

**TOWNSHIP OF MANSFIELD  
BURLINGTON COUNTY  
REGULAR MEETING MINUTES  
January 20, 2021  
7:00 PM**

The Regular Meeting of the Mansfield Township Committee was held on the above mentioned date with the following in attendance: **Mayor Magee, Deputy Mayor Tallon, Committeeman Higgins, Committeeman Golenda, Committeeman Ocello, Solicitor Prime, Engineer Johnson, Administrator Michael Fitzpatrick, CFO Grouser Deputy Clerk Ashley Jolly and Municipal Clerk Linda Semus.**

**Clerk Semus** called the meeting to order at 7:00 PM. It was noted that this meeting is being conducted during the current National Emergency with remote participation in accordance with guidance provided by the New Jersey Division of Local Government Services, Department of Community Affairs, as set forth in the Public Notice of this meeting.

The following Opening Statement was read by **Clerk Semus** followed by the flag salute.

“Adequate Notice” has been provided for this Special Meeting and has been posted on the Official Bulletin Board of the Township of Mansfield, Noticed to the Trenton Time and the Burlington County Times on August 24, 2020, placed on the official website for the Township and filed with the Municipal Clerk of the Township of Mansfield, notice of which contained the date, time, place, audio conference call number and pin/participant code for telephonic access to said meeting and purpose of this meeting stating that formal action may be taken on any and all subjects involving Mansfield Township, as so noted in NJS 10:4-8(d), Amended 1981, by including Section 10:4-18 which addresses Regular Meetings of a Public Body, which is addressed under “Annual Notice”.

**ENGINEERS REPORT**

**NJDOT Trust Fund Projects White Pine Road & Railroad Avenue:** **Engineer Johnson** mentioned the two NJDOT trust fund projects for White Pine Road and Railroad Avenue. The testing for both projects has come back clear therefore, R&V is working on the close out documents, as well as, getting the final payment to the contractor and getting the reimbursement back to the municipality.

**Mansfield Realty North:** In regards to the Mansfield Realty North project on Route 206; they have begun installing storm infrastructure to help alleviate on-going water issues on site.

**Margolis Phase 2:** There was a pre-construction meeting on January 19<sup>th</sup> and they are intending to begin construction in February.

**Deputy Mayor Tallon** questioned the condition and location of the silt fence on the Mansfield Realty North site. He would like to see some hay bales added to the southernmost portion of the site so the disturbed soil does not wash down stream.

**Engineer Johnson** stated he would make note and let his inspector know to correct this matter.

There were no further questions.

A motion to accept the Engineers Report was offered by **Committeeman Ocello** and seconded by **Committeeman Golenda**. All ayes. Motion carried.

**FINANCE:**

**RESOLUTION 2021-1-28**

**RESOLUTION FOR THE TRANSFER OF FUNDS IN THE CURRENT FUNDS IN THE TOWNSHIP OF MANSFIELD FOR THE BUDGET YEAR 2020**

**BE IT RESOLVED** on this 20<sup>th</sup> day of January, 2021 by the Township Committee for the Township of Mansfield, County of Burlington, that from the surplus balance in the 2020 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>Transfer From</u>	<u>Transfer To</u>
<b><u>CURRENT FUND</u></b>			
Landfill Solid Waste Costs	OE	4,900.00	

Water Miscellaneous	OE	5,500.00	
Police Salary	SW	1,950.00	
Police Overtime	SW	17,900.00	
Municipal Clerk	OE		200.00
Legal Services	OE		20,000.00
Plan	OE		2,000.00
Prosecutor	OE		2,050.00
Streets & Roads	OE		1,500.00
Vehicle Maintenance	OE		4,000.00
Street Lighting	OE		500.00
<b>TOTALS:</b>		<b>\$30,250.00</b>	<b>\$30,250.00</b>

**CFO Grouser** explained that local budget law allows for appropriation transfers during the first 3 months of the succeeding year. The Township is transferring money in the 2020 budget from one appropriation to another to cover expenses still being received for that budget year.

