

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY
MEETING MINUTES
JULY 29, 2019
Regular Session 7:00PM**

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 (via conference call), Committeeman Robert Higgins, Committeeman Frederick Cain, Committeewoman Janice DiGiuseppe (via conference call), Township Administrator Michael Fitzpatrick, Township Engineer John Pyne, 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 6:16PM, 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 transmitted to the Burlington County Times and published on July 26, 2019, filed with 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.”

EXECUTIVE SESSION

Municipal Clerk Semus stated that **Deputy Mayor Magee** and **Committeewoman DiGiuseppe** will be attending Executive Session via conference call.

Township Solicitor Gillespie explained that the purpose of Executive Session is to discuss matters of personnel, pending litigation, attorney-client privilege, and contract negotiations.

RESOLUTION 2019-7-1

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:
Personnel, Litigation, Attorney-Client Privilege, and Contract Negotiations
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 **Committeeman Higgins** to adopt Resolution 2019-7-1 and convene into Executive Session. Motion carried. Township Committee and support staff entered same at 6:17PM.

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Higgins** to exit Executive Session and return to the public portion of the meeting. Motion carried. Township Committee returned to the dais at 7:04PM.

Township Solicitor Gillespie stated that the Committee will take formal action on matters discussed in Executive Session.

Mayor Gable noted that **Deputy Mayor Magee** and **Committeewoman DiGiuseppe** are attending the Regular Meeting via conference call.

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

DISCUSSION

D. EMS RFP

Township Committee moved Discussion Item “D” to the start of the agenda due to the large audience present who would like to comment on same.

Mayor Gable stated that the Township Committee must send out a request for proposal (RFP) for EMS services, and that the same is required by the local public contracts law. Though the township has contracted with the current provider, the Mansfield Township Ambulance Corp (MTAC), in the past, the same was handled incorrectly. Therefore, the township must abide by the RFP process. **Mayor Gable** reiterated that the decision to submit a RFP is a requirement of the law, and not a reflection of the service provided by MTAC. **Mayor Gable** stated that MTAC has provided residents with excellent service, and that the Township Committee has received various phone calls and letters in support of the organization. **Mayor Gable** noted that once the bids are received in response to the RFP, the current service will be compared to the received bids in order to award a new contract and ensure the residents are provided with similar care. **Mayor Gable** further explained that the plan is to send out the RFP in August or September, and that there are several items in the draft RFP that will be addressed by the Township Committee at tonight’s meeting. These items are as follows:

1. Supervision. **Mayor Gable** stated that the draft document references an EMS paramedic supervisor, and inquired if Committee was agreeable to maintaining the same as a requirement. Township Committee agreed.

2. Soft Billing. **Mayor Gable** explained that MTAC currently soft bills residents, in that the organization only collects the funds that are covered by insurance companies. The remainder of funds, if applicable, are billed to residents, but are not sent to collections if the same goes unpaid. **Committeeman Cain** inquired about how uninsured residents will be billed. **Township Solicitor Gillespie** stated that the Township Committee should decide on an amount that uninsured residents will pay for services, and that the amount that is currently charged should be reviewed to make a determination on the matter. **Mayor Gable** suggested that said decision should be left to the provider to determine the hardship of each case. **Township Administrator Fitzpatrick** noted that if there are questions regarding current service, he will meet with MTAC to discuss same. Regarding the issue of soft billing, **Committeeman Higgins** inquired about services provided to non-residents. **Committeewoman DiGiuseppe** stated that fees for services provided to non-residents should be left up to the contractor to determine, and that the definition of soft billing and eligibility for same needs to be clarified more within the specifications. **Mayor Gable** instructed **Township Administrator Fitzpatrick** to collect further information regarding soft billing.

3. Non-transport. **Mayor Gable** explained that the current EMS provider does not bill if a resident does not require transportation to a hospital. **Committeeman Cain** stated that there is a cost every time **an ambulance is used in terms of gas, wear and tear, and staff time. Accordingly, Committeeman Cain** suggested that a minimum fee for non-transport should be soft billed in the event a resident cannot afford to pay. **Committeewoman DiGiuseppe** agreed with **Committeeman Cain’s** comments and suggested that there should be a nominal fee for non-transport. **Township Solicitor Gillespie** stated that MTAC should be consulted to estimate how often this happens in order to determine if a charge is applicable.

4. Hospital Locations. **Mayor Gable** inquired if Committee would like to specify certain hospitals in the RFP to which patients should be transported. **Committeeman Higgins** stated that there should not be a hospital on the list that is a far distance unless extra costs are incurred. **Township Solicitor Gillespie** stated that the list of hospitals in the draft RFP are suggestions, and that there is additional language that allows patients to be taken to the hospital of their choosing. Township Committee agreed to leave this section of the draft RFP as is, as patients will be billed for transport and mileage regardless.

5. Training Services. **Mayor Gable** stated that MTAC currently provides training services to the Police Department and the Franklin Fire Company. Additionally, **Municipal Clerk Semus** stated that MTAC also provides training services to municipal employees. Township Committee agreed to keep the requirement of yearly training services in the RFP.

6. Outreach Programs. **Mayor Gable** stated that MTAC currently conducts outreach programs to the public. Township Committee agreed to make outreach programs a requirement of the RFP.

7. NJOEMS Waiver Programs. **Mayor Gable** inquired if Committee would be agreeable to keep said programs in the specifications, as they aid in the administration of the epi-pen, narcan, CPAP, and aspirin. Township Committee was agreeable to same.

Mayor Gable stated that the information left to complete the RFP is related to the billing of non-transporters, non-residents, and uninsured residents. **Committeeman Cain** inquired about the building that MTAC currently leases from the township for EMS services, and whether or not the successful bidder should operate out of same and provide maintenance to the building. Additionally, **Committeeman Higgins** stated that ambulance maintenance also needs to be addressed in terms of fueling costs and repairs. **Township Solicitor Gillespie** stated that if Township Committee is agreeable to having the awarded contractor operate out of the current EMS building, and if the awarded contractor is to use Mansfield's ambulances, then the bidders have the right to inspect the vehicles and the building to ensure they are agreeable to the maintenance of both.

