

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY
REGULAR MEETING MINUTES
October 21, 2020
7:00 PM**

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

Clerk Semus called the meeting to order at 7:00 PM. She made the following statement:

Please Note: This meeting is being conducted during the current National Emergency with remote participation in accordance with guidance provided by the New Jersey Division of Local Government Services, Department of Community Affairs, as set forth in the Public Notice of this meeting.

Please be further advised that this evening the Township Committee will be considering a Resolution (2020-10-1) entitled "Resolution Establishing Procedures For Public Comment During Remote Mansfield Township Committee Meetings" which resolution states the following:

Section 1. Persons addressing the Township Committee shall be allowed a maximum of three (3) minutes for comment, and shall not be permitted to comment more than one time. Time cannot be shared with or allotted to other speakers.

Section 2. If the item on which the public comment is addressed is a matter on the Township Committee agenda for which there is a scheduled public hearing, all comments must be addressed to the Township Committee during the public hearing on that matter and not during the general Public Comment period of the Township Committee agenda.

Section 3. Unless relaxed for good cause by the Chair, the total time period of a Township Committee meeting shall not exceed two and one-half hours.

Section 4. Public Comment by way of questions is welcome. However, in order to preserve time for all public comment, members of the Township Committee will not respond immediately to questions and may respond to questions after the close of the public hearing or public comment period, during the time allotted for Township Committee comments.

Following the above statement **Clerk Semus** then read the following Open Public Meetings Statement to be followed by the Flag Salute:

Public notice of this meeting pursuant to the Open Public Meetings Act NJSA 10:4-6 to 10:4-21 has been satisfied. Notice of this meeting was properly given via Resolution 2020-1-8, which was adopted by the Mansfield Township Committee on January 6, 2020. Said Resolution was transmitted to the Burlington County Times and the Trenton Times, filed with the Clerk of the Township of Mansfield, posted on the official bulletin board at 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 mailing, posting, and filing having been accomplished as of January 10, 2020.

Solicitor Prime clarified that section 4 should have stated that the Township Committee may not respond immediately to questions and may respond to questions after the close of the public hearing or public comment period. In other words, it is at the Committee's discretion to address a question immediately during public comment period or they can wait until Mayor and Committee

comment portion to respond.

Committeeman Higgins appreciated the clarification and stated that he prefers to address questions immediately, instead of waiting until the end.

ENGINEER'S REPORT:

FY'2019 NJDOT Trust Fund Resurfacing of White Pine Road:

Engineer Johnson explained that the contractor is scheduled to begin the week of October 26, 2020. Residents in the area will be advised of same.

FY' 2020 NJDOT Trust Fund Resurfacing of Railroad Avenue:

Engineer Johnson stated that the concrete work has been completed. Paving operations are anticipated to begin the first week in November. Residents in the area will be advised of same.

Margolis Warehouse Distribution Facility:

Engineer Johnson explained that has it pertains to site inspections from the Engineer's prospective the project is complete.

A motion to accept the Engineer's Report was offered by **Deputy Mayor Cain** and seconded by **Committeeman Magee**. All ayes. Motion carried.

ORDINANCES:

Second Reading/Public Hearing/Final Adoption:

ORDINANCE 2020-16

AN ORDINANCE CREATING A NEW CHAPTER 17A OF THE MANSFIELD TOWNSHIP CODE ENTITLED "ENVIRONMENTAL CITIZENS ADVISORY COMMITTEE"

WHEREAS, pursuant to Ordinance 2020-14 the Township Committee of Mansfield Township repealed former Mansfield Township Code Chapter 17A which had established an Environmental Commission; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-27 provides that, after the appointment of the planning board, the mayor may appoint one or more persons as An Environmental Citizens Advisory Committee to assist or collaborate with the Planning Board in its duties; and

WHEREAS, by adoption of Ordinance 2020-5 the Township Committee created a consolidated Land Use Board, whereby, as permitted by the New Jersey Municipal Land Use Law, the Mansfield Township Planning Board exercises, to the same extent and subject to the same restrictions, all the powers of the Zoning Board of Adjustment; and

WHEREAS, the Township Committee finds that replacing the Environmental Commission with the Environmental Citizens Advisory Committee to assist the Planning Board and to collaborate with the Planning Board in its duties will further make the processing of land development applications more efficient and provide an appropriate and necessary method for citizen participation in the planning board process, including environmental matters, and is, therefore, in the overall best interests of the Township and its residents.

