

**TOWNSHIP OF MANSFIELD  
BURLINGTON COUNTY  
MEETING MINUTES  
OCTOBER 3, 2019  
Executive Session: 6:00PM  
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, Committeeman Robert Higgins, Committeeman Frederick Cain, Committeewoman Janice DiGiuseppe, Township Administrator Michael Fitzpatrick, Township Engineer Doug Johnson, Township Solicitor John Gillespie, Chief Financial Officer Bonnie Grouser, Deputy Clerk Caitlin Midgette, and Municipal Clerk Linda Semus.**

**Mayor Gable** called the meeting to order at 6:30PM, followed by the following opening statement read by **Municipal Clerk Semus.**

“Public notice of this meeting pursuant to the “Open Public Meetings Act NJSA 10:4-6 to 10:4-21 has been satisfied. Adequate notice of this meeting was properly given via Resolution 2019-3-14 which was adopted by the Mansfield Township Committee on March 20, 2019. Said Resolution was transmitted to the Burlington County Times, Trenton Times and to the Clerk of the Township of Mansfield, posted on the official Bulletin Board of the Municipal Complex, posted on the official website, filed with the members of this body and mailed to each person who has prepaid any charge fixed for such service. All of the mailings, posting, and filing having been accomplished as of March 21, 2019.”

**EXECUTIVE SESSION**

**RESOLUTION 2019-10-1  
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:  
*Attorney-Client Privilege, Contract Negotiations, Pending Litigation*
3. It is anticipated at this time that the above subject matter will be made public when the matter has been resolved and approved for release by the Township Solicitor.

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor Magee** to adopt Resolution 2019-10-1 and convene into Executive Session. Motion carried. Township Committee entered same at 6:32PM. **Committeeman Higgins** arrived at 6:35PM.

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

**Township Solicitor Gillespie** explained that the purpose of Executive Session was to discuss matters of pending litigation and attorney-client privilege, and that the matters discussed have not been concluded.

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

**ENGINEER'S SUMMARY**

**Township Engineer Johnson** stated that the water main installation along Mill Lane and Sharp Road have been completed, and that the final mill and paving of that area will take place shortly. Additionally, the Mt. Pleasant Road project has been completed with the exception of striping, which is to take place the following day.

**Committeewoman DiGiuseppe** thanked Mr. Johnson for ensuring the completion of Mt. Pleasant Road.

On a separate topic, **Municipal Clerk Semus** stated that with the assistance of Mr. Johnson, the grant was submitted for the Mansfield Community Park as discussed at the previous meeting.

**ORDINANCES – FIRST READING/INTRODUCTION**

**ORDINANCE 2019-17  
AN ORDINANCE TO AMEND CHAPTER 14 OF THE CODE OF THE  
TOWNSHIP OF MANSFIELD ENTITLED “CONSTRUCTION CODE, UNIFORM”**

**BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey that §14-3(C)(3) of the Township Code be amended and read as follows:

**Schedule C: Electrical Fees:**

(3) Service Equipment Including:

Service Panel	Service Entrances	Sub-Panels
0 to <b>200</b> AMP.....		\$100.00
<b>200.1</b> to 1000 AMP.....		\$300.00
Larger than 1000 AMP.....		\$800.00

**REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

A motion was offered by **Committeewoman DiGiuseppe** and seconded by **Committeeman Cain** to introduce Ordinance 2019-17. Motion carried.

**ORDINANCE 2019-18  
AN ORDINANCE TO AMEND CHAPTER 57 OF THE CODE OF THE TOWNSHIP OF MANSFIELD  
ENTITLED “TOURIST ACCOMMODATIONS”**

**WHEREAS**, the Township Committee of the Township of Mansfield determines that it is important for the safety of visitors and in the public interest to control vice, disturbances, and narcotic offenses within hotels, motels, and other temporary housing accommodations; and

**WHEREAS**, motels and hotels within the Township have resulted in over 200 emergency medical responses and over 800 police reports in the last few years, straining municipal resources and causing concern to the Township’s police and medical professionals; and

**WHEREAS**, sharing these concerns, the Township Committee desires to amend the Code of the Township of Mansfield to limit the length of stay of guests, update licensing and security requirements, and mandate additional security standards.

**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:

**ARTICLE I. AMENDED SECTIONS.**

- A. Section 57 of the Code of the Township of Mansfield entitled “Tourist Accommodations” is hereby repealed in its entirety and replaced with the following:

**§57-1 Definitions**

For the purpose of this chapter, the following words will have the following meanings:

**CONTRACT GUEST**

Any person who exercises occupancy or is entitled to occupancy by reason of a contract or voucher or by other payment method from a state, county or local agency or not-for-profit corporation engaged in providing housing accommodations for the right to occupy the premises for a period of one calendar month or less. Any such person so occupying space in a motel shall be deemed a "transient" up to and including the last day of a calendar month. In determining whether a person is a "transient," uninterrupted periods of time extending both prior or subsequent to the effective date of this chapter may be considered.

**MOTEL**

Any structure, group of structures, or any portion of any structure that is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes. For purposes of this chapter, the term “motel” shall include any hotel, inn, tourist home or residential rental housing having three or more rental units or apartments, or any other similar structure or portion thereof.

**NON-CONTRACT GUEST**

Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right to access, license or by other payment of any money for the right to occupy the premises for a period of up to 31 calendar days or less, counting portions of the calendar days as full days. Any such person so occupying space in a motel shall be deemed a "transient" up to and including the 31st day of occupancy. In determining whether a person is a "transient," uninterrupted periods of time extending both prior or subsequent to the effective date of this chapter may be considered. “Non-contract guest” shall not include the owner and his immediate family or one specifically identified employee and his family occupying a living unit on-site equipped with a full kitchen and separate living and sleeping quarters, where same is available. Existing motel rooms shall not, however, be converted to create such living space.

## OCCUPANCY

The use or possession or the right to the use or possession of any room(s) or portion thereof in any motel for sleeping purposes.

## OPERATOR

Any person, as defined herein, and including agents, employees, and independent contractors thereof, responsible for the day-to-day management and performance of motel activities.

## PERSON

Any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint-stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

## RENT

The consideration charged, whether or not received, for the occupancy of space in the motel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and service of any kind or nature, without reduction therefrom whatsoever.

## TRANSIENT

One whose presence in Mansfield Township is temporary or fleeting.

## VISITOR

Any person, not employed by or a registered guest of a motel, not including minors and dependents of registered guests.

### §57-2 License Required; transferability; transfer fee

- A. It shall be unlawful for any person, partnership, firm, corporation or entity to establish, operate, maintain, occupy or offer for occupancy any property owned, controlled or leased by him as a motel as defined herein, without first having secured a license from the Township of Mansfield. Said license shall be for a period of no more than one year commencing January 1 and terminating December 31 of each calendar year and shall be renewable for additional periods of one year.
- B. Licenses shall not be transferable from one person, firm, partnership, corporation or entity to another person, partnership, corporation or entity without application to the Township and the payment of a transfer fee of \$100.

