

**TOWNSHIP OF MANSFIELD  
BURLINGTON COUNTY  
MEETING MINUTES  
OCTOBER 16, 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 John Gillespie, CFO Bonnie Grouser, Deputy Clerk Caitlin Midgette, and Deputy Clerk Barbara Crammer (Municipal Clerk Linda Semus Absent)**

**Mayor Gable** called the meeting to order at 7:00PM, followed the flag salute and a moment of silence.

The following opening statement read by **Deputy Clerk Midgette**:

“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.”

**ENGINEER’S REPORT**

**R&V Engineer, Doug Johnson**, explained that owners of property which contain stormwater management areas are responsible to maintain these areas and may not be aware of their responsibility as required by the NJDEP. His office will provide support to educate and provide guidance to these residents so they properly maintain these areas.

**Mr. Johnson** advised the Committee that his office received notification that the DOT will be advising us of the recipients of the Trust Fund. An application has been submitted for improvements to Railroad Avenue.

Close out documents for NJDOT review and approval have been submitted in regard to Mansfield Road East. His office also submitted a recommendation for core testing services for consideration on two portions of Mt. Pleasant Road and Georgetown-Chesterfield Road.

He further reported that the Planning Board approval of the Margolis site is moving forward with storm water and site work. He has coordinated with contractors who will mill and resurface Mill Lane, with this work to be completed in the spring.

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

**FINANCE: Bond Sale**

**CFO Grouser** said the bond sale was held on October 10<sup>th</sup>. We had a successful sale with the closing to take place on October 24<sup>th</sup>. We came in at an interest rate of 2.26% by Roosevelt and Cross. The Bond is in the amount of \$5,621,000 which is a combination of debt incurred in the form of notes since 2007. The interest rates are lower now which is an asset to this action. She congratulated the township on their positive growth as our rating now is AA Stable with Standard and Poor’s.

**ORDINANCE: Second Reading/Final Adoption**

**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)	<u>Service Equipment Including:</u>		
	Service Panel	Service Entrances	Sub-Panels
	0 to 200 AMP.....		\$100.00
	200.1 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.

Mayor Gable opened the public hearing. With no comments or questions, the public hearing was closed.

A motion was offered by **Committeeman Cain** and second by **Committeewoman DiGiuseppe** to adopt Ordinance 2019-17. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: CAIN, DIGIUSEPPE, HIGGINS, MAGEE, GABLE**  
**NAY: NONE      ABSENT: NONE      ABSTAIN: NONE**

**RESOLUTIONS**

A motion was offered by **Deputy Mayor Magee** and second by **Committeeman Cain** to adopt the following Resolutions 2019-10-11, 2019-10-12, 2019-10-13, and 2019-10-14. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: MAGEE, CAIN, DIGIUSEPPE, HIGGINS, GABLE**  
**NAY: NONE      ABSTAIN: NONE      ABSENT: NONE**

**RESOLUTION 2019-10-11  
RESOLUTION FOR THE CANCELLATION OF TAXES  
DUE TO VETERAN EXEMPTION**

**WHEREAS**, N.J.S.A.54:4-3.30A allows for the exemption from taxation from real and personal property for any citizen and resident of the State who has a total or 100% permanent disability as defined by this statute; and, **WHEREAS**, the properties listed below are owned by a 100% Disabled Veteran;

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, hereby memorializes the cancellation of the following taxes of 2019 & 2020:

<b>Block</b>	<b>Lot</b>	<b>Property Owner</b>	<b>Amount</b>
23.04	44.02	Bryan T. Kaye	\$3,215.87 (2019) \$3,835.94 (2020)

**RESOLUTION 2019-10-12  
RESOLUTION FOR THE CANCELLATION OF TAXES  
DUE TO VETERAN EXEMPTION**

**WHEREAS**, N.J.S.A.54:4-3.30A allows for the exemption from taxation from real and personal property for any citizen and resident of the State who has a total or 100% permanent disability as defined by this statute; and, **WHEREAS**, the properties listed below are owned by a 100% Disabled Veteran.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, hereby memorializes the cancellation of the following taxes of 2019 & 2020:

