

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY
MEETING MINUTES
SEPTEMBER 18, 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, Committeeman Robert Higgins, Committeeman Frederick Cain, Committeewoman Janice DiGiuseppe, Township Administrator Michael Fitzpatrick, Township Engineer Doug Johnson, Township Solicitor Linda Galella, Chief Financial Officer Bonnie Grouser, Deputy Clerk Caitlin Midgett, and Municipal Clerk Linda Semus.**

Mayor Gable called the meeting to order at 7:01PM, 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.”

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

ENGINEER’S REPORT

Township Engineer Johnson summarized the Engineer’s Report as follows: the resurfacing of Mt. Pleasant Road is anticipated to begin this coming Friday, and the School District has been notified for the purpose of school bus coordination; the water main extension from Mill Lane under the turnpike overpass has begun for the Margolis Warehouse Project, and the sewer main extension will take place this coming fall or winter; and the Homestead Plaza is working on expanding the parking lot and said project should be completed in the coming weeks.

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

PRESENTATION/ACTION: Robert P. Nehila Jr. of Bowman & Co., LLP

Robert Nehila Jr., Township Auditor, reviewed the 2018 Audit and noted that there were two points of concern that will require a corrective action plan. First, when it was requested that the township provide a list of fixed assets, only a list of vehicles and equipment could be produced. No list of land and buildings could be provided. Accordingly, a list was formulated, but there needed to be an adjustment of approximately \$4.7 million. Secondly, there was an over-expenditure of budget appropriations, which includes two grants that totaled \$22,000. The first grant was a mischarge, and with the second grant, the money was expended, but a Chapter 159 was not adopted into the budget. Mr. Nehila noted that these two issues will be examined at next year’s audit to ensure that the same has been corrected. **Committeeman Higgins** inquired about Resolution 2019-9-13 as it relates to the audit. **CFO Grouser** replied that said resolution is on the agenda at the recommendation of the Township Auditor. **Committeeman Higgins** further noted that said resolution will establish a procedure of reporting assets \$5,000 and above. **Township Administrator Fitzpatrick** stated that moving forward, the fix asset book will be reevaluated every five years instead of two.

RESOLUTION 2019-9-6

RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE GOVERNING BODY OF MANSFIELD TOWNSHIP, BURLINGTON COUNTY, HAVE REVIEWED, AS A MINIMUM, THE SECTIONS OF THE 2018 ANNUAL AUDIT ENTITLED “GENERAL COMMENTS AND RECOMMENDATIONS”

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Township Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the annual audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52-27BB-52 - "A local officer or member of a local governing body, who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provision of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

A motion was offered by **Committeeman Higgins** and seconded by **Committeewoman DiGiuseppe** to adopt Resolution 2019-9-6. Motion carried on a Roll Call Vote, as follows:

AYE: HIGGINS, DIGIUSEPPE, HIGGINS, MAGEE, GABLE

NAY: ABSTAIN: ABSENT:

**RESOLUTION 2019-9-7
RESOLUTION OF THE TOWNSHIP OF MANSFIELD, COUNTY OF
BURLINGTON, STATE OF NEW JERSEY, APPROVING A
CORRECTIVE ACTION PLAN FOR THE 2018 AUDIT**

WHEREAS, the Township of Mansfield, County of Burlington, State of New Jersey received its 2018 Audit, dated August ,2019, and submitted to the Township for review on September 5, 2019; and

WHEREAS, the Township will implement the 2018 Corrective Action Plan for the findings therein as follows:

**CORRECTIVE ACTION PLAN - 2018 AUDIT
TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY**

Recommendation Number 2018-001 - During the audit it was noted that the Township did not properly maintain a fixed asset accounting system in accordance with NJAC 5:30-5.6. The Township was not able to produce a detailed listing for its land and buildings, which at December 31, 2017 totaled \$18,053,315.00. In addition, prior year additions for equipment and vehicles did not agree to subsidiary records. A revised listing resulted in a prior period restatement of \$4,727,642.95.

Corrective Action: The Township properly maintain fixed asset accounting records within NJAC 5:30-5.6. A Resolution will be adopted authorizing an Asset Management Plan, and further authorizing that an inventory to be completed every 5 years, with a \$5,000.00 inventory threshold.

Recommendation Number 2018-002 – During the audit it was noted that the Township’s Current Fund Statement of Expenditures and Appropriation Reserves reflects over-expenditures, at year end, for the following items: Four (4) current fund budget appropriation line items totaling \$687.74; five (5) current fund appropriation reserve line items totaling \$15,803.00; Two (2) federal and state grand fund appropriated grant reserves totaling \$22,798.21

Corrective Action: The Township implements proper controls to ensure that budget appropriations are not over expended.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Mansfield, implement the Corrective Action Plan as outlined above by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that the Township Clerk of the Township of Mansfield, be directed to forward certified copies of this resolution to the New Jersey Division of Local Government Affairs, in compliance with State statute.