### §57-3 Conditions requiring license

When any person shall, by the use of signs, circulars, business cards, newspapers, other publications, radio or television stations, advertise or solicit patronage, actively or passively, it shall be considered prima facie evidence of the operation of a motel, and a license shall be required for the ownership and/or operation of a motel.

### §57-4 Application for License

- A. Applications for a Mansfield Township motel operation license shall be made on or before November 1 of each year on a form approved by the Township Committee and shall be signed and sworn to by the person, firm, partnership, corporation or entity actually engaged in such business and actually the true owners thereof. This section shall apply to any individual, firm, partnership, corporation or entity who is now or in the future conducting any activity within the Township of Mansfield regulated by this chapter.
- B. Each applicant for such license shall make written application on forms supplied by the Township Clerk setting forth:
  - a. The full name, phone number, address and post office address, if applicable, of the applicant (if a corporation, provide the names and addresses of the president and secretary and registered agent, if applicable; if a partnership, provide the names and addresses of all partners).
  - b. The exact location of the proposed licensed premises, including the street address, and block and lot number as described on the Tax Map of the Township of Mansfield.
  - c. A description of the business, structure and accommodations upon said land, including a statement of the number of sleeping units and the maximum number of persons who can be accommodated at any given time.
  - d. The name, address and owner of said lands and buildings and the name and address of the individual, corporation, partnership or other entity renting said building if different than Subsection B(a) above. In the event that the entity which owns or leases the licensed premises is a corporation, the name and address of the officers of the corporation and the particular position they hold, the name and address of any stockholder holding 10% or more of stock, or indirectly, or in any way beneficially of the corporation which is seeking a license and the name, address and phone number of the registered agent, if applicable.
  - e. The name(s) of the person or persons on the licensed premises upon whom process may be served.
  - f. A statement acknowledging whether the applicant has ever held a motel or hotel license and whether said license(s) has ever been denied or revoked and setting forth details of same.
  - g. Details of any arrests and/or convictions for crimes or disorderly conduct, including the nature of the offense for which arrested and/or convicted, the date of conviction and the court in which said conviction occurred of each and every person identified in Subsection B(a) and B(d) above.
  - h. The name and address of the applicant's attorney, if applicable.
  - i. The telephone number(s) where the owner(s) and/or his or her agent may be reached in the event of an emergency.
- C. The application must contain a certification that the statements made by the applicant in connection with the application and covering the information requested in Subsections A and B are true and that the applicant makes such statements to induce the Township of Mansfield to issue a license to operate a motel covering the applicant's business and that the applicant agrees to comply with all rules, regulations and laws of the State of New Jersey and Township ordinances applicable to same.
- D. The application shall be accompanied by a payment in the amount of the license fee for the period involved. In the event that the license applied for shall be denied, said fee shall be returned to the applicant less 10% thereof to cover investigation costs relative to said application plus the cost of notice required under §57-5(G).
- E. If the applicant is not the owner of the site where the business is to be conducted, the owner's written consent to the conduct of the business described in the application shall be annexed to the application.

- F. The application for an issuance of a license hereunder shall constitute the consent of the applicant to an inspection of the licensed premises by the Police Department, using the standard established at §57-5(b), for the purpose of determining whether there exists on the premises sought to be licensed compliance with the appropriate registration requirements as defined herein. The applicant shall be given twenty-four-hour notice of this inspection to ensure the owner's/operator's presence during such inspection. This requirement in no way limits the Police Department's or other law enforcement agency's ability to perform unannounced inspections as part of ongoing investigations to prevent or discover criminal activity.
- G. Unless the motel license is currently under a suspended or revoked status, the motel will be permitted to operate while the Township considers a pending original or renewal application.

§57-5 Licensing Procedures

- A. Each applicant shall make an application upon forms issued by the Township Clerk. This section shall apply to any individual, firm, partnership, corporation or entity who is now or in the future conducting any activity within the Township limits regulated by this chapter.
- B. Upon application for a license, the Township Clerk shall send a copy of same to the Police Department, the Township Administrator, Township Zoning Officer, Fire Inspector and Construction Code Official. Each of the foregoing departments or agencies shall have 14 days from the date of the application to inspect the premises and issue a written report determining whether or not the premises comply with this chapter and the rules and regulations and laws of the State of New Jersey. The Township shall coordinate the date and time of its inspection and provide twenty-four-hour notice to the motel owner. If the premises comply, the Police Department and other authorized agencies shall provide the Township Clerk with a written notice of such approval. Thereupon, if the applicant has complied with the other licensing provisions set forth in this chapter, the Township Clerk shall issue a license in accordance with the terms and conditions of this chapter.
- C. The Township of Mansfield shall issue a motel operation license only when said motel is in compliance with the registration standards established in this chapter, including evidence of maintenance of the occupancy requirements of this chapter.
- D. If, upon inspection, the premises do not comply with the registration requirements set forth in this chapter, the Police Department and other authorized agencies shall provide the Township Clerk with a written report setting forth the specific violations. The Township Clerk shall thereupon transmit a copy of such reports citing violations to the applicant, together with written notice that a license for the premises will not be considered and the operator shall have 30 days to cure deficiencies prior to re-inspection. If the inspection revealed deficiencies based on fire, zoning or construction defects, the applicant shall make the necessary application to the appropriate agency to cure the deficiency within 14 days of notice and cure said deficiency within 60 days of such notice. The Township reserves the right to take immediate action outside the scope of this licensing ordinance to abate an issue which, in the Township's sole discretion, is a life-safety issue. The applicant shall have the right to request a hearing before the Township Committee to reconsider the inspection report. Said request for hearing must be in writing and received within five business days from receipt of notice sent by the Township Clerk.
- E. The Township Committee shall set a date for a hearing to be held on the denial of said application at a reasonable time thereafter or, in the case of a new license, not later than 30 days from the date of a written request for a hearing unless the applicant requests or consents to a postponement.
- F. A copy of all reports and investigations shall be made available to the applicant, upon request, at least seven days prior to any hearing date set by the Township Committee on a particular license.
- G. The Township Clerk shall make notice, not less than seven days prior to the hearing, in the official newspaper of the Township and by certified mail, return receipt requested, to all property owners with 200 feet of the applicant's property line, using a straight line from the property line, of the time, place and location of the hearing concerning the denial of license application and the manner in which interested parties may make proper objection either in writing or through oral testimony. Such objection must be based upon an alleged violation of laws promulgated or enacted by the federal, state, county or local government. The applicant has the right to contest any objection presented.
- H. In the event that objections in writing are filed with the Township Clerk as to the issuance or renewal of a particular license or objections are made orally on the night set for issuance or renewal of a license or the date of the hearing described in Subsection F above, the Township Committee shall then proceed to hear the objections and all evidence for and against the issuance of such license and within 10 days determine whether to issue or renew a license or deny same if the evidence presented indicates good cause for the denial of a license. A refusal to issue a license shall be in writing, and the reasons for a denial shall be stated. If the circumstances warrant, the Township Committee may hold an additional hearing on a date set by the Township Committee meeting for the renewal or issuance of a license(s).
- I. Nothing contained herein shall prevent the Township of Mansfield or the officers of the Township from proceeding against an applicant who is in violation of any of the provisions of this chapter by filing a complaint in a court of competent jurisdiction.
- J. Any license issued hereunder shall terminate at any time after its issuance in the event that the use of the building or part thereof for motel purposes shall cease.