A motion was offered by **Committeeman Golenda** and second by **Committeeman Ocello** to adopt Resolution 2021-1-28. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: GOLEND, OCELLO, HIGGINS, TALLON, MAGEE**  
**NAY: NONE ABSENT: NONE ABSTAIN: NONE**

**RESOLUTION NO. 2021-1-29**

**RESOLUTION DECLARING DEFAULT AND DEMANDING PAYMENT ON PERFORMANCE BOND POSTED FOR PRESTIGE LEARNING ACADEMY FOR THE CONSTRUCTION OF A DAY CARE CENTER ON ROUTE 206, BLOCK 4, LOT 8.02, MANSFIELD TOWNSHIP**

**WHEREAS**, on October 22, 2018, the Mansfield Planning Board sitting as a Joint Land Use Board adopted Resolution 2018-9-13 granting approvals for the construction of a Day Care Center (the “Project”) on property located on Route 206 known as Block 4, Lot 8.02 on the Mansfield Township Tax Map (the “Property”); and

**WHEREAS**, pursuant to the above approvals, Performance Bond UCSX329MX342 in the amount of \$73,199.49, dated June 10, 2019, issued by United Casualty and Surety Insurance Company, Boston, Massachusetts (“Performance Bond”) was posted as and for a performance guarantee by Prestige Learning Center, LLC for the construction of a Day Care Center (the “Project”) on Route 206, Block 4, Lot 8.02, Mansfield Township (the “Property”); and

**WHEREAS**, the Mansfield Township Construction Code Official, Department of Planning & Zoning and the Township Engineer have advised the Township Committee that (1) all or a portion of the improvements for the Project on the Property covered by said Performance Bond have not been completed (2) the construction of the Project has been abandoned and work has ceased, thus (3) creating a dangerous and unsafe condition at the Property.

**NOW, THEREFORE, BE IT RESOLVED, THAT**, pursuant to the terms of said Performance Bond and N.J.S. 40:55D-53, the Project is hereby declared to be in default and demand is hereby made by the Township Committee of the Township of Mansfield for payment on Performance Bond UCSX329MX342 in the amount of \$73,199.49, issued by United Casualty and Surety Insurance Company, Boston, Massachusetts; and

**BE IT FURTHER RESOLVED, THAT** the Township Construction Official is hereby authorized to revoke all construction permits that may be in effect and to prohibit any further construction of the Project on the Property.

**Solicitor Prime** explained that this project had seemed to be abandoned by the land owner. In response to an unsafe structure order from the construction office the land owner secured and boarded up the site over the weekend. This resolution will put the bonding company on notice that the Township has declared a default. In particular the Township is concerned with the construction of the building not being consistent with the approved plans. He will be working with the land owners Attorney to try and find a solution.

**Mayor Magee** believes it is a good idea to put the bond company on notice. The building elevation issues seem to be very difficult to remediate.

A motion was offered by **Committeeman Higgins** and duly second by **Deputy Mayor Tallon** to adopt Resolution 2021-1-29. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: HIGGINS, TALLON, OCELLO, GOLEND, MAGEE**  
**NAY: NONE ABSENT: NONE ABSTAIN: NONE**

**RESOLUTION 2021-1-30**  
**RESOLUTION TO AUTHORIZE THE LEASING OF MUNICIPALLY OWNED REAL PROPERTY**  
**KNOWN AS BLOCK 9.01 LOT 2.01**

**WHEREAS**, the new Municipal Complex for the Township of Mansfield has vacant real property, not currently needed for Municipal services; and

**WHEREAS**, NJSA 40A; 12-14 sets forth the process that a Municipality must follow when considering leasing Municipal Real Property; and

**WHEREAS**, NJSA 40A;12-14 mandates that the lease shall be made to the highest bidder by open public bidding at auction or by submission of sealed bids; and

**WHEREAS**, the Township Committee has decided to elected to advertise the available parcel of land for lease and procedure to follow in order to submit a sealed bid; and

**WHEREAS**, the Township Committee has set a minimum rental of fifty-five (\$55.00) dollars per acre as the rental for the proposed leased parcel. The contract will be for farming only with no subletting and is not intended to be used for any unlawful or hazardous purpose.