<b>Block</b>	<b>Lot</b>	<b>Property Owner</b>	<b>Amount</b>
24.02	9	William R. Ramirez	\$6,079.72 (2019) \$7,251.96 (2020)

**RESOLUTION 2019-10-13**

**RESOLUTION FOR REFUND OF TAX DUE TO VETERAN EXEMPTION**

**WHEREAS**, the homeowner listed was declared to be a Disabled Veteran; and

**WHEREAS**, the homeowner, therefore is totally exempt from paying property taxes according to N.J.S.A. 54:4-3.30; and

**WHEREAS**, the homeowner paid the Taxes for 1<sup>st</sup>-3<sup>rd</sup> quarters of 2019.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey at their Regular Meeting held on October 16, 2019 hereby authorizes the Tax Collector to refund taxes to the following, retroactive to July 31, 2019.

<b>Block</b>	<b>Lot</b>	<b>Property Owner</b>	<b>Amount</b>
23.04	44.02	Bryan T. Kaye	\$1,216.30

**RESOLUTION 2019-10-14**

**RESOLUTION FOR THE CANCELLATION OF TAXES  
DUE TO VETERAN EXEMPTION**

**WHEREAS**, N.J.S.A.54:4-3.30A allows for the exemption from taxation from real and personal property for any citizen and resident of the State who has a total or 100% permanent disability as defined by this statute; and

**WHEREAS**, the properties listed below are owned by a 100% Disabled Veteran.

**NOW THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, hereby memorializes the cancellation of the following taxes of 2019 & 2020:

<b>Block</b>	<b>Lot</b>	<b>Property Owner</b>	<b>Amount</b>
42.30	21	Edna Y. Pacheco	\$3,105.25 (2019) \$6,227.58 (2020)

The following resolution is being adopted because the item was not able to be determined at the time of the budget. A motion was offered by **Committeeman Cain** and second by **Committeewoman DiGiuseppe** to adopt Resolution 2019-10-15. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: CAIN, DIGIUSEPPE, HIGGINS, MAGEE, GABLE**  
**NAY: NONE            ABSTAIN: NONE            ABSENT: NONE**

**RESOLUTION 2019-10-15**

**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. 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 16th day of October, 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

\$ 5,500.00 which item is now available as an additional revenue for the Mansfield Township Click It or Ticket Program

**SECTION 2**

**BE IT FURTHER RESOLVED** that a like sum of \$ 5,500.00 be and the same is hereby appropriated under the caption of:

Section 1 (a)

Click It or Ticket It Program	\$ 5,500.00
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**Mayor Gable** explained that the following resolution is being adopted due to change the December meeting from December 5<sup>th</sup> to December 9<sup>th</sup> due to JIF required training.

**RESOLUTION 2019-10-16**

**RESOLUTION AMENDING RESOLUTIONS 2019-1-8 and 2019-3-14 FIXING TIME AND PLACE OF  
REGULAR MEETINGS OF THE TOWNSHIP COMMITTEE AND THE BOARD OF HEALTH, MAKING  
PROVISIONS RELATIVE TO SPECIAL AND EMERGENCY MEETINGS AND ADOPTING CERTAIN  
PROCEDURES AND FORMS**

**WHEREAS**, the "Open Public Meetings Act" requires that advance written notice of all meetings of the Township Committee be posted in one public place designated by the Township Committee and faxed, mailed, telephoned, telegraphed or hand delivered to two newspapers designated by resolution and mailed to all persons requesting a copy of same upon payment of an established fee, let the following be known that:

1. Written notice of all **Agenda Sessions, Regular Meetings** and **Special Meetings** of the Mansfield Township Committee shall be posted *in advance* by the Municipal Clerk on the official Bulletin Board located in the main hallway of the Municipal Complex at 3135 Rt. 206 S, Suite 1, Columbus, New Jersey. Written notice of all **Emergency Meetings** will be so posted *as soon as possible* following the calling of such meeting in accordance with said Act.