§57-6 Compliance with all laws and regulations required.

- A. All structures, buildings, dwellings, houses or parts thereof used for the purposes herein regulated shall comply with the State Housing Code, Uniform Construction Code or building codes in existence at the time of the issuance of the certificate of occupancy, the Land Use Development Ordinances, the Uniform Fire Safety Code, health ordinances and other applicable ordinances of the Township of Mansfield and with the rules, regulations and laws of the State of New Jersey. Any area of renovation shall be done at the uniform construction standards existing at the time of renovation and with proper permits issued by the Township of Mansfield when necessary.
- B. All fire escapes shall comply with the rules, regulations and ordinances of the Township of Mansfield and the State of New Jersey. An exit light shall be installed in the passageway or doorway leading to any such fire escapes. Doors leading to fire escapes shall be unlocked from the inside at all times and shall open outward.

- C. All such licensed accommodations shall be provided with an adequate supply of potable drinking water, together with toilets and lavatory facilities for guests, and shall contain not less than one separate toilet for each five guests. Said toilet and lavatory facilities shall be maintained in a clean and sanitary manner and disinfected daily.
- D. All trash or other waste matter shall be kept in closed containers, and provisions shall be made for removal of all trash, waste matter or garbage from the licensed premises.
- E. All entrances to motels shall be adequately lighted after dark, and all ground areas about motels shall be adequately illuminated.

§57-7 Fees

- A. The annual fee for each license hereunder shall be the sum of \$75 plus \$25 per each unit containing sleeping quarters for units one through 10; \$15 for units 11 through 20; \$10 per unit thereafter.
- B. The annual fee for each license issued hereunder shall be prorated where the license shall not have been issued on January 1 of each year. Any period of a month over 15 days shall constitute a full month, and any period less than 15 days shall constitute a half month for the purposes of prorating the annual fee.
- C. Payment of said fee shall accompany the filing of the application for licenses and any intention to renew thereafter.
- D. Except as otherwise provided, all license fees shall become part of the Township's treasury.
- E. Where the licensee is engaged in more than one activity as enumerated in this chapter, at the same location, which may be subject to more than one fee, said licensee shall be required to pay that fee which would be charged for the activity assessed the highest fee.

§57-8 Security Requirements

- A. Guest registration regulations
  - a. Every registering guest shall furnish to an operator of a motel satisfactory identification as part of the registration process for the hire of lodgings at that motel by the transient.
  - b. No room shall be rented to any person who shall be under 21 years of age at the time of the rental when not accompanied by a parent or legal guardian or providing proof of emancipation. Said age is set to deter security issues associated with underage drinking.
  - c. Satisfactory identification for legal residents of the United States shall consist of one of the following: valid driver's license issued in the transient's state; a federal, state or county government photograph identification card; military identification card; a passport; or any other form of valid government identification on which the guest's photograph appears. For persons legally residing outside the United States, valid government identification shall include an official passport, U.S. visa, INS alien registration card or INS border crossing card.
  - d. The operator of the motel shall maintain a record log and photocopy of the identification produced by the guest(s). The record log shall include the name of the transient, current address, ID number (i.e., motor vehicle license number) and state or country of issuance of identification, date of birth, date and time of check in and check out, method of payment and make, model and license plate number of guest vehicle, if guest intends to park vehicle at establishment. Irrespective of method of payment, the motel operator shall comply with this section.
  - e. An operator shall notify any guest who fails or refuses to provide proper identification or refuses to identify occupants to any operator that a room will not be rented.
  - f. The record log shall be made immediately available for inspection by the Chief of Police, or his designee, who shall be a uniformed police officer, and shall also be immediately available to any member of the Mansfield Police Department or other law enforcement agency, in the event of a police service incident at the motel. Said log shall be kept by the motel owner for a period of no less than three years.
    - i. The officer shall request to inspect the record log by asking the operator, or the operator's designee who is "on duty" and/or working at the time, to inspect the record. If inspection is refused, the operator or the operator's employee/designee must secure the record in the presence of the officer or an authorized representative of the Police Department or other law enforcement agency, in a manner directed by the officer or authorized representative, to ensure that no one can tamper with the record and so that the record can be maintained securely in the presence of the officer or authorized representative until such time as an administrative subpoena, an administrative search warrant, or other court order has been issued or denied. If the operator or the operator's designee cannot be located, or if inspection is refused, the police officer or an authorized representative may seek entry by serving the issuance of the administrative subpoena, an administrative search warrant, or other court order authorizing the inspection of the record log.
    - ii. Whenever possible, the inspection shall be conducted at a time and in a manner that minimizes any interference with the operation of the business
    - iii. No person shall alter, deface or erase the record so as to make the information recorded in it illegible or unintelligible or hinder, obstruct, or interfere with any inspection of the record under this section.
    - iv. If, upon refusal to allow the officer to inspect the record, and the officer requires the record to be secured, the officer or authorized representative must apply for the administrative subpoena, administrative search warrant, or such other court order in an expeditious fashion, but within no less than 48 hours following said refusal.
    - v. Administrative subpoena/administrative search warrant
      - 1. In the event that the law enforcement officer or authorized representative seeks an administrative search warrant, same shall be sought and processed and the conduct of same shall be in accordance with applicable New Jersey Court Rules and/or other statutes.
      - 2. In the event that the law enforcement officer or authorized representative seeks an administrative subpoena, then same may only be sought if the Township's governing body has established an Investigative Committee under the New Jersey

Municipal Investigations Act, N.J.S.A. 40:48-25 et seq. Should the governing body form such an Investigative Committee, it shall be entitled to exercise all powers delegated to it under said statutory provisions, including the authority to issue subpoenas such as those contemplated herein.

- g. The duties imposed on an operator by this chapter shall not be interpreted or applied so as to violate or cause the violation of the Americans with Disabilities Act of 1990 (P.L. 101-336).
- B. Restriction on ownership and management. The operation, conduct and management of a motel shall not be under the management of, control or supervision of any person convicted of a felony or any conviction involving the sale of drugs and/or narcotics, prostitution or underage drinking. No person shall own, directly or indirectly, more than 10% of stock or be an officer or director of any corporation or participate in any way in the management of any licensed premises if he or she has been convicted of a crime as described in this chapter.
- C. The Township shall maintain and provide a no rent/no trespass list of persons convicted of any crime while on a Mansfield motel property or while registered as a guest at a motel in the Township.
  - a. The operator shall refuse to further rent any room on the premises to said guest on the list or allow the individuals on said list to remain on the property. At no time shall the operator allow the person on the list or members of the person's party to visit other properly registered guests or visitors.
  - b. Names shall remain on the no rent/no trespass list for the remainder of the current calendar year and the next immediate calendar year (i.e., up to one year and 364 days).
- D. Notification to police of suspicious guests. The motel operator shall make reasonable effort to notify the Mansfield Township Police Department of the names and permanent addresses of guests that behave suspiciously after check-in. Suspicious activity shall include an act or event which causes an ordinarily prudent person to believe that unlawful behavior is in process or imminent
- E. Requirement of on-site manager 24 hours a day. The operator shall cause the motel to maintain twenty-four-hour supervision by an on-site manager. Said manager(s) will have supervisory responsibilities over all other employees on site and shall serve as the first point of contact for the Mansfield Police Department.