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

AYE: HIGGINS, DIGIUSEPPE, HIGGINS, MAGEE, GABLE

NAY: ABSTAIN: ABSENT:

ORDINANCE – SECOND READING

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

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

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

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

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

ARTICLE I. NEW CHAPTER

Chapter 25B “Housing Standards”

§25B-1 Designation of enforcement officers

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

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

§25B-2 Adoption of Standards

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

§25B-3 Inspections; right of entry

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

§25B-4 Notice of Violation

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

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

§25B-5 Hearing

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

- a. The repair, alteration or improvement of the said building be made by the owner within a reasonable time, which time shall be set forth in the order, or, at the option of the owner, to vacate or have the building vacated and closed within the time set forth in the order.
- b. If the building is in such a condition as to make it dangerous to the health and safety of persons on or

- near the premises, and the owner fails to repair, alter or improve the said building within the time specified in the order, then the owner shall be required to remove or demolish the said building within a reasonable time as specified in the said order of removal.
- c. If the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the public officer may cause to be posted on the main entrance of any building so closed a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."
 - d. If the owner fails to comply with an order to remove or demolish the building, the public officer may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement for and receipt of bids therefor.⁵
 - e. The amount of
 - i. The cost of filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the course of any proceeding taken under this chapter determined in favor of the municipality; and
 - ii. Such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished by the public officer, he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof, including the cost of clearing and, if necessary, leveling of the site, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the Municipal Tax Assessor or other custodian of the records of tax liens, and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceed such costs, the balance remaining shall be deposited in the Superior Court by the public officer, shall be secured in such manner as may be directed by such Court and shall be disbursed according to the order or judgment of such Court. Any owner or party in interest may, within 30 days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate.
 - f. If any actual and immediate danger to life is imposed by the threatened collapse of any fire-damaged or structurally unsafe building, the public officer may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof.
 - g. Nothing in this section shall be construed to impair or limit in any way the power of the Township to define and declare nuisances to cause their removal or abatement, by summary proceedings or otherwise, nor is anything in this chapter intended to limit the authority of the Construction Code Official under the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) or any rules or regulations adopted thereunder.

§25B-6 Service

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

§25B-7 Powers of Public Officer

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

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

§25B-8 Conflict of powers

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

§25B-9 Costs

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

§25B-10 Violations

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

ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

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

Mayor Gable opened the floor to public hearing on Ordinance 2019-16. 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 2019-16. Motion carried on a Roll Call Vote, as follows:

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

RESOLUTIONS

**RESOLUTION NO. 2019-9-8
RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT OF SALE
AND EXECUTION OF CLOSING DOCUMENTS FOR PROPERTY KNOWN
AS 24510 E. MAIN STREET AND 24512 E. MAIN STREET**

WHEREAS, by Ordinance 2019-14, the Township Committee of the Township of Mansfield authorized the sale to adjoining property owners of certain Properties owned by the municipality no longer needed for public use, said properties known as Block 28, Lot 2 and Block 28, Lot 3 situated at 24510 E. Main Street and 24512 E. Main Street respectively, (the “Properties”); and

WHEREAS, CGSD, LLC T/A Columbus General Store, 266 Atlantic Ave, P.O Box 62, Columbus, NJ 08022, has offered the Purchase Price of Three Thousand Dollars (\$3,000) for Block 28, Lot 2 and a Purchase Price of Eleven Thousand Three Hundred Dollars (\$11,300) for Block 28, Lot 3; and

WHEREAS, the Township Solicitor has prepared an Agreement of Sale which calls for the Properties to “close” on or before November 13, 2019; and

WHEREAS, the Township Committee desires to ensure the receipt of the proceeds from this sale by no later than November 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 Properties to CGSD, LLC T/A Columbus General Store 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 CGSD, LLC T/A Columbus General Store in the amount of Three Thousand Dollars (\$3,000) for Block 28, Lot 2.
2. The Township Committee hereby accepts the bid by CGSD, LLC T/A Columbus General Store in the amount of Eleven Thousand Three Hundred Dollars (\$11,300) for Block 28, Lot 3.
3. The Mayor and Township Clerk are hereby authorized and directed to execute the attached Agreement of Sale for the properties known as Block 28, Lot 2 and Block 28, Lot 3 situated at 24510 E. Main Street and 24512 E. Main Street respectively, 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 the above mentioned amounts as an “AS IS, WHERE IS” fashion.
4. The Mayor, Township Clerk, Township Administrator, Chief Financial Officer, Township Solicitor, and such other officials as may be necessary are hereby authorized to execute such closing documents as may be required to complete this transaction, including the deed, title company documents, closing statement, and other such necessary documents.

Mayor Gable explained that the purpose of the above resolution is to sell two pieces of municipally owned property behind the General Store. The purchase price is \$3,000 for the smaller lot, and \$11,300 for the larger lot.