Mayor Gable opened the floor to public hearing on the above matter.

George Senf, MTAC Chief, stated that he can provide answers to some of the outstanding questions discussed above. **Chief Senf** stated that currently, MTAC bills \$650 for each transport, in addition to \$14 a mile. Both fees are lower than the standard rate. The list of hospitals for patient transports in the draft RFP is based off of the preference of residents, as other private EMS squads will only transport to certain hospitals with no exceptions. Regarding the billing of non-transporters, **Chief Senf** stated that the organization receives hundreds of non-transport calls a year, and that MTAC does not bill for same as studies show that people will not call for an ambulance if transportation is not necessary out of fear they will not be able to pay the bill. Additionally, **Chief Senf** stated that he feels fuel cost is low enough to not warrant the billing of non-transporters. **Mayor Gable** inquired if insurance companies can be billed for services rendered to non-transporters. Mr. Senf replied no. Regarding the billing of transports, **Chief Senf** stated that the law requires transports to be billed. In his experience, most residents have insurance, so the remainder of the bill for transport **services is generally an affordable fee. For those without insurance, payment plans are utilized.** **Chief Senf** stated that MTAC's goal is to provide excellent services to residents, and not to make a profit from taxpayers, especially since their current contract with the township is funded by way of tax dollars. **Chief Senf** expressed that the township will not find better services or EMTs than with MTAC.

Mayor Gable stated that the township appreciates MTAC and its services, and stated that in order to understand how to compose the RFP appropriately to ensure comparable services, the Committee needs to understand MTAC's procedures.

Linda Stout, 186B Georgetown Road, spoke in favor of MTAC and inquired if someone on the squad is assisting the draft RFP. **Township Solicitor Gillespie** responded that portions of the specifications will be written to conform to existing procedures, but a prospective bidder cannot assist on the formulation of the RFP. **Ms. Stout** suggested that Township Committee seek assistance from a medical professional. In response, **Township Administrator Fitzpatrick** stated that the township has taken EMS RFPs from other municipalities to use as resources. **Ms. Stout** questioned if state law mandates that the lowest bid must be accepted. **Township Solicitor Gillespie** stated that when it comes to competitive contracting, the lowest bid does not have to be accepted.

Joan Borrelli, 6 Horseshoe Lane North, spoke in favor of MTAC and inquired if there was a chance the same organization can be awarded the new EMS contract. **Mayor Gable** stated that MTAC can submit a bid, but the ultimate decision will be made by Township Committee.

Committeeman Higgins stated that MTAC is a great squad, and that Township Committee will ensure that the new services are comparable to same and the decision will ultimately be made by determining what is best for the residents, and not what saves money.

Todd Wirth, Route 206, commended the Township Committee for discussing the EMS specifications openly and allowing the public to contribute. **Mr. Wirth** stated that MTAC provides

high quality care with quick ambulances, and hopes the Committee will ensure that residents retain the same quality of services, especially because he has had a negative experience with a private EMS company in the past.

Bob MacFarland, 24607 E. Main Street, inquired about whether or not a request for qualifications (RFQ) will be conducted. **Township Solicitor Gillespie** replied that the RFQ will be made part of the overall RFP. **Mr. MacFarland** then inquired about the number of ambulances that will be required in the RFP, how the RFP will impact the future of mutual aid agreements, and whether any member of Township Committee has been in discussions with any other EMS contractors. **Mayor Gable** responded that 2 or 3 ambulances will be required, mutual aid agreements will stay as is but will need further clarification, and that no member of Committee has been in discussion with any contractor regarding EMS services. **Mr. MacFarland** noted that the discontinuation of soft billing will cost residents money, and soft billing is not always provided by every organization. **Mr. MacFarland** inquired about how much money the township anticipates on saving by selecting a new EMS squad. **Mayor Gable** replied that saving money isn't the issue, and that the township is required by law to follow the RFP process for EMS services. **Mr. MacFarland** questioned why the process has to be changed now after many years of contracting with MTAC. **Mayor Gable** stated that the error in the contracting process has been brought to our attention and confirmed by the Township Solicitor that the RFP process must be followed.

Jorge Villabon, 25 Waverly Drive, inquired if the RFP will be made public before it is submitted. **Township Solicitor Gillespie** replied no. **Mr. Villabon** questioned if there can be cost controls in the RFP to ensure that the price of service doesn't increase over the length of the contract, if the RFP will require the contractor to possess a certain level of experience, and if the township will be required to pay for insurance for the new contractor. **Mr. Villabon** expressed that he wants an EMS provider that is passionate about providing care to residents, and that he'd rather pay more in taxes to maintain the current service.

Township Solicitor Gillespie explained that this matter is not borne out of dissatisfaction with MTAC, but the process of which services from the organization were obtained doesn't comply with the law. In the RFP, when it comes to establishing a point system, only a small portion of same relates to price. The majority refers to experience, service, history, and qualifications. When it comes to selecting the successful bidder, subjective discretion is involved and the contract does not have to go to the contractor with the lowest price.

Mark Clark, 3193 Route 206, spoke in favor of MTAC, noting a personal negative experience with a private EMS squad. **Mr. Clark** expressed that MTAC provides excellent care and treats patients with respect.

Dottie Wirth, 3187 Route 206, noted that it is quite difficult for individuals who are not familiar with Mansfield to find addresses, and it is vitally important that the EMS squad understand their way around the township. **Ms. Wirth** stated that she has personally receive excellent treatment from MTAC, and noted that what is being expressed about MTAC is important.

Brian Morro, 13 Fieldcrest Drive, relayed a personal experience that required EMS care, and that not only did they benefit from the service, but benefitted from seeing members of the community perform miracles. **Mr. Morro** stressed that this is important for the younger residents to witness.