#### §57-9 Parking requirement regulations.

- A. The operator shall inform each guest that vehicles must be parked nose in to the parking space. For security reasons, back-in parking will not be permitted. In addition to informing the guest at check in that nose-in parking is required, the operator shall conspicuously post the property with permanent signs no less than 10 inches in height by eight inches in length which state "Nose-in Parking Required - \$100 fine – Ord. 356-10."
- B. The operator shall inform the guest that failure to abide by this request may result in Police Department action.
- C. All persons utilizing parking spaces on a motel property shall park their vehicles nose in to the parking space. For security reasons, back-in parking will not be permitted.

#### §57-10 Frequency of Rental

The operator shall not rent any room more than two times during any twenty-four-hour period, beginning at 12:00 noon and ending at 12:00 noon the following day.

#### §57-11 Occupancy

The sleeping accommodations of a motel shall be rented only for the use of contract and non-contract guests as transient occupants and shall not be used or occupied on any permanent basis, and no such occupant shall be deemed to be a resident therein. Every licensed premises shall maintain at all times a complete register of all rentals therein and the true identification and correct dates of occupancy of each person using any room on the licensed premises.

- A. No non-contract guest shall use or occupy any room or a portion of any room in any motel for a period of more than 31 consecutive days or more than 31 days during any ninety-day period. A portion of a calendar day shall constitute a full day.
- B. A minimum of seven days prior to the expiration of the thirty-one-day limit, it shall be an affirmative duty of the operator to petition the Chief of Police in writing to permit a non-contract guest to avail himself of the use of the motel for a period longer than 31 days when such non-contract guest provides (i) proof of current, valid residency more than 30 miles from Mansfield Township and is utilizing the motel while performing a temporary function or service in Mansfield Township such as employment on a construction project or (ii) where the non-contract guest is in need of temporary quarters while improvements are being performed on the non-contract guest's primary residence making it temporarily uninhabitable, where such time frame remains limited to a definite timeline and where vacancy of the motel premises will occur at the conclusion of the construction project or the primary residents becomes habitable. The decision to permit any stay longer than 31 days remains at the sole discretion of the Chief of Police and may be appealed to the Township Committee in the same manner as provided for denial of license as provided in § 57-5 of this chapter.
- C. Identification of renters; renting for improper purposes prohibited. In addition to the other rules and regulations proposed hereunder, no licensee shall knowingly rent, allow or permit any room on the licensed premises to be used for any illegal or immoral purpose. The licensee's failure to set forth the true identity and correct hours shall serve as prima facie evidence of violation of this provision. (should say owner if not licensee)

#### §57-12 Administrative suspension and revocation of license

- A. In the event that the Township Committee finds upon a written complaint filed that there is such a serious infraction of the rules, regulations and ordinances of the Township of Mansfield or the rules, regulations and laws of the State of New Jersey or that the operation of a premises licensed hereunder will constitute a serious menace to the health, safety, welfare and morals of the people of the Township or the occupants of such licensed premises, the Township Committee shall have the right to hold a hearing where said operator and complainant will be given the right to provide testimony and be subject to cross-examination regarding said complaint. Upon the Committee's finding of good cause, it may immediately suspend the license of such person, firm, partnership, corporation or entity licensed under this chapter. In the event that a license is suspended as set forth herein, the operator must correct such issues and be reinspected before the Township Committee will hold another hearing to reconsider the license. The hearing to continue the suspension or revocation of the license or take such other action as the Township Committee deems necessary in its lawful discretion shall proceed where applicable in the same manner as if the proceeding were for the issuance of a

new license. Nothing contained herein shall prevent the Township of Mansfield or the officers of the Township from proceeding against the applicant in a court of competent jurisdiction. The Township reserves the right to notify all financial interest(s) of said motel of denial, suspension or revocation of a license.

- B. In the event the license is suspended or revoked, the motel operator shall cause the contract guests and non-contract guests to be removed from the motel within 48 hours from the decision of the Township Committee. The motel operator shall be responsible for any and all costs associated with the relocation of contract and non-contract guests. In the event the motel operator fails to meet said responsibility and the Township is required to arrange and provide for the relocation of said guests, all costs and expenses incurred by the Township in the course of action associated with said relocation shall become a lien against the property.

#### §57-13 Occupancy tax

- A. Imposition of occupancy tax. It is hereby imposed within the Township of Mansfield a tax to be charged in accordance with the provisions of Assembly Bill No. 3710, adopted June 30, 2003, on charges of rent for every occupancy within a hotel, motel, or boardinghouse room. The tax shall be at the rate of 3% on charges of rent for every occupancy. Said tax shall be in addition to any and all taxes or fees imposed under state statute or local ordinances upon the occupancy of a hotel, motel, or boardinghouse. For purposes of this section, the word "hotel" shall include motels and boardinghouses, as well as hotels.
- B. All taxes imposed by this section shall be paid by the occupant of the room. For the purpose of this section, "occupant" shall be defined as a person who, for a consideration, uses, possesses or has the right to use or possess any room in a hotel, motel, or boardinghouse, under any lease, concession, permit, right of access, license to use, or other agreement or otherwise.
- C. The owner of the hotel and/or the person or entity making the hotel room available for occupancy shall not assume or absorb any of the tax imposed by this section.
- D. The owner of the hotel and/or the person making the room available for occupancy shall not in any manner advertise or hold out any person or to the public in general, in any manner, directly or indirectly, that the tax will be assumed or absorbed by the owner, that the tax will not be separately charged and stated to the occupant, or that the tax would be refunded to the occupant
- E. The tax imposed by this section shall be collected on behalf of the municipality by the person collecting the rent from the hotel occupant. That person shall either be the owner of the hotel, the manager or salesperson or other employee of the owner who arranges with the occupant for the rental of the room.
- F. Individual liability. Each person required to collect the tax imposed by this section shall be personally liable for the tax imposed, collected or required to be collected hereunder. Any such person shall have the same right in respect to collecting the tax from an occupant as if the tax were a part of the rent and payable at the same time.
- G. A person required to collect the tax imposed under this section as described above shall, on or before, the 28th day of each month, forward to the Director of the Division of Taxation in the Department of the Treasury, the tax collected in the preceding month and shall make and file a return for the preceding month with the Director on any form and containing any information as the Director shall prescribe as necessary to determine liability for the tax in the preceding month during which the person was required to collect the tax. Should the Director determine to require payments of tax liability at any intervals and based upon any collection classifications other than described in this section, the person required to collect the tax shall comply with any determinations made in that regard by the Director.
- H. The Director of the Division of Taxation shall collect and administer the tax imposed under this section and shall determine and certify to the State Treasurer, on a quarterly or more frequent basis, the amount of revenues collected in each municipality. The State Treasurer, upon certification to the Director and upon the warrant of the State Comptroller, shall pay and distribute on a quarterly or more frequent basis, as prescribed by the State Treasurer, the amount of revenues determined and certified as described above, to the Township of Mansfield.