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Higgins** to adopt Resolution 2019-9-8. Motion carried on a Roll Call Vote, as follows:

AYE: CAIN, HIGGINS, DIGIUSEPPE, MAGEE, GABLE

NAY: ABSTAIN: ABSENT:

**RESOLUTION NO. 2019-9-9
RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT OF SALE FOR
PROPERTY KNOWN AS 153 PUBLIC ROAD**

WHEREAS, by Ordinance 2019-15, the Township Committee of the Township of Mansfield authorized the sale of property to adjoining property owners of certain Property owned by the municipality and no longer needed for public use, which property is known as Block 24, Lot 37.01 situated at 153 Public Road, (the "Property"); and

WHEREAS, the only bidder, Hugo Sim, 51 Georgetown Road, Wrightstown, NJ 08562, has offered the required Purchase Price of Fifty Thousand Dollars (\$50,000.00); and

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

WHEREAS, the Township Committee desires to ensure the receipt of the proceeds from this sale by no later than November 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 Hugo Sim 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 Hugo Sim in the amount of Fifty Thousand Dollars (\$50,000.00); and
2. The Mayor and Township Clerk are hereby authorized and directed to execute the attached Agreement of Sale for the Property at 153 Public Road, Mansfield, NJ, known as Block 24, Lot 37.01, 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 Fifty Thousand Dollars (\$50,000.00), as an "AS IS, WHERE IS" fashion.
3. The Mayor, Township Clerk, Township Administrator, Chief Financial Officer, Township Solicitor, and such other officials as may be necessary are hereby authorized to execute such closing documents as may be required to complete this transaction, including the deed, title company documents, closing statement, and other such necessary documents.

Mayor Gable explained that the purpose of the above resolution is to offer for sale a piece of municipally owned property to an adjoining property owner at the purchase price of \$50,000.

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

AYE: DIGIUSEPPE, CAIN, HIGGINS, MAGEE, GABLE

NAY: ABSTAIN: ABSENT:

**RESOLUTION 2019-9-10
RESOLUTION INCREASING THE HOURLY RATE OF THE ASSISTANT SUPERVISOR FOR THE
DEPARTMENT OF PUBLIC WORKS, FRANK PARKERSON,
FROM \$23.50 PER HOUR TO \$25.00 PER HOUR**

WHEREAS, Frank Parkerson has been employed with the Township of Mansfield since the year 2001 and currently serves as the Assistant Supervisor for the Department of Public Works; and

WHEREAS, by way of correspondence, Jeffrey Jones, Public Works Supervisor, has recommended that Mr. Parkerson be granted a raise for his outstanding work ethic and years of dedication to the township; and

WHEREAS, it is the desire of the Township Committee of the Township of Mansfield to act upon said recommendation and grant a raise to Frank Parkerson.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mansfield, hereby grants a pay increase from \$23.50 per hour to \$25.00 per hour, to Frank Parkerson, effective September 18, 2019.

A motion was offered by **Committeeman Higgins** and seconded by **Deputy Mayor Magee** to adopt Resolution 2019-9-10. Motion carried on a Roll Call Vote, as follows:

AYE: HIGGINS, MAGEE, DIGIUSEPPE, CAIN

NAY: ABSTAIN: GABLE ABSENT:

RESOLUTION 2019-9-11
A RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE
2019 BUDGET PURSUANT TO NJSA 40A:4-87 (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 18th day of September, 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 \$ 18,683.74 which items are now available as additional revenue for Mansfield Township.

SECTION 2

BE IT FURTHER RESOLVED that a like sum total of \$18,683.74 be and the same are hereby appropriated under the caption of:

Section 1 (a)

Clean Communities

CFO Grouser stated that the above resolution pertains to a special item of revenue that should have been incorporated into the budget last year, which was referred to by the Township Auditor prior in the meeting. Accordingly, it's on the agenda tonight to rectify the oversight.

A motion was offered by **Committeeman Higgins** and seconded by **Deputy Mayor Magee** to adopt Resolution 2019-9-11. Motion carried on a Roll Call Vote, as follows:

AYE: HIGGINS, MAGEE, DIGIUSEPPE, CAIN, GABLE

NAY: ABSTAIN: ABSENT:

RESOLUTION 2019-9-12
RESOLUTION TO AMEND RESOLUTION 2019-1-6, "APPOINTMENT OF MUNICIPAL
POSITIONS/BOARDS/EMPLOYEES"

BE IT HEREBY RESOLVED that the following individuals were recommended by the Mansfield Township Committee as members to various boards and committees for the year 2019; and

WHEREAS, Resolution 2019-1-6, which was adopted by the Mansfield Township Committee at their Reorganization Meeting of January 3, 2019, be and is hereby amended as follows:

Mansfield Township Planning Board:

Class IV Member: Rudy Ocello.....filling unexpired term.....term expires 12/31/20

Alternate #1: Dalpat Patel.....filling unexpired term.....term expires 12/31/19

Alternate #2: Colleen Herbert.....filling unexpired term.....term expires 12/31/20

Mayor Gable explained that there was a resignation on the Planning Board, rendering a vacancy. The above resolution promotes Alternate #1 to Class IV, Alternative #2 to Alternate #1, and appoints a new Alternate #2.

A motion was offered by **Committeeman Cain** and seconded by **Committeeman Higgins** to adopt Resolution 2019-9-12. Motion carried.