Alex Broder, 42 Fairmont Drive, expressed concern over the number of ambulances that will be made available if another contractor is chosen. Regarding the required experience in the RFP, he inquired if the experience submitted in bids will be that of the individual completing the forms, or of the entire squad that will be servicing Mansfield, as it is important that the experience on paper is what is received. **Mr. Broder** further noted that it is important to determine the future use of the building currently leased by MTAC.

Committeeman Higgins stated that when selecting the awarded contractor, providing for appropriate service is more important than cost savings.

Mayor Gable closed the public comment on the EMS discussion, and thanked the public for attending and providing input on the matter.

ENGINEER'S REPORT

Township Engineer John Pyne summarized the Engineer's Report as follows: a recommendation for the replacement of the boiler at the Municipal Complex will soon be submitted for consideration; an application was submitted for the 2020 NJDOT Grant for the resurfacing of Railroad Avenue to and from Route 206; Earle Asphalt Company was selected as the lowest responsible bidder for the resurfacing of Mt. Pleasant Road relating to the 2018 NJDOT grant; multiple attempts have been made to contact the contractor who installed the pavilion at Georgetown Park to complete the punch list to no avail, and that approximately \$11,000 in payment is being withheld. Accordingly, the performance bond may need to be considered; the 2019 NJDOT grant funds will solely be used for White Pine Road; both the 2016 NJDOT projects have been completed and closed out; construction on the Margolis Warehouse Project has started, and RVE has been working closely with the contractors on the necessary water lines; and the widening and drainage issues on White Pine Road will be addressed.

Regarding the matter with the pavilion at Georgetown Park, **Committeewoman DiGiuseppe** inquired if the contractor was obtained by way of a state contract. **Mr. Pyne** confirmed. **Township Solicitor Gillespie** inquired if the bonding company was provided a copy of the initial letter to the contractor regarding the incomplete punch list. **Mr. Pyne** stated that the bonding company was not copied on the letter as he did not feel it appropriate to do so at the time. **Township Solicitor Gillespie** stated that at this point, notice should be sent from his office regarding the punch list, and requested that Mr. Pyne provide a copy of the bond, punch list, and record of efforts made to resolve the issues.

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

RESOLUTION

RESOLUTION 2019-7-1A RESOLUTION AUTHORIZING BUDGET SELF-EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Township of Mansfield* has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2019 budget year.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the *Township of Mansfield* that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

BE IT FURTHER RESOLVED that the Township Committee approved the self-examination budget process by way of Roll Call Vote effective July 16, 2019 and said Resolution will be memorialized at a meeting of the same held on July 23, 2019.

Municipal Clerk Semus stated that the above resolution has been submitted to the state, and that the same needs to be memorialized at tonight's meeting.

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor Magee** to adopt Resolution 2019-7-1A. Motion carried on a Roll Call Vote, as follows:

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

ORDINANCE – SECOND READING

ORDINANCE 2019-12

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS PIECES OF EQUIPMENT AND COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, NEW JERSEY; APPROPRIATING THE SUM OF \$250,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$237,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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 Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Township of Mansfield, County of Burlington, New Jersey ("Township").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Township from all sources for the purposes stated in Section 7 hereof is \$250,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$237,500; and
- (c) a down payment in the amount of \$12,500 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

Section 3. The sum of \$237,500, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$12,500, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed \$237,500 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$237,500 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A. 40A:2-20*, shall not exceed the sum of \$50,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of Various Equipment for the Police Department including, but not limited to, Sport Utility Vehicles, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$150,000	\$7,500	\$142,500	5 years

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
B. Reconstruction and/or Repaving of Various Township Streets including, but not limited to, White Pine Road, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	100,000	5,000	95,000	10 years
Total	\$250,000	\$12,500	\$237,500	

Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 7.00 years.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance the costs of the purposes described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original 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. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$237,500 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy *ad valorem* taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 14. The Township hereby covenants as follows:

- (a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;
- (b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;
- (c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;
- (d) it shall timely file 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
- (e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Mayor Gable stated that the purpose of the above bond ordinance is to purchase police vehicles and provide for repairs to White Pine Road.

Mayor Gable opened the public hearing on Ordinance 2019-12. There being no comments, the public hearing was closed.

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor Magee** to adopt Ordinance 2019-12. Motion carried on a Roll Call Vote, as follows:

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

ORDINANCE – FIRST 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.

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

AYE: HIGGINS, DIGIUSEPPE, CAIN, MAGEE, GABLE

NAY: ABSTAIN: ABSENT:

**ORDINANCE 2019-14
AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF UNDERSIZED PUBLIC PROPERTY TO
CONTIGUOUS PROPERTY OWNERS PURSUANT TO N.J.S.A. 40A:12-13(b)(5)**

WHEREAS, the Township Committee of the Township of Mansfield has deemed that certain Township owned properties located at 29 Chesterfield Road, a/k/a Block 11, Lot 3; 24510 E. Main Street, a/k/a Block 28, Lot 2 and 24512 E. Main Street, a/k/a Block 28, Lot 3 are not needed for public use; and

WHEREAS, the Mayor and Township Committee recognize that the size of said property is less than the minimum size required for development; and

WHEREAS, no capital improvements are located thereon; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes the sale of sub-standard sized lots to contiguous property owners under certain conditions;

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

Section 1: The following parcel of real property, owned by the Township of Mansfield, and smaller than the minimum sized lot permitted for development in that zone, is offered for sale to the highest bidder among the adjoining property owners:

BLOCK	LOT	ADDRESS	MINIMUM PRICE
11	3	29 Chesterfield Road	\$15,000.00
28	2	24510 E. Main Street	\$ 3,000.00
28	3	24512 E. Main Street	\$ 9,000.00

Section 2: A copy of this Ordinance shall be posted on the bulletin board in the Municipal Building and advertisement made in the Burlington County Times within five (5) days after enactment. The Township Committee reserves the right to reject any and all bids for any reason it may choose.