**WHEREAS**, said lease term will not to exceed three (3) consecutive years (March 1, 2021 to February 29, 2024); and

**WHEREAS**, upon the completion of the bidding the Municipality may accept the highest bid or all bids may be rejected. The property available for lease is on a colored plot plan available with the Municipal Clerk for review during normal business hours. All lease details, any restrictions and/or limitations of the leased parcel are spelled out in the Advertisement for bid; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mansfield, County of Burlington that a parcel of municipally owned real property be Advertised for bid pursuant to NJSA 40A;12-14 subject to the following;

1. The successful bidder will not sublet, assign, or encumber this Lease without written consent of the Landlord;
2. The minimum lease amount shall be fifty-five (\$55.00) dollars;
3. The restrictions and limitations on the use and occupancy will be spelled out in the Advertisement for Bid;
4. The Township Committee upon the completion of the bidding may accept the highest bid or all bids may be rejected.

**Clerk Semus** explained that the above resolution is for the leasing of farmland on Island Road at \$55.00 per acre and 72.77 acres.

A motion was offered by **Committeeman Ocello** and second by **Committeeman Golenda** to adopt the foregoing Resolution. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: OCELLO, GOLEND, HIGGINS, TALLON, MAGEE**  
**NAY: NONE ABSENT: NONE ABSTAIN: NONE**

ORDINANCE: Second Reading/Public Hearing

**ORINANCE 2021-1**

**REFUNDING BOND ORDINANCE PROVIDING FOR THE**  
**REFUNDING OF PRIOR BONDS ISSUED BY THE TOWNSHIP OF**  
**MANSFIELD, IN THE COUNTY OF BURLINGTON, NEW JERSEY,**  
**APPROPRIATING NOT TO EXCEED \$3,100,000 THEREFOR AND**  
**AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$3,100,000**  
**BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST**  
**THEREOF.**

**WHEREAS**, the Township of Mansfield, in the County of Burlington (the "**Township**"), on April 12, 2011, issued its \$5,886,000 General Obligation Bonds, Series 2011 (the "**2011 Bonds**") to permanently finance capital improvements undertaken by the Township; and

**WHEREAS**, on January 1, 2021, there were \$2,936,000 in 2011 Bonds are outstanding and mature on April 1, 2022 through April 1, 2028 (the "**2011 Bonds to be Refunded**"), which are callable at 100% of the principal amount to be redeemed (the "Redemption Price") on or after April 1, 2021 (the "**Redemption Date**"); and

**WHEREAS**, the Township desires to authorize, under the Local Bond Law, an issue of refunding bonds to (i) currently refund the 2011 Bonds to be Refunded and (ii) to pay the costs to be incurred through the issuance of the Refunding Bonds (as hereinafter defined);

**NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF BURLINGTON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:**

The Township is hereby authorized to refund the 2011 Bonds to be Refunded at the Redemption Price due on the Redemption Date, together with interest due thereon from the defeasance date (as defined below) through the Redemption Dates and to pay the costs related to the issuance of the Refunding Bonds (as defined below) and the expenses related to refunding the Refunded Bonds.

An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

In order to finance the cost of the project described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount not in excess of \$3,100,000 (the "**Refunding Bonds**") pursuant to the Local Bond Law.