RESOLUTION 2019-9-13
RESOLUTION AUTHORIZING A FIXED ASSET MANAGEMENT PLAN OF THE TOWNSHIP OF
MANSFIELD IN THE COUNTY OF BURLINGTON, NEW JERSEY

I. STATEMENT OF PURPOSE.

This Fixed Asset Management Plan (the "Asset Inventory") is prepared pursuant to the provisions of NJAC 5:30-5.6 in order to provide a detailed listing of Township owned land, buildings, equipment and vehicles. The Plan is intended to assure that all public assets are identified and inventoried to assist in every annual auditing process.

II. TERM OF PLAN.

The fix asset management plan shall be re-evaluated every 5 years and shall include property assets which value exceeds the threshold of \$5,000.00. The Plan may be amended from time to time.

A motion was offered by **Committeeman Higgins** and seconded by **Committeewoman DiGiuseppe** to adopt Resolution 2019-9-13. Motion carried on a Roll Call Vote, as follows:

AYE: HIGGINS, DIGIUSEPPE, CAIN, MAGEE, GABLE

NAY: ABSTAIN: ABSENT:

RESOLUTION 2019-9-14

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$5,621,000 OF GENERAL OBLIGATION BONDS, SERIES 2019, OF THE TOWNSHIP OF MANSFIELD; MAKING CERTAIN COVENANTS TO MAINTAIN THE EXEMPTION OF THE INTEREST ON SAID BONDS FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE BONDS

BACKGROUND

WHEREAS, pursuant to the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), the Township Committee of the Township of Mansfield, County of Burlington, New Jersey ("Township"), has, pursuant to bond ordinances 2007-02, 2008-08, 2011-06, 2012-06, 2012-11, 2013-7, 2013-10, 2014-11, 2015-04, 2016-10, 2017-07, 2018-03 and 2019-12, each duly and finally adopted and published in accordance with the requirements of the Local Bond Law (collectively, the "Bond Ordinances"), authorized the issuance of general obligation bonds or bond anticipation notes of the Township to finance the costs of certain capital improvements, as set forth in and authorized by the Bond Ordinances, all as more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, on October 29, 2018, the Township issued its general capital bond anticipation notes of 2018, Series A, in the principal amount of \$5,383,660 ("Prior Notes"), to temporarily finance a portion of the costs of the improvements authorized by bond ordinances 2007-02, 2008-08, 2011-06, 2012-06, 2012-11, 2013-7, 2013-10, 2014-11, 2015-04, 2016-10, 2017-07 and 2018-03 ("Prior Improvements"); and

WHEREAS, the Prior Notes mature on October 28, 2019; and

WHEREAS, the Township has not yet issued any obligations to finance the costs of certain improvements authorized by bond ordinance 2019-12 ("New Improvements"); and

WHEREAS, it is the desire of the Township to issue its general obligation bonds in the aggregate principal amount of up to \$5,621,000, as further described in Exhibit "A", the proceeds of which, together with other available funds, will be used to: (i) repay a portion of the principal of the Prior Notes at maturity; (ii) permanently finance the costs of the New Improvements for which obligations have been authorized, but not issued; and (iii) pay certain costs and expenses incidental to the issuance and delivery of the bonds (collectively, the "Project"); and

WHEREAS, pursuant to the Local Bond Law and the Bond Ordinances, it is the intent of the Township Committee hereby to authorize, approve and direct the issuance and sale of such bonds, to ratify and confirm certain actions heretofore taken by or on behalf of the Township, and to make certain related determinations and authorizations in connection with such issuance and sale.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, NEW JERSEY, PURSUANT TO THE LOCAL BOND LAW, AS FOLLOWS:

Section 1. Pursuant to the Local Bond Law and the Bond Ordinances, the issuance and sale of general obligation bonds of the Township, to be designated substantially "Township of Mansfield, County of Burlington, New Jersey, General Obligation Bonds, Series 2019" ("Bonds"), in an aggregate principal amount of up to \$5,621,000 for the Project, is hereby authorized and approved.

Section 2. The Bonds shall be dated their date of delivery and shall mature on October 15 in the years and amounts set forth below:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2020	\$171,000	2030	\$325,000
2021	175,000	2031	325,000
2022	200,000	2032	325,000
2023	200,000	2033	325,000
2024	325,000	2034	325,000
2025	325,000	2035	325,000
2026	325,000	2036	325,000
2027	325,000	2037	325,000
2028	325,000	2038	325,000
2029	325,000		

The term of the Bonds is equal to or less than the average period of usefulness of the Project being financed through the issuance of the Bonds. Interest on the Bonds shall be payable initially on April 15, 2020 and semiannually thereafter on October 15 and April 15 in each year until maturity or earlier redemption.

The Chief Financial Officer is hereby authorized to revise the principal amounts and/or interest payment dates set forth in the maturity schedules above in accordance with the Local Bond Law.

Section 3. The Bonds maturing on and after October 15, 2027 shall be subject to redemption prior to their stated maturity dates at the option of the Township, upon notice as set forth below, as a whole or in part (and, if in part, such maturities as the Township shall determine and within any such maturity by lot) on any date on and after October 15, 2026, at a redemption price equal to 100% of the principal amount of Bonds to be redeemed, plus accrued interest to the redemption date.