Section 3: Offers shall be received from adjoining property owners, or their duly authorized representative, for a period of twenty (20) days after enactment.

Section 4: No warranties of any kind are made with regard to the property by the Township of Mansfield.

Section 5: The successful bidder shall be prohibited from building upon said property purchased from the Township of Mansfield any separate dwelling unit as defined by the Zoning Code of the Township of Mansfield and further is prohibited from seeking approval from the Mansfield Township Planning Board, or Mansfield Township Zoning Board to build such a dwelling unit. The successful bidder shall be permitted to construct an accessory building, such as is defined by the Zoning Code of the Township of Mansfield and to use the property for any accessory uses as currently allowed in said Zoning code.

Section 6: This Ordinance shall take effect upon final passage and publication according to law.

Regarding the parcels of land on E. Main Street, **Committeeman Higgins** inquired if the area was in a redevelopment zone, and if so, if the properties are required to bid instead of being offered for sale to adjoining property owners. **Township Solicitor Gillespie** inquired if the property is being sold contingent upon the buyer constructing something specific on the property, or if the sale strictly revenue driven. **Mayor Gable** stated that the property is being sold strictly for revenue. ??

A motion was offered by **Committeeman Cain** and seconded by **Committeewoman DiGiuseppe** to introduce Ordinance 2019-14. Motion carried on a Roll Call Vote, a follows:

AYE: CAIN, DIGIUSEPPE, HIGGINS, MAGEE, GABLE

NAY: ABSTAIN: ABSENT:

ORDINANCE 2019-15

AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF UNDERSIZED PUBLIC PROPERTY TO CONTIGUOUS PROPERTY OWNERS PURSUANT TO N.J.S.A. 40A:12-13(b)(5)

WHEREAS, the Township Committee of the Township of Mansfield has deemed that certain Township owned property located at 153 Public Road, Block 24, Lot 37.01 is not needed for public use; and

WHEREAS, the Mayor and Township Committee recognize that the size of said property is less than the minimum size required for development; and

WHEREAS, no capital improvements are located thereon; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes the sale of sub-standard sized lots to contiguous property owners under certain conditions;

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

Section 1: The following parcel of real property, owned by the Township of Mansfield, and smaller than the minimum sized lot permitted for development in that zone, is offered for sale to the highest bidder among the adjoining property owners:

BLOCK	LOT	ADDRESS	MINIMUM PRICE	24
	37.01	153 Public Road	\$50,000	

Section 2: A copy of this Ordinance shall be posted on the bulletin board in the Municipal Building and advertisement made in the Burlington County Times within five (5) days after enactment. The Township Committee reserves the right to reject any and all bids for any reason it may choose.

Section 3: Offers shall be received from adjoining property owners, or their duly authorized representative, for a period of twenty (20) days after enactment.

Section 4: No warranties of any kind are made with regard to the property by the Township of Mansfield.

Section 5: The successful bidder shall be prohibited from building upon said property purchased from the Township of Mansfield any separate dwelling unit as defined by the Zoning Code of the Township of Mansfield and further is prohibited from seeking approval from the Mansfield Township Planning Board, or Mansfield Township Zoning Board to build such a dwelling unit. The successful bidder shall be permitted to construct an accessory building, such as is defined by the Zoning Code of the Township of Mansfield and to use the property for any accessory uses as currently allowed in said Zoning code.

Section 6: This Ordinance shall take effect upon final passage and publication according to law.

A motion was offered by **Committeeman Cain** and seconded by **Committeewoman DiGiuseppe** to introduce Ordinance 2019-15. Motion carried on a Roll Call Vote, as follows:

AYE: CAIN, DIGIUSEPPE, HIGGINS, MAGEE, GABLE

NAY: ABSTAIN: ABSENT:

RESOLUTIONS

RESOLUTION NO. 2019-7-2

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT OF SALE FOR PROPERTY KNOWN AS 537 WHITE PINE ROAD

WHEREAS, by Resolution 2019-6-17, the Township Committee of the Township of Mansfield authorized public auction of certain Property owned by the municipality and no longer needed for public use, which property is known as Block 3, Lot 6.06 situated at 537 White Pine Road, (the "Property"); and

WHEREAS, the only bidder, Saylor's Pond Commons, LLC, 24059 West Main Street, Mansfield, NJ 08022, has offered the required Purchase Price of Sixty Thousand Dollars (\$60,000.00); and

WHEREAS, the Township Solicitor has prepared an Agreement of Sale which calls for the Property to "close" on or before September 13, 2019; and

WHEREAS, the Township Committee desires to ensure the receipt of the proceeds from this sale by no later than **September 13, 2019**, and thus declare that the date shall be a "time of the essence" date for Closing; and

WHEREAS, the Township desires to sell the Property to Saylor's Pond Commons, LLC upon the terms and conditions generally set forth in an Agreement of Sale of Real Estate, attached hereto and made a part hereof.

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 Township Committee hereby accepts the bid by Saylor's Pond Commons, LLC in the amount of Sixty Thousand Dollars (\$60,000.00); and
2. The Mayor and Township Clerk are hereby authorized and directed to execute the attached Agreement of Sale for the Property at 537 White Pine Road, Mansfield, NJ, known as Block 3, Lot 6.06, subject to such modifications as may be agreed to by the Township Solicitor, so long as said modifications do not change the fundamental intent of the Agreement of Sale, i.e., that it be sold in 2019, for Sixty Thousand Dollars (\$60,000.00), as an "AS IS, WHERE IS" fashion.

Committeewoman DiGiuseppe inquired if the buyers are the same entity as those who purchased the former municipal complex. **Mayor Gable** confirmed, and stated that the above resolution authorizes the sale of the property in the amount of \$60,000.