2. All advance written notice of said meetings of the Township Committee shall be given to the following two newspapers: Burlington County Times and Trenton Times.
3. All advance written notices of said meetings of the Township Committee throughout the year shall be mailed to all persons requesting a copy of same after payment by such persons of a fee of \$10.00. News media shall be exempt from such fees.
4. The times and places of said official Township Committee meetings for the period from this meeting until the Reorganization Meeting in January 2019 shall be in accordance with the dates, times and places for such meetings annexed hereto under the title "Notice of Annual Scheduled Meetings", which is hereby adopted as the form of notice to be given of said meetings and so used by the Municipal Clerk for that purpose.

**NOTICE OF ANNUAL SCHEDULED MEETINGS**

**NOTICE** is hereby given by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey that all Regular Township Committee Meetings will be held at 7:00PM commencing on the April 4, 2019 meeting except as otherwise specifically provided. Work sessions will be held at 7:00PM as listed below.

All Regular Meetings of the Mansfield Township Committee are open to the public, in compliance with the Open Public Meetings Act., N.J.S.A. 10:4-6 to 10:4-21. Formal, official action may be taken at any said open public meeting on any and all issues involving the Township of Mansfield.

Note: Executive/Closed Sessions of the Mansfield Township Committee will be held at 6:00 PM as needed in accordance with said Act and prior to the Regular Township Committee meetings scheduled. In the event that an Executive/Closed Session is not necessary, the 6:00 PM meeting will simply be cancelled.

**Mansfield Township Board of Health Meetings** will take place prior to the Mansfield Township Committee meetings at 6:45 on the following dates: March 20, June 19, September 18, and December 18.

**2019 Mansfield Township Committee  
Notice of Annual Schedule Meetings**

January 7th Monday at 5:30PM and January 15th Tuesday  
February 7th (wk session) and 20th  
March 7th (wk session) and 20th  
April 4th (wk session) and 17th  
May 2nd (wk session) and 15th  
June 19th  
July 17th  
August 21st  
September 5th (wk session) and 18<sup>th</sup>  
October 3rd (wk session) and 16th  
November 7th  
November 26th (Tuesday - 4:00 PM)  
**December 9th** (wk session) & 18th  
**January 6, 2020** Monday- (Re-organization-6:00 PM)  
First Regular Meeting in 2020 – **January 9, 2020** Thurs at 7:00 PM

A motion was offered by **Deputy Mayor Magee** and second by **Committeeman Cain** to adopt Resolution 2019-10-16. Motion carried.

**RESOLUTION 2019-10-17  
RESOLUTION FOR EMERGENCY APPROPRIATIONS**

**TO BE PROVIDED FOR IN THE 2020 BUDGET REGARDING THE SEWER UTILITY OPERATING FUND  
AS PER NJSA 40A:4-48 (Under 3% limitation)**

**WHEREAS**, an emergency has arisen with respect to **Sewer Utility Operating Fund – Debt Service – Payment of Bond Anticipation Notes** and, no adequate provision was made in the 2019 budget for the aforesaid purpose, and NJSA 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above; and

**WHEREAS**, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is **\$1,900.00** and three (3) percent of the total operating appropriations in the budget for 2019 is **\$173,264.08**; and

**WHEREAS**, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2019.

**NOW, THEREFORE, BE IT RESOLVED**, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJSA 40A:4-48:

1. An emergency appropriation is hereby made for **Sewer Utility Operating Fund – Debt Service – Payment of Bond Anticipation Notes** in the amount of **\$1,900.00**
2. That said emergency appropriation shall be provided for in full in the 2020 budget.
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

**CFO Grouser** explained that the foregoing resolution is for a debt service payment that should have been included in the 2018 and 2019 budgets. It is necessary to raise the funds in the 2020 Sewer Utility Operating Budget. The cost will be \$950 for both 2018 and 2019.