#### §57-14 Enforcement

The proper enforcement of the provisions of this chapter shall be within the jurisdiction of the Township of Mansfield Police Department and within the jurisdiction of those officers at the state, county and local levels of government charged with providing the necessary inspections, regulations and enforcement of the law.

#### §57-15 Violations and penalties

- A. Noncompliance with the terms and conditions of this chapter shall constitute a violation.
- B. Each and every day any violation of this chapter exists or continues to exist shall be determined as a violation or offense under this chapter.
- C. Any person, firm, partnership, corporation or entity violating any provision of this chapter by the performance of a prohibited act or by failing, neglecting or refusing to do any act or anything required by this chapter shall, upon a trial and conviction by a court of competent jurisdiction, forfeit or pay such fines not in excess of the sum of \$2,000 for each offense, or be sentenced to a jail term not exceeding 90 days (if the convicted is a natural person) and/or a period of community service not exceeding 90 days.
- D. Any owner or operator of a motor vehicle who shall park or allow his vehicle to be parked in violation of this section, upon a trial and conviction by a court of competent jurisdiction, shall pay a fine of \$100.

#### **ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

**Mayor Gable** explained the purpose of the above ordinance is to update the Township Code as it relates to hotels/motels and the length of time visitors can stay.

**Municipal Clerk Semus** added that the original ordinance was adopted in 1947 and subsequently amended in 1963 to include provisions for the licensing of hotels/motels, but the township has historically never charged the fees.

**Committeewoman DiGiuseppe** and **Committeeman Cain** expressed agreement with the licensing requirement.

**Municipal Clerk Semus** questioned if Township Committee was in agreement with the proposed fees in Ordinance 2019-18. **Committeewoman DiGiuseppe** recommended that the ordinance be implemented as written and can be amended at a later date if needed. **Committeeman Cain** stated that he believes that the fees in the draft ordinance should be increased. **Township Solicitor Gillespie** recommended that the ordinance be tabled until the next meeting so a review of the ordinance and correspondence fees can be further evaluated.

A motion was offered by **Committeeman Cain** and seconded by **Committeewoman DiGiuseppe** to table the introduction of Ordinance 2019-18 until the next meeting of the governing body. Motion carried.

## **RESOLUTIONS**

### **RESOLUTION 2019-10-2**

#### **A RESOLUTION AUTHORIZING AN EXTENSION OF A CONTRACT TO EXCLUSIVE SERVICES AND MAINTENANCE COMPANY D/B/A GARDEN STATE REMOVAL COMPANY FOR RESIDENTIAL SOLID WASTE AND RECYCLING COLLECTION SERVICES**

**WHEREAS**, on September 14, 2016, the Township Committee of the Township of Mansfield issued Resolution 2016-9-4, which awarded Exclusive Services and Maintenance Company, d/b/a/ Garden State Removal Company (“Garden State”) a contract for residential solid waste and recycling services, which is attached; and

**WHEREAS**, the term of the contract was from November 4, 2016 to November 3, 2019; and

**WHEREAS**, the issuing bid documents reserved the option to extend the contract if jointly agreed and Garden State has agreed to a short-term extension of the contract under the existing terms; and

**WHEREAS**, the Township Committee desires to extend the contract to prevent a possible transition to a new vendor during the Holiday season.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey hereby authorizes an extension to the current contract with Exclusive Services and Maintenance Company, d/b/a/ Garden State Removal Company until January 31, 2020.

**CFO Grouser** explained that the current sanitation contract expires on November 3, 2019, but as bid specifications for same must be advertised for 60 days before the receipt of bids, it is too late to submit the specifications to adhere with the current contract’s expiration. Accordingly, Resolution 2019-10-2 extends the contract with the current vendor until January 31, 2020, which will not only allow time for the preparation of bid specifications, but it will ensure that there is no transition problem with a potential new vendor during the holiday season.

A motion was offered by **Committeewoman DiGiuseppe** seconded by **Committeeman Cain** to adopt Resolution 2019-10-2. Motion carried on a Roll Call Vote, as follows:

**AYE: DIGIUSEPPE, CAIN, HIGGINS, MAGEE, GABLE**

**NAY: ABSTAIN: ABSENT:**

### **RESOLUTION 2019-10-3**

#### **OLDE COLUMBUS INNE BAR, LLC: T/A “OLDE COLUMBUS INNE” 2018-2019 LIQUOR LICENSE RENEWAL**

**WHEREAS**, **Olde Columbus Inne Bar, LLC: T/A “Olde Columbus Inne”** Plenary Retail Consumption License #0318-33-002-008 located at 24491 West Main Street, Columbus, NJ 08022 has applied to the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey for renewal of said license to permit the sale of alcoholic beverages at their establishment; and,

**WHEREAS**, said application for the 2018-2019 licensing year has been received with required fees submitted as prescribed by Ordinance in the amount of \$630.00 to Mansfield Township and \$200.00 to the State of New Jersey Division of Alcoholic Beverage Control; and,

**WHEREAS**, a Tax Clearance Certificate has been received from the Division of Taxation indicating that **Olde Columbus Inne Bar, LLC: T/A “Olde Columbus Inne”** is in compliance with Chapter 161, Laws of NJ 1955; and,

**WHEREAS**, the license is renewed pursuant to 12.39 and 12.18 special rulings granted by the Director of the Alcohol Beverage Control commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that the Plenary Retail Consumption License #0318-33-002-008 in the name of Olde Columbus Inne Bar, LLC: T/A “Olde Columbus Inne” be renewed for the 2018-2019 Licensing Year.

**RESOLUTION 2019-10-4  
OLDE COLUMBUS INNE BAR, LLC: T/A “OLDE COLUMBUS INNE”  
2019-2020 LIQUOR LICENSE RENEWAL**

**WHEREAS, Olde Columbus Inne Bar, LLC: T/A “Olde Columbus Inne”** Plenary Retail Consumption License #0318-33-002-008 located at 24491 West Main Street, Columbus, NJ 08022 has applied to the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey for renewal of said license to permit the sale of alcoholic beverages at their establishment; and,

**WHEREAS**, said application for the 2019-2020 licensing year has been received with required fees submitted as prescribed by Ordinance in the amount of \$630.00 to Mansfield Township and \$200.00 to the State of New Jersey Division of Alcoholic Beverage Control; and,

**WHEREAS**, a Tax Clearance Certificate has been received from the Division of Taxation indicating that Olde Columbus Inne Bar, LLC: T/A “Olde Columbus Inne” is in compliance with Chapter 161, Laws of NJ 1955; and,

**WHEREAS**, the license is renewed pursuant to 12.39 special ruling granted by the Director of the Alcohol Beverage Control commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that the Plenary Retail Consumption License #0318-33-002-008 in the name of Olde Columbus Inne Bar, LLC: T/A “Olde Columbus Inne” be renewed for the 2019-2020 Licensing Year.