A motion was offered by **Committeewoman DiGiuseppe** and seconded by **Committeeman Higgins** to adopt Resolution 2019-7-2. Motion carried on a Roll Call Vote, as follows:

AYE: DIGIUSEPPE, HIGGINS, CAIN, MAGEE, GABLE

NAY: ABSTAIN: ABSENT:

RESOLUTION 2019-7-3

A RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2019 BUDGET PURSUANT TO NJSA 40A:487 (CHAPTER 159, PL 1948)

WHEREAS, N.J.S.A 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

SECTION 1

NOW, THEREFORE BE IT RESOLVED on this 17th day of July, 2019, that the Township of Mansfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$ 38,338.33 which items are now available as additional revenue for Mansfield Township.

SECTION 2

BE IT FURTHER RESOLVED that a like sum total of \$38,338.33 be and the same are hereby appropriated under the caption of:

Section 1 (a)

Federal: Bullet Proof Vests	\$ 2,000.10
Clean Communities	\$20,853.50
State: Body Armor Fund	\$1,864.98
Recycling Tonnage Grant	\$13,619.75

CFO Grouser explained that the above resolution is to incorporate unanticipated grant funds into the 2019 Municipal Budget.

A motion was offered by **Committeeman Cain** and seconded by **Committeewoman DiGiuseppe** to adopt Resolution 2019-7-3. Motion carried on a Roll Call Vote, as follows:

AYE: CAIN, DIGIUSEPPE, HIGGINS, MAGEE, GABLE

NAY: ABSTAIN: ABSENT:

RESOLUTION 2019-7-4

RESOLUTION AWARDED A CONTRACT TO EILEEN K. FAHEY FOR LEGAL SERVICES IN CONNECTION WITH THE SHARED SERVICES AGREEMENT BETWEEN NORTHERN BURLINGTON REGIONAL SCHOOL DISTRICT AND THE TOWNSHIP OF MANSFIELD FOR FUELING SERVICES

WHEREAS, there exists a need in the Township of Mansfield for legal services in connection with the shared services agreement between the Township of Mansfield and the Northern Burlington Regional School District for fueling services; and

WHEREAS, Eileen K. Fahey, Esq., 505 S. Lenola Road, Suite 120, Moorestown, New Jersey 08057, submitted a proposal for the aforementioned services at a rate of two hundred dollars (\$200.00) per hour, with a not to exceed amount of four thousand dollars (\$4,000.00).

WHEREAS, the Township Committee of the Township of Mansfield is desirous to act upon said proposal, which is attached hereto and made part hereof.

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

1. The Township Committee hereby awards a contract to Eileen K. Fahey, Esq., 505 S. Lenola Road, Suite 120, Moorestown, New Jersey 08057, to provide legal services in connection with the shared services agreement between the Township of Mansfield and the Northern Burlington Regional School District for fueling services.
2. The Mayor and Township Clerk, as necessary, are hereby authorized to execute a contract and any related documents necessary to effectuate the same.
3. This award is made available through account numbers: 01-201-20-155-280

A motion was offered by **Committeeman Higgins** and seconded by **Deputy Mayor Magee** to adopt Resolution 2019-7-4. Motion carried on a Roll Call Vote, as follows:

AYE: HIGGINS, MAGEE, CAIN, DIGIUSEPPE, GABLE

NAY: ABSTAIN: ABSENT:

**RESOLUTION 2019-7-5
RESOLUTION AMENDING COMPENSATION FOR THE CHIEF AND LIEUTENANT OF THE
MANSFIELD TOWNSHIP POLICE DEPARTMENT**

WHEREAS, the Chief and the Lieutenant of the Mansfield Township Police Department perform a variety of duties and a range of functions not required from the lower ranking officers; and

WHEREAS, the Chief and Lieutenant are required to conduct these duties and services on an around the clock basis, along with the attendant administrative/supervisor role required of ranking officers; and

WHEREAS, the Township has determined that it is in its best interests to modify the compensation for both the Chief and Lieutenant while providing the service; and

WHEREAS, the Chief and Lieutenant are “Exempt” salaried employees, and thus are not eligible for overtime pay; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that the Chief is to be compensated at a rate of ten (10%) percent above the Lieutenant salary to compensate for all duties, and the Lieutenant is to be compensated at a rate of ten (10%) above the Sergeant’s base and holiday pay, retroactive to January 1, 2019.

Mayor Gabe explained that the purpose of the above resolution is to stay within the terms of the union contract.

A motion was offered by **Committeeman Higgins** and seconded by **Deputy Mayor Magee** to adopt Resolution 2019-7-5. Motion carried on a Roll Call Vote, as follows:

AYE: HIGGINS, MAGEE, CAIN, DIGIUSEPPE, GABLE

NAY: ABSTAIN: ABSENT:

**RESOLUTION 2019-7-6
A RESOLUTION APPOINTING PART TIME
ELECTRICAL SUB-CODE/INSPECTOR, ALLEN G. ROWLES**

WHEREAS, Part-time Electrical Sub-Code Inspector Jim Kohl has resigned from said position; and
WHEREAS, **ALLEN G. ROWLES** was interviewed and found to be highly qualified to perform the duties as Mansfield Township’s part-time Electrical Inspector; and

WHEREAS, **ALLEN G. ROWLES**, currently holds New Jersey State Electrical Inspector License (#004816), and is also certified as a Building, Fire, and Mechanical inspector, and is aware of all aspects of Mansfield Township relative to this position; and

WHEREAS, at the recommendation of Construction Code Official, Jeffrey K. Jones, **ALLEN G. ROWLES** is hereby appointed to replace Mr. Kohl as the Part-Time Electrical Sub-Code/Inspector;

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 July 17, 2019 at the Municipal Complex at 7:00 PM hereby appoints **ALLEN G. ROWLES**, as Part-Time Electrical Sub-Code/Inspector, at a salary of \$17,500.00 annually, with no benefits and holidays, effective July 25, 2019.