Section 4. In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the fifth anniversary of the date of the original notes; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds are outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 6. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,100,000, and the obligations authorized herein have been authorized in accordance with that Law.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief financial officer of the Township as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 9. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

**CFO Grouser** explained that, when originally sold, a municipal bond issue often has imbedded in the bonds an option to redeem the outstanding debt on or after a specified date in the future. This option to redeem is referred to as a Call Option. When the interest rates decline there is often the opportunity to issue bonds at a lower rates and refinance or refund all or a portion of the original bond issue maturing after the call date. Mansfield Township general obligations bonds series 2011 or issued with the first call date of April 1, 2021. The bonds maturing April 1, 2022 through April 1, 2028 are deemed callable and can be refunded prior to their original maturity date. Under current tax laws bond can be refunded in 90 days of this first call date. The Township is now within the current window to refund the bonds. The final result of the sale will provide debt service savings in every year including 2021. Important to note a refunding bond transaction does not extend the life of the original bond issue. The final payment due on the refunding bond remains April 1, 2028. This will equate to a savings of about \$350,000 in interest, about \$45,000 a year for the next 8 years if the Township chooses to refund these bonds.

A motion was offered by **Committeeman Higgins** and second by **Committeeman Ocello** to adopt the ordinance and open the public hearing.

There were no comments from the public.

Public Comment portion was closed.

The above motion was carried on a Roll Call Vote, recorded as follows:

**AYE: HIGGINS, OCELLO, GOLEND, TALLON, MAGEE**  
**NAY: NONE ABSENT: NONE ABSTAIN: NONE**

**Ordinance: First Reading/Introduction**

**ORDINANCE 2021-2**

**CALENDAR YEAR 2021  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Mayor and members of Township Committee of the Township of Mansfield in the County of Burlington finds it advisable and necessary to increase its CY 2021

budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and members of Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to \$58,392.65 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Mayor and members of Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and members of Township Committee of the Township of Mansfield, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Mansfield shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$204,374.28, and that the CY 2021 municipal budget for the Township of Mansfield be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**CFO GROUSER** explained that the above will allow the Township to increase their appropriations by 3.5% if so necessary. If the 3.5% is not used it goes into a bank to use in future budgets.

A motion was offered by **Committeeman Higgins** and second by **Committeeman Ocello** to introduce Ordinance 2021-2 and hold the public hearing on February 4, 2021. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: HIGGINS, OCELLO, GOLEND, TALLON, MAGEE**

**NAY: NONE ABSENT: NONE ABSTAIN: NONE**

**CONSENT AGENDA:**

**Clerk Semus** noted that consent agenda items are considered to be routine and expenditures are supported by certification of availability of funds. Any items requiring discussion will be removed from the Consent Agenda.

**RESOLUTION 2021-1-31**

**RESOLUTION MEMORIALIZING THE AUTHORIZATION OF AWARD OF A “REQUIRED DISCLOSURE” CONTRACT FOR ZOOM VIDEO CONFERENCES OF THE MANSFIELD TOWNSHIP COMMITTEE MEETINGS AND JOINT LAND USE BOARD MEETINGS**

**WHEREAS**, the Township of Mansfield has the need for a vendor to perform the services of Zoom Video Conferences of the Mansfield Township Committee Meetings and Joint Land Use Board Meetings; and

**WHEREAS**, as permitted by the New Jersey Local Public Contracts Law, N.J.S.A. 40A: 11-3. since the anticipated amount of the contract did not exceed the statutory maximum of \$44,000, the Township Purchasing Agent authorized the award of a contract for Zoom Video Conferences of the Mansfield Township Committee Meetings and Joint Land Use Board Meetings to The Lubetkin Media Companies LLC (“Vendor”) as a “Required Disclosure” contract based on proposals pursuant to the aforesaid statutory provisions; and

**WHEREAS**, the total amount of the Contract will exceed the \$17,500 statutory maximum in the aggregate set forth in N.J.S.A. 19:44A-20.5, concerning eligibility for municipal contracts; and

**WHEREAS**, the anticipated term of this contract is one (1) year from January 20, 2021 but in no event shall the total amount of the contract amount exceed the bid threshold of \$44,000 pursuant to N.J.A.C. 5:34-8.1(b); and