**Committeewoman DiGiuseppe** stated that she has no problem renewing the above noted licenses, but requested a status report on the progress of construction at the property.

**Township Administrator Fitzpatrick** explained that there was a lien on the property that dates back to the 1800s, and consequently, the owner could not move forward in obtaining the financing to complete the necessary repairs.

**Committeeman Higgins** questioned if the liquor license would be jeopardized if Committee did not vote in favor to renew same. **Township Administrator Fitzpatrick** stated that as liquor licenses are granted based off of population, the license may be relinquished if action is not taken to renew. Mr. Higgins stated that he feels it is in the best interest of the township to move forward with the license renewals.

A motion was offered by **Committeeman Higgins** and seconded by **Committeeman Cain** to adopt Resolution 2019-10-3 and Resolution 2019-10-4. Motion carried on a Roll Call Vote, as follows:

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

**RESOLUTION 2019-10-5  
RESOLUTION FOR THE RELEASE OF MAINTENANCE BOND  
TO TUSKARORA ENTERPRISES, LLC FOR THE  
WHITE PINE ROAD PHASE I IMPROVEMENT PROJECT (BLOCK 6.01, LOT 1.17)**

**WHEREAS**, Tuskarora Enterprises, LLC, posted a Maintenance Bond for On-Site Improvements for the White Pine Road Phase I Improvement Project (Block 6.01, Lot 1.17), established in the amount of \$6,660.00 on December 28, 2016; and

**WHEREAS**, Ellen T. Reside, has requested the release of the Maintenance Bond; and

**WHEREAS**, Remington & Vernick Engineers has recommended the release of said Maintenance Bond by way of communication dated September 4, 2019.

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

1. Agrees to release the Maintenance Bond to Ellen T. Reside in the amount of \$6,660.00
2. Authorizes the Land Use Coordinator to forward a certified copy of this Resolution to Ellen T. Reside.
3. Authorizes and directs the Land Use Coordinator to forward the Maintenance Bond to Ellen T. Reside.

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

**Deputy Mayor Magee** inquired if the Township Engineer was in agreement with the release of the above maintenance bond. **Township Engineer Johnson** confirmed.

A motion was offered by **Deputy Mayor Magee** and seconded by **Committeeman Cain** to adopt Resolution 2019-10-5. Motion carried on a Roll Call Vote, as follows:

**AYE: MAGEE, CAIN, DIGIUSEPPE, HIGGINS, GABLE**

**NAY: ABSTAIN: ABSENT:**

**BILL LIST – Regular and Escrow**

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

**AYE: MAGEE, DIGIUSEPPE, HIGGINS, CAIN, GABLE**

**NAY: ABSENT:**

**ABSTAIN: GABLE (9592, 9593) HIGGINS (9614) MAGEE (9614)**

**MINUTES – Regular Session September 18, 2019**

A motion was offered by **Deputy Mayor Magee** and seconded by **Committeewoman DiGiuseppe** to approve the minutes of September 18, 2019. Motion carried.

**DISCUSSION**

**A. Arlington Avenue Parking during Recreation Events: Township Administrator Fitzpatrick** stated that the township is looking to expand upon the parking around Arlington Ave for sports events. Currently, there are four no parking signs along the roadway. Mr. Fitzpatrick would like the signs to be changed to read “no parking except during athletic events.” **Deputy Mayor Magee** inquired if this was approved by the Chief of Police. Mr. Fitzpatrick confirmed. **Committeeman Higgins** recommended that bags simply be placed over the “no parking” signs during sports seasons. **Township Administrator Fitzpatrick** stated that covering said signs with bags would lead residents to believe that parking can take place even if there is not a sports game. **Mayor Gable** stated that the “no parking except for athletic events” signs should be installed.

**B. Township Administrator Fitzpatrick** stated that the staff would like to move forward with the receipt of bids for the replacement of the boiler in April 2020. **Committeeman Cain** inquired if this would be a total replacement of boiler, and how it will fit with the building. Mr. Fitzpatrick stated that the bid will be for the total replacement of the boiler, and it is estimated that the cost for the equipment will be approximately \$110,000. **Mayor Gable** commented that the boiler is the last of the critical infrastructure in the Municipal Building that needs to be fixed, and that the funding can be provided through a bond ordinance designated specifically for the updates to the building. Mr. Gable stated his agreement in moving forward with the bid. **Committeeman Cain** stated that a comprehensive plan for the building needs to be formulated, as things constantly need to be replaced/updated and a significant amount of money is being spent to accomplish same. Additionally, Mr. Cain recommended that an engineer or architect be hired to determine a list of things that need to be addressed and provide an approximate cost of those items. **Township Administrator Fitzpatrick** noted that the township needs to determine what it would like to do with the building before hiring professionals. Once the boiler is completed, the township can move forward in planning for the future of the building, including the second floor. **Mayor Gable** stated that once PILOT funds are received, ideas for the second floor can then be entertained. The boiler is needed for the sections of the facility that are currently in use. **Committeeman Cain** inquired if the boiler replacement will benefit the entire building, or just the portions currently being utilized. **Township Administrator Fitzpatrick** responded that the boiler replacement will handle the entire building. Slight discussion ensued on the potential rental of the second floor office space, the limit for market rate tenants, and the parking issues that will need to be addressed. **Committeeman Higgins** stated that he believed an alternate option was previously considered for the boiler rather than a total replacement. **Township Administrator Fitzpatrick** noted that if the Committee would prefer to repair the boiler solely for function of the first floor, rather than the entire building, the staff needs to be directed so the proper information can be gathered. **Mayor Gable** expressed that he would prefer to move forward in replacing the entire boiler in preparation of any future plans the township may have for the second floor. **Committeewoman DiGiuseppe** stated that she agrees with Mr. Higgins that more information is necessary, especially since it may not be easy to find

renters for the second floor when available. **Committeeman Cain** noted that replacing the boiler in two separate phases will prove more costly than replacing the entire boiler at once. **Township Administrator Fitzpatrick** is to gather further information on the same.

**C. Farmland Preservation: Municipal Clerk Semus** stated that on an annual basis, the County requests funds for farmland preservation. Generally, every year a letter is sent from the township stating that though they support farmland preservation, the township does not have the funds to support its municipal share. Mrs. Semus inquired if a letter can be sent reflecting same. **Township Solicitor Gillespie** stated that this matter should be tabled to the next meeting, as this may impact what was discussed in Executive Session.

**D. Court Space for Support Services: Municipal Clerk Semus** stated that the township received a letter from the administrative offices of the Court requesting that tables be placed in the foyer of Suite 2 for information to be given to the public during court days. However, space in that area is limited, and setting up tables may not prove feasible. Township Committee agreed that the requested tables could not be accommodated.