A motion was offered by **Committeeman Cain** and duly second by **Committeewoman DiGiuseppe** to adopt Resolution 2019-10-17. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: CAIN, DIGIUSEPPE, HIGGINS, MAGEE, GABLE**  
**NAY: NONE            ABSENT: NONE            ABSTAIN: NONE**

**RESOLUTION 2019-10-18**  
**A RESOLUTION OF THE TOWNSHIP COMMITTEE APPOINTING**  
**CAITLIN MIDGETTE AS RECYCLING COORDINATOR FOR THE TOWNSHIP OF MANSFIELD,**  
**COUNTY OF BURLINGTON, STATE OF NEW JERSEY**

**WHEREAS**, the Recycling Coordinator, Dorothy Wirth, had retired effective January 1, 2019 rendering a vacancy; and

**WHEREAS**, Caitlin Midgette had expressed interest in filling said position and has been carrying out said duties since January 1, 2019.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that Caitlin Midgette is hereby appointed as the Recycling Coordinator for the Township of Mansfield, effective January 1, 2019 at an annual salary of \$1,300.00 per year.

**Mayor Gable** explained that action on the above was taken at the beginning of the year, and that a resolution needs to be adopt to set a salary for same.

A motion was offered by **Committeewoman DiGiuseppe** and second by **Committeeman Cain** to adopt Resolution 2019-10-18. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: DIGIUSEPPE, CAIN, HIGGINS, MAGEE, GABLE**  
**NAY: NONE            ABSTAIN: NONE            ABSENT: NONE**

**BILL LIST: Regular and Escrow**

A motion was offered by **Committeeman Higgins** and second by **Committeeman Cain** to approve the bill lists for payment. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: HIGGINS, CAIN, DIGIUSEPPE, MAGEE, GABLE**  
**NAY: NONE            ABSENT: NONE            ABSTAIN: GABLE (from Check #9638)**

**REPORTS: Clerk, Court, Construction, Tax Collector, Zoning, EMS, Police, Property Maintenance, Finance**

A motion was offered by **Committeeman Higgins** and second by **Committeeman Cain** to accept the foregoing reports. Motion carried.

**MINUTES: October 3, 2019**

A motion was offered by **Committeeman Cain** and second by **Committeewoman DiGiuseppe** to approve the minutes of the October 3, 2019 meeting. Motion carried.

**DISCUSSION**

**A. White Pine Road Traffic Update**

**Administrator Fitzpatrick** said he spoke with the Chief of Police regarding speeding on White Pine Road as well as North Island Road. The Chief has made his staff aware of this concern. Enforcement has increased by use of the speed trailer, more daytime patrols, and use of radar recorder. Other issues throughout the town, including passing of school buses, are being addressed at this time also. **Deputy Mayor Magee** noted that the police do have a noticeable presence in the area.

**B. EMS**

**Attorney Gillespie** explained that, at the prior meeting, the Mayor had approached the idea of whether or not the township could, as an alternative to the RFP, utilize the provisions of NJSA40:5-2, to see if it is viable to use that statute to identify MTAC as the Municipal Emergency Services provider. Under that statute, the township could fund \$70,000 and possibly up to another \$35,000 if necessary. The township would continue to cover vehicle repair, fuel expenses, etc. A phone call was received from a representative of MTAC who was in attendance at the prior Committee Meeting to **Administrator Fitzpatrick** and stated that, if the township followed that avenue, they could most likely continue in the capacity as EMS providers and may not even need the extra \$35,000. Since then, **Attorney Gillespie** issued an opinion letter on October 11<sup>th</sup> wherein he concluded that, if the Committee choose to move forward in that direction, this could be legally achieved and would be an option as opposed to the RFP.

**Deputy Mayor Magee** asked if formal action needs to be taken.

**Attorney Gillespie** said he would not recommend that the Emergency Medical Director be hired by the township. The MTAC should maintain the Director as an employee of the organization. However, the Emergency Services Administrator could be an employee of the Township and handle operations while being responsible to the township. **Committeeman Cain** questioned how the specifics in dealing with MTAC should be handled. **Attorney Gillespie** felt there should be arrangements in regard to the continued use of the building and other issues.

**Committeeman Magee** confirmed that we have identified another avenue wherein we would no longer be in violation. He questioned what would happen if we can't come to an agreement with MTAC. **Attorney Gillespie** felt there could be an extension to the current contract with MTAC under emergency provisions. If the Committee wants to proceed with this, they should meet with MTAC to see if it is possible. A new addendum would have to be sent out for the deadline for the RFP.