**WHEREAS**, The Lubetkin Media Companies LLC. has submitted a proposal dated December 10, 2020 indicating they will perform the services of construction of Zoom Video Conferences for the proposed amount of \$38,880; and

**WHEREAS**, to satisfy the provisions of N.J.S.A. 19:44A-20.5, concerning eligibility for municipal contracts, Vendor has completed and submitted a Business Entity Disclosure Certification which certifies that The Lubetkin Media Companies LLC has not made any reportable contributions to a political or candidate committee in the Township of Mansfield to Mayor Michael H. Magee, Deputy Mayor Robert Tallon, Committeeman Robert J. Higgins, Committeeman Rudy Ocello or Committeeman Daniel Golenda in the previous one year, and that the contract will prohibit The Lubetkin Media Companies LLC from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Chief Financial Officer, Bonnie Grouser, has certified that sufficient funds are available to award said contract; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township of the Township of Mansfield Governing Body of the Township of Mansfield authorizes the Purchasing Agent to enter into a contract with The Lubetkin Media Companies LLC as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Entity Disclosure Certification and the Determination of Value be placed on file with this Resolution, and,

**BE IT FURTHER RESOLVED** Notice of said action shall be published in the Burlington County Times and the Trenton Times as required by law.

**RESOLUTION 2021-1-32**

**RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM FOR THE YEAR 2021 ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE DEPARTMENT OF LAW AND PUBLIC SAFETY**

**WHEREAS**, the Township of Mansfield wishes to apply for funding of approximately \$16,200.00 with a local match of \$112,298.98 for an approximate project total cost of \$128,498.98 for a project under the State of New Jersey Safe and Secure Communities Grant Program; and

**WHEREAS**, the Mansfield Township Committee has reviewed the accompanying application and has approved said request; and

**WHEREAS**, the project is a joint effort between the Department of Law and Public Safety and the Township of Mansfield for the purpose described in the application.

**NOW, THEREFORE, BE IT RESOLVED** by the Mansfield Township Committee that:

1. As a matter of public policy the Township of Mansfield wishes to participate to the fullest extent possible with the Department of Law and Public Safety covering the period of October 15, 2020 through October 14, 2021.
2. The Attorney General will receive funds on behalf of the applicant, under sub-award P-21-0319.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to each application as authorized.

**RESOLUTION 2021-1-33**

**RESOLUTION FOR THE REFUNDING OF TAX OVERPAYMENTS DUE TO DEDUCTION ALLOWANCE**

**WHEREAS**, Property Taxes for 2020 were overpaid on the property listed below due to the allowance of a Veteran Deduction; and

**WHEREAS**, the homeowner is due a refund;

**NOW, THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey at their regular meeting held on January, 2021 hereby authorizes the refunding of the following by the Tax Collector.

<u>Block</u>	<u>Lot</u>	<u>Deduction</u>	<u>Property Owner</u>	<u>Amount</u>
42.17	46	Veteran	Paul Bernhard, Sr.	\$250.00

**RESOLUTION 2021-1-34**

**RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY**

**WHEREAS**, the Township Committee has found that certain Public Works Department motor vehicles and equipment are no longer needed for public use by the township, and

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

**WHEREAS**, N.J.S.A. 40A:12-13 and 40A:12-13.1 permit the Township to dispose of surplus property no longer needed for public use by auction and to authorize such action by Resolution of the municipality;

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

1. The following Public Works' vehicles and/or equipment are hereby declared to be surplus property and no longer needed for public use:  

2006 Mack Trash	VIN Number 1M2AG11C16M053897
1984 John Deere Tractor	955 Linday
2. The Public Works Foreman and Township Clerk are directed to arrange for the public auction of the vehicle through GovDeals, a service used by various government agencies, allowing them to sell surplus and confiscated items via the internet.

The Township Clerk shall assure that proper public notice of the auction is made, as required by law.