**E. Facilities Use Permit – Franklin Fire Company Woman’s Auxiliary Dance – November 2, 2019 – 6:00PM to 11:00PM:** A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor Magee** to approve the listed facilities use permit. Motion carried on a Roll Call Vote, as follows:

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

**F. Abandoned Property – New York Avenue: Township Administrator Fitzpatrick** explained that there is a certain vacant property on New York Avenue that the Property Maintenance Officer has issued court summonses for violations, but the owner is an out of state bank that is consequently ignoring same. Accordingly, Mr. Fitzpatrick inquired if the Committee would like to move forward in having a lien placed on the property so the violations can be abated and the property made presentable, but the township will receive back the expenditures for same at the sale of the property. Discussed ensued. **Township Solicitor Gillespie** added that the township can also petition the court to sell the property if a buyer is not found and explained the process of same. However, he needs more information on the court summonses in the file for a proper recommendation to be made on how to move forward. Colleen Herbert, title company owner, stated that there is a buyer that is interested in purchasing both sides of the duplex, but the title search has been difficult and she has been working with the attorney who filed the foreclosure. The taxes on the property are current. **Township Solicitor Gillespie** inquired if there was a judgment in foreclosure on the property. Ms. Herbert confirmed, and stated that she will send all her available information to Mr. Gillespie so a determination can be made on how to proceed with the property.

**G. Hours of Operation – Tax Assessment Office: Township Administrator Fitzpatrick** stated that currently, the Tax Assessor’s hours are Monday and Wednesday nights, and that no one is available for public questions during regular business hours. Mr. Fitzpatrick suggested that perhaps a part-time individual should be hired to work normal businesses hours to answer phones, assist walk-in residents, etc. Discussion ensued. **Mayor Gable** stated that the availability of the Assessor to work daytime hours should be determined before moving forward with a decision on how to proceed.

**H. EMS: Township Solicitor Gillespie**, reflecting on comments made at the prior meeting regarding EMS services, stated that such service does not fall under the “extraordinary unspecifiable services” of the local public contract law. The law specifically states that EMS service should be procured by way of competitive contracting. Additionally, in response to concerns about why the service needs to be bid, Mr. Gillespie stated that the law requires this process to be followed. **Mayor Gable** stated that the public has expressed support for the current EMS provider, and since the previous meeting, he has researched ideas for consideration that could be alternates to the RFP process while still abiding by the law. Currently, the township funds the current provider approximately \$200,000 by way of a contract that cannot be renewed. By law, however, the township has the ability to fund the squad \$70,000, and can consider an additional \$35,000 if necessary for the operation of the organization. By ordinance, the township has the ability to hire an EMS Chief and a Medical Director, which would be cost savings for the Mansfield

Township Ambulance Corp. Mr. Gable stated that the township could also cover the cost of utilities. Accordingly, this cost totals approximately \$175,000. If the current vendor starts to charge for lift assist and a higher charge for transport, the remainder of the income can offset the \$200,000 that they've been provided by the contract with the township. With all this in mind, it may be possible to keep the same EMS provider without the RFP process as requested by the public while abiding by the law.

**Committeewoman DiGiuseppe** stated that she believes that option was discussed prior with the retired CFO, but the Committee decided not to move forward with same as it involved a lot of accounting. However, she expressed that she is in favor for whatever needs to be done.

**Mayor Gable** stated that if the township hires the EMS Chief as an employee of the township, he would be responsible for providing thorough accounting to the township. **Committeewoman DiGiuseppe** stated that the Township Solicitor should review said ordinances to ensure that this is accurate. **Mayor Gable** stated that Mr. Gillespie should review the suggestion as a whole to ensure that this kind of funding is in compliance with the law.

**Township Solicitor Gillespie** stated that there are many towns that do as the Mayor suggested. The law allows the contribution of \$70,000 plus an extra \$35,000, and can appropriate other funds as deemed necessary for the purchase of emergency vehicles, equipment, supplies, and other materials for use by the organization provided that the funds are controlled and disbursed by the municipality. The township already owns the building and the ambulances. Regarding the ordinances, it appears that in the past, the township attempted to craft a solution that called for the option the Mayor described, but the positions were never appointed or funded. In the event that this option is not feasible for either the township or the current EMS provider, the RFPs should still be collected. Mr. Gillespie recommended that the deadline for the receipt of proposals be extended to explore this other option, as it would not be right to receive proposals and then make a decision about the Mayor's suggestion. Accordingly, Mr. Gillespie requested that Committee make a motion to run the parallel paths of pursuing the RFPs while exploring this second option.

**Deputy Mayor Magee** stated that he agrees with running the parallel paths, but does not want the issue dragged on further than what is necessary. **Committeeman Higgins** stated that if people believe the current service is valuable, then they should make donations to the organization just as he does. Mr. Higgins expressed that if people donated, then perhaps the money wouldn't be an issue.

A motion was offered by **Deputy Mayor Magee** and seconded by **Committeewoman DiGiuseppe** to run said parallel path and pursue the receipt of RFPs for EMS services while exploring the option of funding the current provider through the means articulated in N.J.S.A 40:5-2. Motion carried on a Roll Call Vote, as follows:

**AYE: MAGEE, DIGIUSEPPE, CAIN, HIGGINS, GABLE**

**NAY: ABSTAIN: ABSENT:**

**Township Administrator Fitzpatrick** inquired as to the next step that needs to be taken to accomplish what was set forth in the above motion. **Township Solicitor Gillespie** stated that the Township Committee should, at this point in time, address the policy questions that have been brought forth by prospective bidders so a second addendum to the RFP can be issued, and that in the meantime the Administrator and the CFO should determine if the second option is something that the township can provide for and if it's something that the current provider would be financially comfortable with. If the latter appears feasible, the Township Committee will need to decide whether they are to move forward with the RFPs, or the funding of the current EMS provider by way of N.J.S.A 40:5-2.

Township Committee moved forward with discussions on the aforementioned policy questions.

**Township Administrator Fitzpatrick** inquired as to which party would be responsible for providing fuel for the emergency medical vehicles. **CFO Grouser** stated that currently, the township provides the fuel as specified within the current contract.

A motion was offered by **Committeeman Cain** and seconded by **Mayor Gable** that fuel for the emergency medical vehicles should continue to be provided by the township. Motion carried on a Roll Call Vote, as follows:

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

**Township Administrator Fitzpatrick** inquired about which party would be responsible for vehicle maintenance and repairs. Currently, there is \$10,000 appropriated in a separate account that the current provider spends from if needed. **Committeeman Higgins** noted that if more funds are required, it is pulled from the municipal budget. Mr. Fitzpatrick further stated that the current provider does have individuals that do oil changes and carry out basic repairs. The larger repairs are what is charged to the account. At the moment, there is approximately \$3,000 left for the remainder of the year. **Committeeman Cain** questioned if \$10,000 was enough, and that the Committee needs to clarify what repairs it will cover and what repairs will be the responsibility of the vendor. Mr. Cain stated that if we own the equipment, it should be the responsibility of the township to maintain it. **Committeewoman DiGiuseppe** stated that if the township maintains the vehicles, the township should be provided with a thorough accounting of what has been done on the vehicles. **Committeeman Higgins** stated that he agrees with providing for the repairs, but not the maintenance, and that he feels this appropriation has been abused over the years.