Notwithstanding the foregoing, the Chief Financial Officer of the Township is hereby authorized to determine whether the Bonds shall be subject to redemption and/or to revise the dates upon which the Bonds shall be subject to redemption, all in accordance with the Local Bond Law.

Section 4. Notice of redemption for the Bonds shall be given by mailing first class mail in a sealed envelope with postage pre-paid not less than thirty (30) days nor more than sixty (60) days prior to the redemption date to the owner of every Bond of which all or a portion is to be redeemed at his or her last address, if any, appearing on the registration books of the Township. So long as the Bonds are issued in book-entry-only form, all notices of redemption will be sent only to the Securities Depository (hereinafter defined) and not be sent to the beneficial owners of the Bonds. Failure of an owner of the Bonds to receive such notice or of the Securities Depository to advise any participant or any

failure of a participant to notify any beneficial owner of the Bonds shall not affect the validity of any proceedings for the redemption of Bonds. Such notice shall specify: (i) the series and maturity of the Bonds to be redeemed; (ii) the redemption date and the place or places where amounts that are due and payable upon such redemption will be payable; (iii) if less than all of the Bonds are to be redeemed, the letters and numbers or other distinguishing marks of the Bonds to be redeemed; (iv) in the case of a Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed; (v) that on the redemption date there shall become due and payable with respect to each Bond or portion thereof to be redeemed the redemption price; and (vi) that from and after the redemption date interest on such Bonds or portion thereof to be redeemed shall cease to accrue and be payable.

Section 5. The Bonds shall be general obligations of the Township. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the Bonds 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 6. The Bonds will be issued in fully registered book entry only form. One certificate shall be issued for the aggregate principal amount of Bonds maturing in each year. Both the principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository ("Securities Depository"). The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000, or integral multiples thereof, and in integral multiples of \$1,000 in excess thereof, or in such amount necessary to issue the principal amount of the Bonds, through book-entries made on the books and the records of DTC and its participants. The principal of and interest on the Bonds will be paid to DTC by the Township on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of DTC as listed on the records of DTC as of the first (1st) day of the month containing an interest payment date. The Bonds will be executed on behalf of the Township by the manual or facsimile signatures of the Mayor and Chief Financial Officer, attested by the Township Clerk or the Deputy Township Clerk, and shall bear the affixed, imprinted or reproduced seal of the Township thereon.

Section 7. The Township is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary in order to provide that the Bonds will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith.

Section 8. In the event that DTC may determine to discontinue providing its service with respect to the Bonds or is removed by the Township and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds in denominations of \$5,000, or any integral multiple thereof, and in integral multiples of \$1,000 above the minimum of \$5,000 or in such amount necessary to issue the principal amount of the Bonds ("Registered Bonds"). The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

Section 9. The preparation of a preliminary official statement ("Preliminary Official Statement") relating to the Bonds, and the distribution of said Preliminary Official Statement to prospective purchasers of the Bonds and others having an interest therein, are hereby authorized and directed. The Mayor, Administrator, Chief Financial Officer and Township Clerk are each hereby authorized to deem the Preliminary Official Statement "final", as contemplated by paragraph (b)(1) of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended ("Rule 15c2-12").

Section 10. The Chief Financial Officer is hereby authorized to solicit proposals for, and to engage the services of, one or more firms (collectively, the "Printer") to provide for the electronic and/or physical dissemination of the Preliminary Official Statement and Official Statement (hereinafter defined) and to provide electronic bidding services associated with the sale of the Bonds, all pursuant to and in accordance with the provisions of the Local Bond Law and the regulations promulgated thereunder. The Mayor, Administrator, Chief Financial Officer and Township Clerk are each hereby authorized to enter into agreement(s) with the Printer for the services to be provided.

Section 11. The Chief Financial Officer is hereby authorized to solicit proposals for, and engage the services of, a qualified institution to serve as paying agent ("Paying Agent") and/or Dissemination Agent ("Dissemination Agent") for the Bonds. The Mayor, Administrator, Chief Financial Officer and Township Clerk are each hereby authorized to execute and deliver an agreement with the Paying Agent and/or Dissemination Agent.

Section 12. Pursuant to the Local Bond Law, the Chief Financial Officer ("Sale Official") is hereby authorized to sell and award the Bonds at a public sale. The sale of the Bonds shall be in accordance with the provisions of the Local Bond Law and the advertised terms of such public sale. If necessary or desirable, the Sale Official is hereby authorized to postpone, from time to time, the date and time established for receipt of bids for the sale of the Bonds in accordance with the Local Bond Law. If any date fixed for receipt of bids and the sale of the Bonds is postponed, the Sale Official is hereby authorized to announce an alternative sale date at least forty-eight (48) hours prior to such alternative sale date. The Sale Official is hereby authorized and directed to cause a summary notice of sale and a notice of sale of the Bonds to be prepared and disseminated in accordance with the Local Bond Law. At the next meeting of the Township Committee after the sale and award of the Bonds, the Sale Official shall report, in writing, to the Township Committee the principal amount, the rate or rates of interest, the maturity dates, the dates upon which interest on the Bonds shall be paid, the price and the purchaser or purchasers of the Bonds.