**RESOLUTION 2021-1-35**

**RESOLUTION FOR THE AUTHORIZATION FOR AERIAL LARVAL MOSQUITO CONTROL**

**WHEREAS**, in an attempt to keep the mosquito population as low as possible and thus reduce the risk of disease affecting the human population, the Burlington County Division of Mosquito Control will conduct aerial applications of pesticides for mosquito control over Mansfield Township during 2021.

**WHEREAS**, the Mansfield Township Committee has agreed to accept their proposal on behalf of the Citizens of Mansfield Township to treat areas that contain larval populations of mosquitoes that are considered a nuisance, a health hazard, or both; and

**WHEREAS**, this application will take place in the Township between the dates of April 1<sup>st</sup> through November 30, 2021 during the daylight hours and not on Sundays or holidays;

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, authorizes these application to be done by the Burlington County Highway Department-Division of Mosquito Control and allow the Mayor and/or the Municipal Clerk to sign the authorization.

**RESOLUTION NO. 2021-1-36**

**RESOLUTION AUTHORIZING EXECUTION OF RIGHT OF ENTRY, INDEMNIFICATION AND HOLD HARMLESS AGREEMENT FOR INSTALLATION OF MONITORING WELL**

**WHEREAS**, Mansfield Township is the owner of property on Route 206 known as Block 30, Lot 2.01 Mansfield Township (“Township Property”); and

**WHEREAS**, the Township Property is on the other side of Route 206 from property known as Block 24, Lot 42.04, the site previously operated as Columbus Texaco (“Columbus Texaco Property”); and

**WHEREAS**, the New Jersey Department of Environmental Protection has required the installation of one environmental monitoring well to monitor groundwater quality on the Township Property for a period of a minimum of four (4) years as part of the environmental investigation of the Columbus Texaco Property; and

**WHEREAS**, the Person Responsible for Conducting the Remediation (PCRC) is Thomas Mellody of Fuel Station Management Company, in conjunction with Brinkerhoff Environmental Services, Inc, and all cost and expense of the monitoring well installation and monitoring is the responsibility of the PCRC; and

**WHEREAS**, the PCRC has agreed to indemnify and hold harmless Mansfield Township from and against any and all losses, costs, damages, liens, claims, liabilities, expenses (including, without limitation, costs and reasonable attorney’s fees) suffered or incurred by the Township arising out of or in connection, with the proposed monitoring well; and

**WHEREAS**, Brinkerhoff Environmental Services Inc. has further agreed to provide a Certificate of Insurance with the Township of Mansfield as the Certificate Holder for insurance coverage for the project

**WHEREAS**, the Township Committee finds that it is in the best interest of the residents and citizens of Mansfield Township to execute and deliver a Right of Entry, Indemnification and Hold Harmless Agreement prepared by the Township Attorney for installation of the monitoring well and the monitoring of groundwater quality on the Township Property.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Clerk are hereby authorized to execute and deliver on behalf of the Township the Right of Entry, Indemnification and Hold Harmless Agreement attached hereto and made a part hereof as Exhibit A.

A motion was offered by **Committeeman Golenda** and duly second by **Committeeman Ocello** to adopt the foregoing Resolutions. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: GOLEND, OCELLO, HIGGINS, TALLON, MAGEE**  
**NAY: NONE ABSENT: NONE ABSTAIN: NONE**

**BILL LIST: Regular & Escrow**

A motion to approve the bill list was offered by **Deputy Mayor Tallon** and seconded by **Mayor Magee**. Motion carried on roll call vote recorded as follows:

**AYE: TALLON, MAGEE (except as noted below), HIGGINS (except as noted below), GOLEND, OCELLO**  
**NAY: NONE ABSENT: NONE**  
**ABSTAIN: MAGEE & HIGGINS from Check Number 11225 & 11226**

**DISCUSSION/ACTION:**

**A. Dumpster Ordinances: Clerk Semus** explained that the current ordinance pertaining to dumpsters is in both Chapter 25 and Chapter 65 and is contradictory. In Chapter 25 it does not allow dumpsters on private property, including driveways, without a permit. In Chapter 65 however dumpsters are permitted on private property without a permit. Permits are only required if a dumpster is placed on a roadway.