**Deputy Mayor Magee** that if the RFP is withdrawn, it can issued again if the other option proves unsuccessful. **Attorney Gillespie** said we can either send out another addendum for the deadline of the RFP, or we can withdraw the RFP and, if necessary, go out again.

**Committeeman Higgins** asked if we can address the Fire Department at the same time, as it has been noted that there aren't enough people to operate the fire trucks. **Deputy Mayor Magee** said he met with the Fire Company and that the need for manpower is valid, but he feels joining them now would delay action on the EMS. He recommended that the EMS be resolved first, then can deal with the Fire Department.

**Committeewoman DiGiuseppe** said she agrees to negotiate with MTAC, but wants to keep the RFP in place.

**Committeeman Cain** felt that the township should negotiate with the MTAC and withdraw the RFP. **Deputy Mayor Magee** and **Mayor Gable** agreed with Mr. Cain's suggestion.

**Committeewoman DiGiuseppe** read the following into the record:

"I have listened at the many meetings over the past several months. I have received numerous letters from the Mansfield Township Attorney. I have been informed that certain people are of the opinion that I am trying to eliminate the ambulance squad. Nothing could be further from the truth, so I will now take my opportunity to freely speak, in a public forum, and present facts for which I am and have been concerned regarding financial accountability over the last couple of years. First and foremost, I was elected by the Mansfield Township residents to the governing body, to be responsible for their tax funds. My responsibility is to all the 8,500 Mansfield Township tax paying residents. My responsibilities do not lie with any other municipality except in situations whereby Shared Service Agreements have been executed by Mansfield with other municipalities. The full Township Committee, not just me, voted to advertise a Request For Proposal according to the Local Public Contract Law, pursuant to law. I just want to give you some information, Statute NJSA 40:5-2 was brought up at the last meeting, this has not been a secret, in fact, prior to this thing today, I sent an e-mail to the former CFO/Purchasing Agent on June 29, 2018, mentioning consideration to this statute. Also, I wrote an e-mail January 8, 2019 to the CFO in response to budgetary issues which mention this statute as a consideration for the ambulance service. I also wrote an e-mail to the Township Committee dated March 22, 2019, asking them to authorize the CFO to prepare a complete analytical and financial report in order to determine if there was feasibility to consider the implementation of the MTAC into a Township Department. In fact, I even spoke to Mayor Gable about that. In that e-mail, I also stated that because of the Local Public Contract Law, we had to determine whether to advertise for an RFP or RFP for EMS services with shared service with other municipalities, or considering NJSA 40: 5-2 to allow use of Mansfield Buildings and vehicles under shared services with other municipalities, or the implementation as a township department. The financial report was never done, and the Township Committee, in conjunction with the recommendation of the Purchasing Agent, voted to advertise the RFP. So let me be clear, I have never ever had any intention of doing away with the MTAC Ambulance Squad. My concern and consideration was for the financial accountability from the private contractor to the Taxpayers of Mansfield Township."

**Committeeman Cain** made a motion to negotiate with MTAC as per NJSA 60:5-2 and recall the RFP. This motion was second by **Deputy Mayor Magee**.

**Attorney Gillespie** clarified the motion to proceed with discussions with MTAC under NJSA 40:5-2 and terminate the RFP process. Mr. Gillespie stated that the motion should also authorize the Administrator to advise any vendor who has picked up RFP packages that the township is no longer pursuing competitive contracting. The motion was carried on a Roll Call vote, recorded as follows:

**AYE: CAIN, MAGEE, HIGGINS, DIGIUSEPPE, GABLE**  
**NAY: NONE                      ABSENT: NONE                      ABSTAIN: NONE**

**Administrator Fitzpatrick** asked if he is instructed to proceed with MTAC in negotiation. **Mayor Gable** felt the liaisons should also be a part of the negotiations. **Deputy Mayor Magee** made a motion to authorize **Administrator Fitzpatrick** and the liaisons to move forward with negotiations. The motion second by **Committeeman Cain** and carried on a Roll Call Vote, recorded as follows:

**AYE: MAGEE, CAIN, HIGGINS, DIGIUSEPPE, GABLE**  
**NAY: NONE            ABSENT: NONE            ABSTAIN: NONE**

**PUBLIC COMMENT:**

**Robert Harrison**, Mansfield Road West, said that about two months ago, the road collapsed where the culvert is and it took the township 2 days to fix it. Now that another road is closed, big trucks are using the 10 ton Mansfield Road West and the culvert may collapse again. He feels the road cannot take this weight. **Administrator Fitzpatrick** advised Mr. Harrison that he has contacted the county and that this is an ongoing problem. He will bring it to their attention again and hopefully solve the problem as quickly as possible.