Section 13. The utilization of i-Deal LLC, New York, New York, to provide electronic bidding services to the Township in connection with the competitive sale of the Bonds ("Bidding Agent") through the use of the Bidding Agent's BiDCOMP/PARITY auction system, pursuant to the Local Bond Law and the regulations promulgated thereunder, is hereby authorized, approved, ratified and confirmed.

Section 14. The preparation of a final official statement ("Official Statement") with respect to the Bonds is hereby authorized and directed. Within seven (7) business days of the sale of the Bonds and in sufficient time to accompany any confirmation that requests payment from a customer, the Township will deliver sufficient copies of the Official Statement to the purchaser of the Bonds in order for the same to comply with Paragraph (b)(4) of Rule 15c2-12. The Mayor, Administrator, Chief Financial Officer and Township Clerk are each hereby authorized to execute the Official Statement, and the distribution thereof to purchasers and others is hereby authorized and directed. The execution of the final Official Statement by the Mayor, Administrator, Chief Financial Officer and Township Clerk shall constitute

conclusive evidence of approval by the Township of the changes therein from the Preliminary Official Statement. The Mayor, Administrator, Chief Financial Officer and Township Clerk are each hereby authorized to approve any amendments of or supplements to the Official Statement.

Section 15. In order to assist the underwriters of the Bonds in complying with the secondary market disclosure requirements of Rule 15c2-12, the Mayor, Administrator, Chief Financial Officer and Township Clerk are each hereby authorized to execute on behalf of the Township before the issuance of the Bonds an agreement with the Dissemination Agent, providing for the preparation and filing of the necessary reports in accordance with Rule 15c2-12.

Section 16. The Township hereby covenants that it will not make any use of the proceeds of the Bonds or do or suffer any other action that would cause: (i) the Bonds to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code") and the Income Tax Regulations promulgated thereunder; (ii) the interest on the Bonds to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Bonds to be treated as an item of tax preference under Section 57(a)(5) of the Code.

Section 17. The Township hereby covenants as follows: (i) it shall timely file such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and (ii) it shall take no action that would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 18. To the extent not otherwise exempt, the Township hereby covenants that it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections 1.148-1 through 1.148-11, 1.149(b)-1, 1.149(d)-1, 1.149(g)-1, 1.150-1 and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Bonds.

Section 19. The Township hereby designates the Bonds as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b)(3) of the Code. For purposes of this designation, the Township hereby represents that it reasonably anticipates that the amount of tax-exempt obligations to be issued by the Township during the period from January 1, 2019 to December 31, 2019, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Bonds.

For purposes of this Section 19, the following obligations are not taken into account in determining the aggregate principal amount of tax-exempt obligations issued by the Township: (i) a private activity bond as defined in Section 141 of the Code (other than a qualified 501(c)(3) bond, as defined in Section 145 of the Code); and (ii) any obligation issued to refund any other tax-exempt obligation (other than to advance refund within the meaning of Section 149(d)(5) of the Code) as provided in Section 265(b)(3)(c) of the Code.

Section 20. The appointment of Phoenix Advisors, LLC ("Municipal Advisor"), to provide Municipal Advisory services for the Township in connection with the authorization, issuance, sale and delivery of the Bonds is hereby authorized, approved, ratified and confirmed. The Mayor, Administrator, Chief Financial Officer and Township Clerk are each hereby authorized and directed to enter into an agreement with the Municipal Advisor for the services to be provided.

Section 21. Application to S&P Global Ratings, acting through Standard & Poor's Financial Services LLC, and/or Moody's Investors Service for a rating of the Bonds, and the furnishing of certain information concerning the Township and the Bonds, for the purpose of qualifying the Bonds for municipal bond insurance, are hereby authorized, ratified, confirmed and approved.

Section 22. All actions heretofore taken and documents prepared or executed by or on behalf of the Township by the Mayor, Administrator, Chief Financial Officer, Township Clerk, other Township officials or by the Township's professional advisors, in connection with the issuance and sale of the Bonds are hereby ratified, confirmed, approved and adopted.

Section 23. The Mayor, Administrator, Chief Financial Officer and Township Clerk are each hereby authorized to determine all matters and execute all documents and instruments in connection with the Bonds not determined or otherwise directed to be executed by the Local Bond Law, the Bond Ordinances, or by this or any subsequent resolution, and the signatures of the Mayor, Administrator, Chief Financial Officer or Township Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 24. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 25. This resolution shall take effect immediately upon adoption this 18th day of September 2019.

