign the petition. This totals 928 resident signatures that all together make up a 90 page petition. Additionally, they received 23 signatures from residents of Springfield Township and Chesterfield Township. Ms. Koll noted that at the last meeting, **Township Solicitor Gillespie** stated that the lowest proposal does not have to be chosen. Accordingly, Ms. Koll expressed that the residents are concerned that they will not receive the same level of care with a new company, and hopes that the Committee takes this concern into consideration. Ms. Koll presented the additional petition pages to **Municipal Clerk Semus**. **Mayor Gable** stated that the Committee does take the concerns of residents seriously, and as discussed earlier in the meeting, the point system in the RFP is geared mostly to quality, and not financial savings.

Carl Schwartz, 40 Fitzgerald Lane, inquired as to the length of the new EMS contract. **Mayor Gable** responded that it will be for a one year term with the option to renew for up to 5 years. After the proposals are received, the same will be evaluated by the Township Administrator, the Chief Financial Officer, and the Township Attorney pursuant to Resolution 2019-9-4. After the review is completed, a recommendation will be submitted to the Committee for consideration. **Deputy Mayor Magee** noted that the Committee will also be reviewing the proposals. Mr. Schwartz stated that he expects that during the review of proposals, the Committee will stand by the law, financial commitment to the residents, and the quality of service. Mr. Schwartz inquired if the details of the analysis will be open to the public. **Mayor Gable** confirmed.

John Crawford, 18 Horseshoe Lane, stated that he is pleased to see the progress in the community, and that one of his concerns was ensuring that senior citizen communities had access to quality EMS and fire services. Accordingly, Mr. Crawford expressed that the employees of MTAC have been dedicated to serving the community, and have improved the sense of community in Mansfield, and he hopes that the Committee will consider these aspects when reviewing the EMS proposals.

Bob Franchino, 35 Ellington Drive, expressed that the Committee should be commended for setting the EMS RFP procedure in motion as the law requires that these services be bid. Furthermore, Mr. Franchino also stated that the specifications were created to level the playing field between all EMS providers so there is an established measurement in which to compare proposals. Though MTAC has provided wonderful service, the organization has equal opportunity to bid.

Colleen Herbert, 2 Millennium Drive, suggested that there needs to be a system in place for part-time employees to ensure a response time so residents are not inconvenienced and the job gets completed appropriately. **Mayor Gable** stated that if the Township Administrator is frequently informed of an issue with a certain employee, he should notify the Committee so the problem can be addressed.

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

MAYOR/COMMITTEE COMMENTS

Committeewoman DiGiuseppe thanked the public for attending and for being interested in what is occurring the township. Regarding the EMS RFP, Mrs. DiGiuseppe stated that there appears to be inaccuracies told regarding the matter, particularly in Homestead. Mrs. DiGiuseppe stated that the Committee has received a letter from Homestead's Board of Trustees stating that they don't want the EMS services to be privatized. However, **Committeewoman DiGiuseppe** stated that MTAC is a private company and not a department of the township, so the EMS services are already privatized.

Committeeman Cain stated that the residents have made their point clear about wanting to keep MTAC as the EMS provider, and that he is taking all concerns seriously. Mr. Cain noted that though the Committee has a fiduciary responsibility to the residents, there is also a responsibility to provide for the welfare of the community. The Committee will select the best provider possible to serve Mansfield.

Committeeman Higgins thanked the public for attending. Regarding his abstentions from certain bills on the Bill List, Mr. Higgins noted that he must abstain from certain expenditures as a member of his family is a sports coach at the high school. Mr. Higgins also noted that, during his time on the Committee, he feels as if he's been consistent in trying to provide what is best for the community.

Deputy Mayor Magee thanked the public for attending, and stated that he wants what is best for the township in the most economical way.

Mayor Gable thanked the public for providing their input. Mr. Gable expressed that emergency services has always been personally important to him, and that it is the responsibility of the Committee to ensure that quality EMS services are provided to the residents and that it's a matter he takes seriously.

ADJOURNMENT

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor Magee** to adjourn the meeting. Motion carried. The meeting adjourned at 8:06PM.

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

Caitlin Midgette, Deputy Clerk

Linda Semus, Municipal Clerk

APPROVED: SEPTEMBER 18, 2019