**Linda Pullen Stout**, 186 Georgetown Road, thanked the Committee for considering the feelings of the residents and caring about the current EMS squad.

Tom Flannigan, 50 Barbary Lane, extended appreciation for the decision of the Committee to maintain the EMS service we already have. He echoed Deputy Mayor Magee's comments in regard to the Fire Company. He noted that this is urgent and is willing to help.

**Robert Franchino**, 35 Ellington Drive, thanked the township for taking this matter into consideration. However, he was confused inasmuch as the last time he was here, a decision was made to go out to bid. He asked what happened. **Mayor Gable** explained that, since going out for bid, we decided to go an alternate path. A separate path has been identified and the Committee chose to move forward in that direction. Conversations had been held regarding the possibility of maintaining our current service, as long as we complied with the law. **Attorney Gillespie** clarified the terminology in as much as the township was going out to competitive contracting, not bidding. He further explained the procedure to Mr. Franchino who asked if the second procedure is cost effective. **Attorney Gillespie** said this can't be compared to the cost of the RFP process as we are not going out to competitive contracting. Mr. Franchino felt the competitive contracting should be pursued anyway.

**Carl Schwartz**, 40 Fitzgerald, asked if the ambulance service deals with Chesterfield and or any other communities, and inquired if we should have a shared service with those communities. **Mayor Gable** said this is separate with the squad and any other community. Mr. Schwartz questioned whether we should have a shared services for gas, maintenance, and other funds we are spending. **Mayor Gable** said that MTAC uses Chesterfield's vehicles, and that said township has a shared service agreement with Mansfield for the reimbursement of MTAC's insurance premium which is currently funded by Mansfield. Slight discussion ensued. **Administrator Fitzpatrick** advised Mr. Schwartz that the answers to his questions are unknown, as future meetings with the squad will clarify his questions.

**Colleen Herbert**, 1 Millennium Drive, stated that she feels the Committee should have kept the RFP going with a deadline extension. She felt it would be a better decision and hopes that the new negotiations don't delay the final decision. Ms. Herbert stated that she is glad there will be negotiations and hopes it doesn't cost more for the taxpayers. Mrs. Herbert thanked CFO Grouser and Administrator Fitzpatrick for all of their work. Finally, she noted that the township has a great organization and hopes to achieve the goal efficiently, quickly, and fiscally responsible.

**Robert Tallon**, 2454 Axe Factory Road, questioned the item on the agenda in regard to the sewer bill and questioned if it had to do with Lynnwood Farms. This was confirmed.

**Todd Wirth**, Route 206, thanked the Committee and applauded them with the solution to maintain a very good EMS service.

With no more comments or questions, the public portion of the meeting was closed.

**MAYOR AND COMMITTEE COMMENTS**

**Committeeman Cain** said that the EMS service has been a big issue that the township has been wrestling with for months. The Committee wants to provide the best service to our community in a fiscally responsible manner, and thinks it's taking the best step forward.

**Committeeman Higgins** felt that this is an interesting approach and much more work will be put into this in the future months. He felt that in some aspects the township has created an Emergency Service Department and it will be a lot of work in making sure our tax payers are treated fairly.

**Deputy Mayor Magee** felt that negotiations with MTAC is the right thing to do, and that he doesn't think the township should continue with the RFP process to avoid any confusion. He noted that the township wants to keep what we have in an economically efficient way, and that hopefully MTAC keeps this in mind when negotiating with the Committee. Additionally, Mr. Magee noted that he will be pursuing issues with the Fire Department once the EMS situation is settled.