A motion was offered by **Committeewoman DiGiuseppe** and seconded by **Committeeman Cain** to adopt Resolution 2019-7-6. Motion carried on a Roll Call Vote, as follows:

AYE: DIGIUSEPPE, CAIN, HIGGINS, MAGEE, GABLE

NAY: ABSTAIN: ABSENT:

**RESOLUTION 2019-7-7
RESOLUTION AMENDING RESOLUTION 2019-1-13
AUTHORIZING SIGNATURES ON TOWNSHIP CHECKS**

BE IT HEREBY RESOLVED by the Township Committee of Mansfield Township, County of Burlington, State of New Jersey that the following Township Officials are hereby authorized to sign Checks or Withdrawal slips where a combination of two principal signatures are required for the Year 2019:

1. **Mayor:** Sean Gable
2. **Deputy Mayor:** Michael H. Magee
3. **Committee Member:** Robert J. Higgins
4. **Municipal Clerk:** Linda Semus
5. **Chief Municipal Finance Officer:** Bonnie Grouser
6. **Tax Collector:** Dana Elliott (tax account only)

BE IT FURTHER RESOLVED that Signature Cards with the signatures of the persons authorized to sign be forwarded to all Township Depositories.

A motion was offered by **Committeewoman DiGiuseppe** and seconded by **Committeeman Cain** to adopt Resolution 2019-7-7. Motion carried.

RESOLUTION 2019-7-8

RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY

WHEREAS, the Township Committee has found that certain motor vehicles and 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 motor vehicles are hereby declared to be surplus property and no longer needed for public use:

2006 Pontiac Grand Prix VIN # 2G2WP582661189263

2. The Chief Of Police 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.

A motion was offered by **Committeeman Higgins** and seconded by **Committeeman Cain** to adopt Resolution 2019-7-8. Motion carried.

**RESOLUTION 2019-7-9
A RESOLUTION GRANTING A RAISE TO CERTAIN 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 certain At-Will and Statutory Township 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 certain At-Will and Statutory Township Employees, which will be retroactive to January 1, 2019; and

WHEREAS, the Township Committee has determined that this 2% increase will only pertain to employees who have not received an increase or promotion within the 2019 calendar year to date.

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 July 29, 2019 at the Municipal Complex at 7:00 PM that:

The Township Committee does hereby agree to provide 2% increase in wages paid to certain Statutory and At-Will Township Employees, retroactive to January 1, 2019.

Committeewoman DiGiuseppe inquired if COLA adjustments for a 2% increase have been provided for in the budget. **CFO Grouser** confirmed.

A motion was offered by **Committeewoman DiGiuseppe** and seconded by **Deputy Mayor Magee** to adopt Resolution 2019-7-9. Motion carried on a Roll Call Vote, as follows:

AYE: DIGIUSEPPE, MAGEE, CAIN, HIGGINS, GABLE

NAY: ABSTAIN: ABSENT:

**RESOLUTION 2019-7-10
RESOLUTION AUTHORIZING REDEMPTION OF TAX LIEN**

WHEREAS, at the Mansfield Township Tax Sale held on June 26, 2019, a lien was sold to Michael Ducar on Block 13.03, Lot 2.20, also known as 5 Birmingham Drive for 2018 delinquent taxes; and,

WHEREAS, the property owner, has affected redemption of Certificate #18-00001. This lien was redeemed on July 17, 2019, and this resolution memorializes that redemption.

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, authorizes that a check be issued to Michael Ducar, for the redemption of this lien.

<u>Lien Holder</u>	<u>Lien #</u>	<u>Amount</u>
Michael Ducar	18-00001	\$10,684.51

**RESOLUTION 2019-7-11
RESOLUTION AUTHORIZING REDEMPTION OF TAX LIEN**

WHEREAS, at the Mansfield Township Tax Sale held on June 26, 2019, a lien was sold to Michael Ducar on Block 17, Lot 3, also known as 28459 Schoolhouse Road for 2018 delinquent taxes; and,

WHEREAS, the property owner, has affected redemption of Certificate #18-00004. This lien was redeemed on July 17, 2019, and this resolution memorializes that redemption.

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, authorizes that a check be issued to Michael Ducar, for the redemption of this lien.

<u>Lien Holder</u>	<u>Lien #</u>	<u>Amount</u>
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A motion was offered by **Committeeman Higgins** and seconded by **Committeeman Cain** to adopt Resolution 2019-7-10 and Resolution 2019-7-11. Motion carried on a Roll Call Vote, as follows:

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

RESOLUTION 2019-7-12

RESOLUTION AUTHORIZING REMINGTON AND VERNICK ENGINEERS, 232 KING’S HIGHWAY EAST, HADDONFIELD, NEW JERSEY, 08033, FOR THE PREPARTION AND SUBMISSION OF FY’ 2020 NJDOT MUNICIPAL AID APPLICATION FOR THE RESURFACING OF RAILROAD AVENUE IN THE TOWNSHIP OF MANSFIELD

WHEREAS, Remington and Vernick Engineers are hereby authorized to prepare and submit the FY 2020 NJDOT Municipal Aid Application for the Township of Mansfield, and

WHEREAS, said application will be submitted for the resurfacing of Railroad Avenue, from Route 206 to West Main Street (Mile Post 30.45) and from West Main Street to Route 206 (Mile Post 30.73).

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

The Mayor and Township Clerk, as necessary, are hereby authorized to execute any and all documents necessary to effectuate this submission process.

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Higgins** to adopt Resolution 2019-7-12. Motion carried.