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor Magee** that the vehicle maintenance and repairs should be provided by the township up to \$10,000. Motion carried on a Roll Call Vote, as follows:

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

**Township Administrator Fitzpatrick** inquired as to which party would be responsible for building maintenance and repairs. The township owns the building, but both Jef Jones, Superintendent of DPW, and the current EMS provider contribute to the maintenance. **Committeeman Cain** stated that since we own the building, we should maintain it. **Committeeman Higgins** stated that he believes the township should be responsible for normal repairs to the building, but not the maintenance (toilet paper, etc.). **Committeewoman DiGiuseppe** stated that she would like a thorough accounting of the repairs that are made to the building.

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor Magee** that the township be responsible for the maintenance and repairs of the building. Motion carried on a Roll Call Vote, as follows:

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

**Township Administrator Fitzpatrick** inquired as to which party will be responsible for covering the costs of utilities, which includes water, sewer, electric, and gas. **Committeeman Cain** stated that he believes the township should be responsible for those specified utilities, but not for internet or telephone service.

A motion was offered by **Committeeman Cain** and seconded by **Mayor Gable** that the township be responsible for covering the costs of water, sewer, electric, and gas. Motion was defeated on a Roll Call Vote, as follows:

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

A motion was offered by **Deputy Mayor Magee** and seconded by **Committeewoman DiGiuseppe** that the vendor should be responsible to cover the costs of all utilities. Motion carried on a Roll Call Vote, as follows:

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

**Township Administrator Fitzpatrick** stated that the building is currently insured by JIF, and will be regardless of the vendor that utilizes it. Mr. Fitzpatrick inquired if the Committee would like to keep the building insured under JIF.

A motion was offered by **Committeeman Higgins** and seconded by **Deputy Mayor Magee** to maintain JIF insurance on the building. Motion carried on a Roll Call Vote, as follows:

**AYE: HIGGINS, MAGEE, CAIN, DIGIUSEPPE, GABLE**

**NAY: ABSTAIN: ABSENT:**

Finally, **Township Administrator Fitzpatrick** inquired about how much the Committee would like to appropriate for EMS services in the 2020 budget. **Township Solicitor Gillespie** stated that said question is premature given the parallel path discussion.

### **PUBLIC COMMENT**

Rudy Ocello, 7 Everett Drive, commented that it will be cheaper to replace the boiler in its entirety.

Colleen Herbert, 2 Millennium Dive, questioned if the Mansfield Township Ambulance Corp services other municipalities and if the organization is also paid by the other municipalities as well. **Mayor Gable** confirmed same. Ms. Herbert questioned how the cost of fueling will work if other municipalities will be serviced, as she wants to ensure that other municipalities will be contributing to the cost of fuel if applicable. **Mayor Gable** stated that the township will provide fuel for the municipally owned ambulances, however there is a County wide municipal aid agreement in which emergency service squads respond to other municipalities if necessary. **Committeewoman DiGiuseppe** stated that the RFP is strictly for Mansfield. Ms. Herbert questioned if MTAC has other sources of income. **Mayor Gable** confirmed that Mansfield is not its only source of income, nor is it its biggest source. Ms. Herbert stated that even though Committee would like to appease the public by keeping MTAC as the EMS provider, it is important that they still make practical decisions. Ms. Herbert also stated that the Committee should ensure consistency with other organizations, as the Recreation Committee pays for repairs to the municipally owned building they utilize.

Carl Schwartz, 40 Fitzgerald Lane, questioned the cost of the boiler. **Township Administrator Fitzpatrick** stated that the equipment itself will be approximately \$110,000, and that the township must go out to bid for the installation service. Mr. Schwartz then questioned if the township will continue to insure EMS vehicles, and which party would be responsible for an accident if someone is injured. **Mayor Gable** stated that since the township owns the vehicles, the township should be insuring them. Additionally, when it comes to potential accidents and injury, both the township and the successful bidder will be insured. Mr. Schwartz stated that the township should formulate a five year projection on costs of repairs to the Municipal Building, as well as any major equipment that needs to be purchased.

Tom Flanagan, 50 Barbary Lane, stated that the Committee would make the public happy if they could find a way to retain MTAC as the EMS provider. Additionally, at the conclusion of the previous meeting, it was made known to him that there are issues with the Fire Company in that there are not enough staff or volunteers to ensure that fire trucks are dispatched when needed, especially during day time hours. Mr. Flanagan noted that there are some members of the EMS squad that are also certified firefighters, and suggested that those individuals be made township employees. Mr. Flanagan explained how he thinks this suggestion could fix both the fire and EMS issues with the township at a lower cost. Mr. Flanagan stressed that response time is important, and offered his help in implementing said plan. **Committeeman Higgins** stated that such a plan has been considered in the past, but there is no funding available to bring same to fruition, which is why he accepted the Margolis Warehouse Project as it would bring ratables into the township. **Committeewoman DiGiuseppe** stated that she appreciates the info Mr. Flanagan presented tonight, and that prior consideration of hiring staff for the purposes Mr. Flanagan described was never made a reality. Slight discussion continued.

Jamie Devereaux, 1 Jasper Drive, thanked the Committee for Georgetown Park. Regarding the parking on Arlington Ave for sports events, Mr. Devereaux suggested that perhaps the parking lot at the park be expanded into the unused field behind it. **Committeeman Higgins** stated that the same would not only cost money that's not available, but it will not be completed by the time the

sports season begins. **Mayor Gable** stated that the township is aware that there is limited parking, and that parking on Arlington Ave is a temporary solution. Mr. Devereaux inquired if Committee will consider seeking grant funds for the parking lot expansion. **Mayor Gable** stated that the Committee attempts to try and maintain and improve all park systems within the township, and as other grants become available, the funds will be utilized the best they can in conjunction with the needs of the Recreation Committee. Mr. Devereaux stated that he is concerned with safety issues with parking on Arlington Ave. **Mayor Gable** noted that the Chief of Police already inspected the area to ensure its safety. On a separate topic, Mr. Devereaux stated that potholes are an issue throughout the township, and that the DPW is doing what they can to patch them, but the fixes are not lasting. **Mayor Gable** asked that Mr. Devereaux provide a list to the township of the locations of said potholes. Finally, Mr. Devereaux stated that the fire company and EMS squad should be combined together for the benefit of the township. **Mayor Gable** stated that it's something to consider, but the funds aren't available for salary and benefits.

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

**MAYOR/COMMITTEE COMMENTS**

Township Committee thanked the public for their input and for attending tonight's meeting.

**ADJOURNMENT**

A motion was offered by **Deputy Mayor Magee** and seconded by **Committeeman Cain** to adjourn the meeting. Motion carried. The meeting adjourned at 9:16PM.

**PREPARED BY:**

**RESPECTFULLY SUBMITTED BY:**

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**Caitlin Midgette, Deputy Clerk**

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**Linda Semus, Municipal Clerk**

**APPROVED: OCTOBER 16, 2019**