**Committeewoman DiGiuseppe** reiterated that N.J.S.A 40:5-2 was discussed previously and questioned why the township decided to do an RFP. Mrs. DiGiuseppe noted her agreement with the Committee and looks forward to the negotiations. She added that Mr. Gillespie will get no more emails from her.

**Mayor Gable** thanked the public for all input, and stressed that the Committee listens to the residents and hopes to keep the comments coming.

**Mayor Gable** announced that the Committee will go into closed session. **Attorney Gillespie** explained the purpose of the session to discuss pending litigation, a union contract issue, contractual relation with another public entity, attorney-client privilege with another public entity, litigation, and the potential sale of municipal property. Formal official action may be taken at the conclusion of Executive Session.

**Deputy Mayor Magee** left the meeting and did not attend Executive Session.

A motion was offered by **Committeeman Cain** and second by **Committeeman Higgins** to adopt Resolution 2019-10-19 and convene into Executive Session. Motion carried. Township Committee entered same at 7:58PM.

**RESOLUTION 2019-10-19**

**RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION**

**WHEREAS**, Section 7 of the Open Public Meetings Act, Chapter 213, P.L. 1975 [NJSA 10:4-12(B)] permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exists.

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

1. The public shall be excluded from discussion of, action on and reviewing the Minutes of the hereinafter specified matters.
2. The general nature of the subject matter to be discussed is as follows:  
*Personnel, Pending Litigation, Contract Negotiation, Attorney-Client Privilege*
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 second by **Committeeman Higgins** to come out of Executive Session and return to the public portion of the meeting. Motion carried. Township Committee returned to the dais at 8:38PM.

A motion was offered by **Committeeman Higgins** and second by **Committeeman Cain** to amend the agenda to include Resolution 2019-10-20. Motion carried.

**RESOLUTION 2019-10-20**

**A RESOLUTION AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT WITH TOWER GATE ASSOCIATES**

**WHEREAS**, Tower Gate Associates, a developer which is the owner of certain property located at the intersection of US Route 130 and Kinkora Road, known as Block 70, Lot 6.02 on the tax maps of the Township of Mansfield, and which property comprises approximately 118.53 acres ; and

**WHEREAS**, Tower Gate filed suit in the Superior Court of New Jersey Burlington County, Law Division, in an action and entitled "Tower Gate Associates vs. Township of Mansfield, et al.", Docket Number L-1739-18,

challenging the Township's satisfaction of its affordable housing obligations and seeking to build an inclusionary development on the property; and

**WHEREAS**, the Township has, for a number of years, identified this property as an appropriate location for the provision of affordable housing units, and accordingly, the parties have entered into a settlement agreement regarding the future development of the site, which will ensure the Township of Mansfield a mixed use (residential and commercial) development, and also assist Mansfield Township in satisfying its constitutional obligation to provide a realistic opportunity for affordable housing in this municipality;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey that the Mayor and Clerk be and hereby authorized and directed to executed the attached Settlement Agreement with Tower Gate Associates and the Mansfield Township Planning Board, which was also named a Defendant in the action, and the Township Attorney is hereby authorized to advise the Superior Court, Law Division, of the approval by the Township Committee of this Settlement Agreement, and to take such actions as reasonably necessary to implement the provisions of this Settlement Agreement.

**Mayor Gable** explained that the foregoing resolution relates to a settlement agreement regarding the Tower Gate litigation on property located at Kinkora Road and Route 130. **Committeeman Higgins** felt this should be included on the agenda as a discussion item for the next meeting so the public can be informed of this action.

A motion was offered by **Committeeman Cain** and second by **Committeeman Higgins** to adopt Resolution 2019-10-20. Motion carried.

#### **MOTION FOR ADJOURNMENT**

A motion was offered by **Committeeman Cain** and duly second by **Committeeman Higgins** to adjourn. Motion carried. Meeting adjourned at 8:39PM.

**PREPARED BY:**

**RESPECTFULLY SUBMITTED BY:**

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**Barbara A. Crammer**  
Deputy Clerk

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**Caitlin Midgette, RMC, CMR**  
Deputy Municipal Clerk