RESOLUTION 2019-7-13

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR ROADWAY IMPROVEMENTS FOR MT. PLEASANT ROAD AND CHESTERFIELD-GEORGETOWN ROAD

WHEREAS, there exists a need for Roadway Improvements for Mt. Pleasant Road and Chesterfield-Georgetown Road in the Township of Mansfield; and

WHEREAS, funds are available for this purpose through a 2018 NJDOT Municipal Aid Grant; and

WHEREAS, the Township of Mansfield has solicited bids for the provisions of the services required; and

WHEREAS, the Municipal Engineer, Remington and Vernick Engineers, has reviewed the bid proposal in connection with a certain bid package for the purpose of Roadway Improvements for Mt. Pleasant Road and Chesterfield-Georgetown Road; and

WHEREAS, the Municipal Engineer has recommended, by way of correspondence dated July 19, 2019, that the award of contract for Roadway Improvements for Mt. Pleasant Road and Chesterfield-Georgetown Road be made to Earle Asphalt Company, 1800 Route 34, Building 2, Suite 205, Wall, New Jersey 07719; and

WHEREAS, the Chief Financial Officer has certified that the award is made in accordance with applicable state statute and governing regulations involving said award.

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

Section 1. Upon approval of the contract by the Municipal Solicitor, the Mayor and Municipal Clerk are hereby authorized and directed to execute the approved contract with Earle Asphalt Company, 1800 Route 34, Building 2, Suite 205, Wall, New Jersey 07719 to provide for Roadway Improvements to Mt. Pleasant Road and Chesterfield-Georgetown Road, according to the attached Bid Proposal Form.

Section 2. After the solicitation of bids, Earle Asphalt Company was the contractor submitting the lowest responsible bid for the contract for the services sought.

Section 3. The maximum amount of the contract for the services referenced in the bid specifications is one hundred and fifty-nine thousand, thirteen dollars and thirteen cents (\$159,013.13), which is comprised of the Base Bid and Alternate Bid No. 1. Said funds are available in the respective appropriations, grants, contributions, or escrow accounts maintained by the Township of Mansfield.

Section 4. Notice of said action shall be published in the Burlington County Times as required by law.

Township Engineer Pyne stated that the grant amount received from NJDOT for the above project is \$135,000, but the same is not enough to cover roadway improvements to both Mt. Pleasant Road and Chesterfield-Georgetown Road. Accordingly, **Mr. Pyne** explained that if Township Committee chose to award just the base bid, the cost would be \$120,213.13, which would only cover a portion of Mt. Pleasant Road. However, if the Committee chose to award the base bid in addition to alternate bid #1, the same would cost approximately \$159,013.13 and would cover the entirety of Mt. Pleasant Road. In order to complete both Mt. Pleasant Road and Chesterfield-Georgetown Road, the base bid and alternate bid #2 would have to be awarded in the amount of \$197,613.13. Discussion ensued.

CFO Grouser stated that there is not enough funds in the budget to cover the extra \$25,000 needed to approve the base bid and alternate bid #1, but a bond ordinance may be an option. **Township Engineer Pyne** recommended that the entirety of Mt. Pleasant Road be completed at one time as

it would prove costlier to carry out the project in separate portions. **Township Solicitor Gillespie** inquired if a \$25,000 change order was submitted would be less than the 20% difference stated in the law. Slight discussion ensued. It was determined that a change order would not be feasible, as the 20% overage would still be more than what the township could fund. **Committeeman Higgins** suggested that the funds provided for in Ordinance 2019-12 for repairs to White Pine Road or “various township streets” be utilized for the completion of Mt. Pleasant Road. Township Committee was agreeable to same.

A motion was offered by **Committeeman Higgins** and seconded by **Committeewoman DiGiuseppe** to adopt Resolution 2019-7-13 with the base bid and alternate bid #1 in the amount of \$159,013.13. Motion carried on a Roll Call Vote, as follows:

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

A motion was offered by **Committeeman Cain** and seconded by **Committeewoman DiGiuseppe** to amend the agenda to include Resolution 2019-7-15. Motion carried.

RESOLUTION 2019-7-15

A RESOLUTION OF THE TOWNSHIP COMMITTEE APPOINTING BONNIE GROUSER AS THE TEMPORARY QUALIFIED PURCHASING AGENT, FOR THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY

WHEREAS, the Township’s Qualified Purchasing Agent, Joseph P. Monzo, has retired effective June 30, 2019, rendering a vacancy; and

WHEREAS, Bonnie Grouser had served as the Deputy Treasurer and Assistant to the CFO/Treasurer/QPA since February 4, 2008 and since Mr. Monzo’s retirement, has been appointed the Certified Municipal Financial Officer and Treasurer filling the vacancy; and

WHEREAS, Ms. Grouser had assisted Mr. Monzo in all facets as the Qualified Purchasing Agent and therefore had expressed her interest in becoming the Temporary Qualified Purchasing Agent for Mansfield Township and is desirous of continuing her education for said position by enrolling in the required classes to obtain formal certification; and

WHEREAS, pursuant to NJSA 40A:11-9(g), said appointment is permissible; and

WHEREAS, Ms. Grouser’s term, for said temporary position, will be one (1) year; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey that Bonnie Grouser is hereby appointed as the Temporary Qualified Purchasing Agent for the Township of Mansfield, with a one (1) year term effective August 1, 2019.

A motion was offered by **Committeewoman DiGiuseppe** and seconded by **Committeeman Cain** to adopt Resolution 2019-7-15. Motion carried.

BILL LIST – Regular and Escrow

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
ABSTAIN: HIGGINS (9370) MAGEE (9370) GABLE (9346)(9352)(9403)
NAY: ABSENT:

MINUTES – Regular Session June 19, 2019

A motion was offered by **Committeeman Higgins** and seconded by **Committeeman Cain** to adopt the Regular Session minutes of June 19, 2019. Motion carried.

REPORTS – Clerk, Court, Construction, Zoning, Police, Ambulance, Tax, Finance

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

DISCUSSION

A. Recreation – Concession Stand RFP: Mayor Gable inquired if said bid has been finalized and is ready for submission. **Committeewoman DiGiuseppe** questioned if the Recreation Committee has reviewed same. **Municipal Clerk Semus** confirmed, noted that no comments or concerns were received by the Recreation Committee, and that the Township Solicitor still needs to review the RFP. Township Committee agreed to submit the RFP upon review and approval by the Township Solicitor.