**Solicitor Prime** an ordinance repealing that portion of the Property Maintenance Code (Chapter 25) will need to be created. He will work on this for the February meeting.



**B. Environmental Commission: Deputy Mayor Tallon** explained that he is looking into bringing the EC back. He has some sample ordinances from other Townships that he would like Solicitor Prime to take a look at as he would like to have this ordinance on for the February meeting, which will reinstate the EC.

**Solicitor Prime** clarified that the Committee would need to repeal the Ordinance for the Environmental Citizens Advisory Board and create a new Ordinance for the EC.

**Deputy Mayor Tallon** explained that he would like to keep the Citizens Advisory Board intact until such time the Ordinance for the EC is adopted and anyone who is a member of the Advisory Board can become a member of the EC.

**Committeeman Ocello** is okay with reinstating the EC as long as reports and minutes are received by the Township.

Solicitor Prime will work on this with Deputy Mayor Tallon.

**PUBLIC COMMENT:**

**Fred Cain, 39 Fitzgerald Lane** – He questioned if there was a timeline the CFO expects the first cut of the proposed budget.

**CFO Grouser** stated that by statute the budget needs to be introduced and approved by March 30<sup>th</sup>. There is a budget meeting with Department Heads scheduled for January 27<sup>th</sup> however she is not sure if the budget will be introduced prior to the 30<sup>th</sup> of March.

**Mr. Cain** added that he is aware that there are many things the Township is looking to improve upon including the Public Works department and the Fire Department he was curious as to when these things would take place.

**Administrator Fitzpatrick** explained that Department Heads have sent their preliminary budgets to CFO Grouser. At this point information is being gathered to submit to the Committee before the January 27<sup>th</sup> budget meeting.

**Committeeman Higgins** added that the budget meeting on the 27<sup>th</sup> is open to the public and begins at 6:00PM.

**Scott Preidel, 702 Mansfield Road West**- He questioned the status of the Township Forestry Ordinance as he is aware it was being revised.

**Solicitor Prime** explained that the Tree and Forestry Ordinances needed to be revised. He added that it is on his list of things to do in the near future.

**Carl Schwartz, 40 Fitzgerald Lane** – He questioned the total amount of outstanding bonds.

**CFO Grouser** stated that she believes the Township has about \$15 million including principle and interest.

Mr. Schwartz questioned the Margolis application and the bridge. He had thought the developer was not going to construct the bridge.

**Engineer Johnson** explained that the second phase of the project is the third building which includes the construction of the bridge to avoid trucks pulling out onto Jacksonville Road. Access will be limited to Columbus Road for both phases of the project.

**Kristina Dyson, 24719 East Main Street** – She questioned if she could see the Master Plan and how the public can voice their concerns with Mansfield being full of warehouses.

Solicitor Prime explained that the Master Plan is a public document and is re-examined every ten years per MLUL.

**Committeeman Higgins** added that the Master Plan was last reexamined in 2016 and the documents can be added to the website for the public to view. He explained that any properties in Farmland Preservation cannot be developed. Additionally, anything that is zoned residential will not be rezoned for commercial or industrial uses.

Ms. Dyson questioned if the Township has considered hiring more Police Officers with the PILOT monies coming in to help with the speeding and traffic concerns.

**Committeeman Higgins** added that there will be a budget meeting with all of the departments on the 27<sup>th</sup> and the Township will need to consider what is necessary with the funds available.

**Committeeman Golenda** explained that he is aware that Ms. Dyson represents a lot of residents with similar concerns in town. The Committee will need to look at ways to handle this issue because it is significant.