Exhibit "A"

Ordinance Number	Purpose	Bonds or Notes Authorized	Notes Outstanding	Bonds to be Issued
2007-02	Acquisition of Farmland	\$619,000	\$41,766	\$41,766
2008-08	Various Capital Improvements	3,325,000	1,189,423	1,189,423
2011-06	Generator for MTFAS	52,250	44,778	44,778
2012-06	Refurbish EMS Vehicle	80,750	46,945	46,945
2012-11	Supplemental Funding for Municipal Building	1,710,000	1,592,749	1,592,749
2013-10	Acquisition of Police Vehicles	85,500	57,000	57,000
2013-7	Acquisition of Fire Apparatus	712,500	589,468	589,468
2014-11	Various Capital Improvements	427,500	400,251	400,251
2015-04	Additional Municipal Building Improvements	950,000	937,280	937,280
2016-10	Acquisition of Police Vehicles	95,000	90,000	90,000
2017-07	Various Capital Improvements	193,800	168,000	168,000
2018-03	Acquisition of EMT Vehicles	237,500	226,000	226,000
2019-12	Completion of Road Improvements; Acquisition of Equipment for Police Department	237,500	0	237,340
Total		\$10,401,300	\$5,383,660	\$5,621,000

CFO Grouser explained that the above resolution pertains to various ordinances dating back to 2007, in which money was borrowed from bond anticipation notes to fund same. As the interest rates are historically low, it was decided that the ordinances will be rolled over into a bond. The debt will be for 19 years, which is the average useful life of all bonds combined. **Committeeman Higgins** noted that this does not create new debt, it is simply taking the existing debt into a more permanent financial state. Additionally, as interest rates are decreasing, this is the appropriate time to refinance.

A motion was offered by **Committeeman Higgins** and seconded by **Deputy Mayor Magee** to adopt Resolution 2019-9-14. Motion carried on a Roll Call Vote, as follows:

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

RESOLUTION 2019-12-15
RESOLUTION OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING THE TOWNSHIP TO LEASE REAL PROPERTY IDENTIFIED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MANSFIELD AS BLOCK 41, LOT 2.01 FOR THE PERIOD OF OCTOBER 1, 2019 THROUGH DECEMBER 31, 2022

WHEREAS, the Township of Mansfield (“Township”) is the owner of a parcel of land located on the corner of Island Road and Mansfield Road East, officially identified on the Township tax map as Block 41, Lot 2.01 (the “Property”);

WHEREAS, the Township has no immediate use for the Property;

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:12-14, the Township, advertised the bid in accordance with the regulations promulgated there under, to lease the property for farming purposes; and

WHEREAS, the Township received a response to said bid solicitation, from Paul and Barbara Shinn, Proprietors of Toyland Farms, for \$65.00 per tillable acre times 146 acres a year in the amount of \$9,490 for a three year term totaling \$28,470; and

WHEREAS, the Township, concurrent with this Resolution, has prepared lease specifications offering to lease the property to Paul Shinn and Barbara Shinn, Proprietors of Toyland Farms, for farming purposes for the leased term of October 1, 2019 through December 31, 2022 for the sum of \$9,490.00 per leased year due on the 4th (fourth) day of January of that year of occupancy.

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

1. The Township of Mansfield hereby affirms authorization to enter into a leasehold agreement with a lessee for the express purpose of farming the Property.

2. The lease agreement between the Township and the perspective lessee shall be prepared in accordance with the lease specifications as proposed.

3. The Township Mayor and Clerk are hereby authorized to execute on behalf of the Township any and all documents necessary to effectuate the lease of said property for the period of October 1, 2019 through December 31, 2022.

4. Any other resolutions inconsistent herewith are repealed and rescinded to the extent of such inconsistency

Mayor Gable explained that the purpose of the above resolution is to authorize a lease agreement with Paul Shinn to farm municipally owned property of 146 acres for a term of three years at a rate of \$65 per acre annually.

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor Magee** to adopt Resolution 2019-12-15. Motion carried on a Roll Call Vote, as follows:

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

BILL LIST – Regular and Escrow

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

AYE: DIGIUSEPPE, CAIN, HIGGINS, MAGEE, GABLE
NAY: ABSENT:
ABSTAIN: GABLE (9563)

MINUTES – Regular Session September 5, 2019

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor Magee** to approve the minutes of September 5, 2019. Motion carried.

DISCUSSION

A. Arlington Ave Parking – Recreation Events: **Committeeman Higgins** stated that since fields at the Civic Club are being rested, sports games are being relocated to Georgetown Park. However, the area around Georgetown Park does not contain enough parking spaces and the parking provisions in the Township Code relating to Arlington Ave prohibit parking on said roadway. Accordingly, the Recreation Committee is requesting that parking be made permissible on Arlington Ave during sports games. **Deputy Mayor Magee** expressed his agreement and stated that the police department should be informed not to enforce parking regulations during events. **Committeeman Cain** expressed his concern that the roadway may be too curved to park safely. Additionally, **Municipal Clerk Semus** stated that the island in the middle of the street may make it difficult for vehicles to pass. **Deputy Mayor Magee** suggested that the Chief of Police identify a safe area within the vicinity to park. **Committeeman Higgins** recommended that parking take place only on the field side to avoid individuals having to walk across the street. Township Committee agreed to move forward in allowing parking on Arlington Ave only for recreation events.

B. Tower Gate: **Mayor Gable** stated that this item will not be discussed tonight.

C. EMS: **Committeewoman DiGiuseppe** expressed that she made an error at the previous meeting in voting for the resolution creating an evaluation committee for the EMS RFP (Resolution 2019-9-4). Mrs. DiGiuseppe further noted that the law governing competitive contracting and the corresponding administrative code states that if an evaluation committee is selected, the members on that committee are to remain undisclosed until an award recommendation is submitted to the governing body. Accordingly, she stated that though she cannot amend her vote, she wanted to make public that she disagrees with said resolution and with the way the RFP process was handled.