B. UPS System: Township Administrator Fitzpatrick stated that said equipment is no longer of use to the township, and that the manufacturer will buy back and remove the system for approximately \$2,000. However, the equipment can be placed for public auction, but the purchase would have to be contingent upon the buyer removing the system. Furthermore, **Jef Jones**, Construction Official, stated that the system will be difficult to remove as it currently contains active electrical wires that would need to be rerouted. **Committeeman Higgins** recommended that the system be sold back to the manufacturer, as the professional review costs for the public auction will exceed the revenue that will be gained by this method.

**RESOLUTION 2019-7-14
RESOLUTION AUTHORIZING SALE OF MUNICIPALLY-OWNED
REAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE**

WHEREAS, N.J.S.A. 40A:11-36 authorizes a local government to sell its surplus personal property and/or equipment, if no longer necessary for public use, to the highest bidder; and

WHEREAS, N.J.S.A. 40A:11-36(1) provides that if the estimated fair value of the property to be sold is less than 15 percent of the bid threshold it may be sold at private sale, and

WHEREAS, the Township currently owns an electric backup system, the Eaton 9390 uninterruptible power system (“UPS”) which is no longer needed for public use; and

WHEREAS, the fair market value for the UPS system is between \$1,500 and \$2,000, which is less than \$2,625.00, or 15 percent of the bid threshold.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, that the Township Administrator, Township Clerk and Township Solicitor are hereby authorized and directed to take such action as is necessary to negotiate the private sale of the below described equipment:

- A. Equipment Offered
 - 1. Eaton 9390 Backup UPS 60 kVA

BE IT FURTHER RESOLVED that the following conditions shall apply to said sale:

1. The administrator is authorized to negotiate the best price he is able to achieve between \$1,500.00 and \$2,625.00.
2. The purchaser shall be responsible for the removal and shipment of the equipment.
3. The sale of all equipment is strictly “AS IS.” The Township makes no representations or warranties regarding the condition of the equipment or its suitability for any purpose.
4. The full sale price shall be paid to the Township by the close of business on the day that the equipment is retrieved by the buyer, with payment made by cash, certified check, or money order.
5. The Township reserves the right to reject any and all offers.
6. Potential buyers shall be permitted to inspect the equipment prior to purchase.
7. The Township Clerk, Administrator, and Solicitor are hereby authorized to take such steps, and execute any documents necessary, in order to effectuate this Resolution.

A motion was offered by **Committeeman Higgins** and seconded by **Committeewoman DiGiuseppe** to amend the agenda to include Resolution 2019-7-14 and adopt same. Motion carried on a Roll Call Vote, as follows:

AYE: HIGGINS, DIGIUSEPPE, CAIN, MAGEE, GABLE

NAY: ABSTAIN: ABSENT:

C. Northern Burlington Shared Service Agreement: Township Administrator Fitzpatrick stated that appointed special counsel Eileen Fahey, Esq. submitted a draft review of said agreement with several matters that require further discussion such as generator installation costs, maintenance costs, the additional of diesel fuel as an option, and administrative fees. Regarding installation and maintenance costs, **Committeeman Higgins** stated that if the township attempted to construct its own fueling station, the costs would be astronomical in comparison. Township Committee agreed to move forward in negotiating installation and maintenance costs.

CORRESPONDENCE

- Laverne Cholewa, RE: EMS

- Jean Ainsworth, RE: EMS

Mayor Gable stated that the Township Committee received the above letters in support of the current EMS services, and that said correspondence will be made part of the record.

PUBLIC COMMENT

Carl Schwartz, 40 Fitzgerald Lane, asked for clarification of the removal of the UPS system and the need to reroute electricity and the maintenance costs pertaining to the shared service agreement with regional school district. Clarification was given. **Mr. Schwartz** inquired about the total of grant funds received in Chapter 159s per Resolution 2019-7-3, and inquired if those funds could be used for the resurfacing of Mt. Pleasant. **CFO Grouser** replied that the grant monies total

approximately \$33,000. **Mayor Gable** noted that the grant funds can only be used for specific purposes. **Mr. Schwartz** asked for clarification on the use of bond money to fund the Mt. Pleasant Road project. **Mayor Gable** explained that bond money set aside for White Pine Road will be utilized for Mt. Pleasant Road, and that the rest of the funds needed to provide for White Pine Road improvements will be included in next year's budget. **Mr. Schwartz** then inquired if the bond ordinance for the Municipal Complex has been utilized. **Mayor Gable** stated that some of the funds have been utilized, and the money in the bond ordinance can only be used for the Municipal Complex unless the funds are reallocated. Slight discussion ensued on bonds.

Bob Tallon, 2454 Axe Factory Road, regarding the shared services agreement for fueling services, noted that employees should avoid times in which the stations will be utilized by school buses.

MAYOR/COMMITTEE COMMENTS

Committeeman Cain stated that the passion for MTAC has been displayed, and that public comments on the matter need to be taken into consideration. Regarding non-transport costs, **Committeeman Cain** reiterated that he feels the same should be soft billed.

Municipal Clerk Semus informed Township Committee that a letter was received from Richard Kaz, Superintendent of the Northern Burlington Regional School District, requesting that the high school no longer be utilized as a polling location. Accordingly, she will be working closely with the Burlington County Board of Elections to find a new location. If a new location cannot be found, the polling location must stay at the high school or middle school.

ADJOURNMENT

A motion was offered by **Committeeman Higgins** and seconded by **Committeeman Cain** to adjourn the meeting. Motion carried. The meeting adjourned at 9:18PM.

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

Caitlin Midgette, Deputy Clerk

Linda Semus, Municipal Clerk

APPROVED: AUGUST 21, 2019