**Committeeman Ocello** stated that he has been working on this issue for some time with the County, but the Township does not seem to be getting anywhere.

**Administrator Fitzpatrick** confirmed that many people were involved to try to reroute the truck traffic out of the middle of town however the County does not seem to want to do anything about this issue.

Ms. Dyson also brought up Mansfield Road East and Petticoat Bridge Road as roads of concern as well.

**Administrator Fitzpatrick** explained that Petticoat Bridge road will be single striped which will no longer allow for passing. This was approved by the Township Committee at the last meeting.

**Katherine Tallon, 53 Oak Lane New Egypt** – She questioned when the Township would be addressing the new stormwater regulations.

**Solicitor Prime** stated he would be working with the Township Engineer to determine the status.

**Ms. Tallon** added to her knowledge the Township is already over 20% impervious surface, which means 30 – 50% additional flooding when the future warehouses are constructed.

Committeeman Golenda added that the Township needs to enforce the ordinances in place as the warehouses have a lot of unintended consequences.

**Deputy Mayor Tallon** added that he would like to see the new Stormwater Ordinance once it is completed by the Solicitor and Engineer. There are a few extra protections that may be added.

**Joe VanMater, 246954 Mt. Pleasant Road** – He explained that it was his understanding that as long as a developer paid what was given to the owner and the Township at the time for the Farmland Preservation; they could essentially then develop the property.

**Solicitor Prime** stated that if it's used with open space green acres funds, there is a deed restriction put on the property that is permanent.

**Mr. VanMater** questioned if it would benefit the township to fast track this stormwater finance. As a resident he would like to see more hoops for developer to jump through.

**David Garwood, 235 Island Road** – He explained that he had provided a 40 page document over four years ago in regards to property maintenance concerns. Almost nothing has been done over these years. Also, he has a concern with the condition of his road (South Island). He would like to see one of the grants be awarded to Island Road in the near future.

**Administrator Fitzpatrick** explained that everyone thinks their roads are bad and there is only so much that can be done with the funds allotted. The Engineer is very involved with the selection of the roads to be completed with grant monies.

**Mr. Garwood** asked for a list of roads that are priority.

**Administrator Fitzpatrick** explained that moving forward there will be a plan and after the budget meeting on the 27<sup>th</sup> he will be happy to pass on a list of roads that are considered for top priority.

**Committeeman Ocello** commented that he has been involved with Public Works regarding the conditions of the roadways. The Public Works department will continue to work hard to address any road concerns.

There were no further questions from the public.

A motion to close the public comment portion of the meeting was offered by **Committeeman Ocello** and seconded by **Committeeman Golenda**. All ayes. Motion carried.

**MAYOR AND COMMITTEE UPDATES/COMMENTS:**

**Committeeman Golenda** – He explained that the Township is working hard to address the concerns with roads, parks and EMS. He assured Mr. Garwood that his concerns are heard. He thanked everyone and encourage all to continue to participate.

**Deputy Mayor Tallon** – He thanked everyone for call in and asked them to continue to do so. The public's input is necessary.

**Committeeman Higgins** – He thanked everyone for calling in. He explained that it is a good thing that the Township is now financially stable. More than likely once the PILOT's kick in the Township will be financially stable for the next 50 years and will be able to do a lot of improvements.

**Committeeman Ocello** – He thanked everyone for calling in. He believes there are things being done now that were not done in the past.

**Mayor Magee** – He explained that there is a lot that goes on and he appreciates everyone's input. He is very encouraged by the way things are going. He thanked everyone for calling in and he thanked all the Committee members for their input.

**MOTION FOR ADJOURNMENT:**

A motion to adjourn was offered by **Committeeman Higgins** and seconded by **Committeeman Ocello**. All ayes. Motion carried.

**PREPARED BY:**

**RESPECTFULLY SUBMITTED BY:**

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**Ashley Jolly, Deputy Clerk**

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**Linda Semus, RMC, CMR**