Township Administrator Fitzpatrick inquired as to whom he and **CFO Grouser** should refer to if questions arise during the RFP review process. **Mayor Gable** confirmed that they should contact the township's appointed legal counsel for any questions.

Committeeman Higgins stated that he does not understand the point system in the RFP, and expressed concern over how the CFO and Township Administrator can make a recommendation based on said methodology. Mr. Higgins inquired as to when the bids are due, as there may be further questions that should be addressed by John Gillespie, Esq. **Municipal Clerk Semus** stated that the bids are to be received by October 25, 2019. **Township Solicitor Galella** stated that Mr. Gillespie will be present at the following meeting of October 3, 2019 to answer any additional questions or concerns.

PUBLIC COMMENT

Bob Harrison, 696 Mansfield Road West, stated that the detour to get to Hedding Road due to the closure of Old York Road takes vehicles to Route 206. However, in that area, you cannot make a left onto Route 206 to get to Hedding Road. Mr. Harrison expressed concern that this could be a significant safety issue if an individual did not know a left turn cannot be made in that area. Discussion ensued with Township Committee and support staff to address this issue immediately.

Bob Tallon, 2454 Axe Factory Road, stated that there appears to be some confusion in the public regarding a gas main issue on Hedding Road in that some believed the same to be a part of the water main extension on Mill Lane. On a separate topic, Mr. Tallon suggested that the township should post a projection on COAH funds and the Margolis Warehouse Project on the official website for the public's information. Mr. Tallon inquired if more COAH units have to be built due to the warehouse project. **Committeeman Higgins** stated that the developer has to contribute to the township's COAH fund, but the construction of warehouses does not mean additional COAH units have to be built. **Deputy Mayor Magee** further noted that the state designates a number of COAH units that a municipality has to construct, and that said number is unrelated to the warehouses.

Tom Flannigan, 50 Barbary, stated that he was a fire commissioner for 30 years, and therefore has some background on emergency services. Accordingly, Mr. Flannigan expressed his surprise to see that there is a RFP for EMS services as he believed the same to fall under the provisions of "extraordinary services" of the local public contracts law. Mr. Flannigan inquired if there is an issue with the current provider that prompted the RFP process. **Mayor Gable** explained that there

is no issue with the current service, but the way in which the organization was contracted was improper. As MTAC is a private organization that is paid over \$200,000 a year, which exceeds the bid threshold required by law, it was determined by the township's legal counsel that the services must be procured by means of the RFP process. **Township Solicitor Galella** stated that she does not believe that EMS services are considered extraordinary, and that it is specifically noted in the law that the same must be bid. Mr. Flannigan recommended that the process be reevaluated, as EMS service is complex in terms of response time, road navigation, understanding the welfare of repeat customers, and other such aspects that will affect the residents for several years, and from what he understands, MTAC seems to be a reputable organization. **Mayor Gable** stated that the matter will be looked into. **Committeewoman DiGiuseppe** stated that if a contract is to exceed the bid threshold of \$40,000 the service must be bid. Additionally, since the township is utilizing competitive contracting, it allows for a contract to be awarded without consideration of the cost. **Township Solicitor Galella** stated that she will look into matter once more, but it is counsel's legal opinion that EMS does not fall under the category of extraordinary services.

Larry Lang, 422 White Pine Road, stated that he is looking for something to be done about the speeding on White Pine Road, as there appears to be no police presence in the area. Mr. Lang reports that not only are vehicles exceeding the 35mph limit, but they are also disregarding the stop sign at the intersection of Aaronson Road. Mr. Lang stressed that safety is an issue on said roadway. **Deputy Mayor Magee** agreed with Mr. Lang's observations. **Committeeman Higgins** stated that speeding is an issue throughout the entire community, and he doesn't understand how police tickets have been declining. **Mayor Gable** stated that he will discuss this matter with the Chief.

Jorge Villabon, 25 Waverly Drive, questioned if any member of Committee must recuse themselves for the vote on the EMS RFP. **Mayor Gable** responded no. Mr. Villabon then inquired as to the statute that guides the RFP process, and whether or not a resident has reported something negative about MTAC, as every resident he has approached for signatures on the petition have had a positive experience with the organization. **Deputy Mayor Magee** stated that there is no dissatisfaction with MTAC, and that the procurement process is one required by law and not a reflection of the organization's service.

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

MAYOR/COMMITTEE COMMENTS

Committeeman Cain stated that the Committee will do its best to evaluate the EMS proposals to provide the best service possible to the community. Mr. Cain stressed that price is not the only factor that will be considered.

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

ADJOURNMENT

A motion was offered by **Committeeman Cain** and seconded by **Deputy Mayor Magee** to adjourn the meeting. Motion carried. The meeting adjourned at 7:59PM.

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

Caitlin Midgette, Deputy Clerk

Linda Semus, Municipal Clerk

APPROVED: OCTOBER 3, 2019