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

SECTION ONE: Pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-27, the Township Committee hereby creates an Environmental Citizens Advisory Committee to assist or collaborate with the Planning Board in its duties, to be codified as Chapter 17A of the Mansfield Township Code.

SECTION TWO: Pursuant to the statute, the Mayor shall appoint one or more persons to serve on said Environmental Citizens Advisory Committee, and said person or persons shall serve at the pleasure of the Mayor.

SECTION THREE: Pursuant to the statute, the member or members of the Environmental Citizens Advisory Committee shall assist or collaborate with the Planning Board in its duties, but shall have no power to vote or take other action required by the Planning Board.

REPEALER, SEVERABILITY AND EFFECTIVE DATE

- A. Any and all Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency
- B. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.
- C. This Ordinance shall take effect immediately upon final passage and publication according to law.

Clerk Semus asked for a motion to adopt the above ordinance.

A motion to adopt the above ordinance was offered by **Committeeman Ocello** and seconded by **Committeeman Magee**.

Clerk Semus opened the meeting up for public hearing regarding the above ordinance.

Public Hearing:

Joseph VanMater, 26954 Mount Pleasant Road – He was attempting to fine the NJ Statute 40:5D which he believed to be Municipal Land Use Law according to the ordinance.

Solicitor Prime stated that Municipal Land Use Law is NJSA 40:55D. There was a mistake in the ordinance which will be corrected. He proceeded to read directly from the statute regarding the duties of an Environmental Citizens Advisory Committee, which shall assist the Planning Board.

Steven Knezick, 323 Island Road – He questioned how residents can serve on the new Environmental Citizens Advisory Committee.

Clerk Semus suggested that anyone interested send a resume to the Municipal Clerk at which time said resume will be forwarded to the Mayor and Chairperson for review and consideration.

John O’Callaghan, 53 Oak Lane New Egypt – He explained that the Mayor made a statement that abolishing the Environmental Commission was not a purely financial decision. There were additional concerns such as the Environmental Commission allegedly was not complying with the state statute including a required annual report that had not been filed. He explained that he had sent a draft summary of the Environmental Commission’s meeting minutes for 2017, 2018 and 2019 in the form of a yearly report. He continued explaining the difference of a Citizens Advisory Committee and an Environmental Commission. He asked the Township Committee to reinstate the Environmental Commission Ordinance.

Virginia Lippincott, 3036 Route 206 – She would also like to reinstate the Environmental

Commission. She explained how she had applied for a similar position but had not received a response from the Committee regarding her application. **Administrator Fitzpatrick** stated that moving forward new procedures will be taking place.

Tom Knezick, 25346 Mount Pleasant Road – He had some concerns with the benefits of the Environmental Citizens Advisory Committee versus the Environmental Commission that was previously in place. He questioned if the Citizens Advisory Committee could do things proactively.

Solicitor Prime explained that the Environmental Citizens Advisory Committee is empowered by assisting the Planning Board.

Bob Tallon, 2454 Axe Factory Road – He explained how the Environmental Commission was involved in the no net loss tree program when the Turnpike took 77 acres during the widening through Mansfield Township. At the time the township did not have the wherewithal to get the 1.8 million dollar grant to plant the 6,000 trees that were cut down. The Environmental Commission came to the township committee and asked them to enter into a cooperative agreement with Burlington County so they could do the same and because of that agreement the township and county parks received the 1.8 million dollars' worth of trees.

Andrew Arenge, 323 Third Street – He questioned what the difference is between the Environmental Commission and the Environmental Citizens Advisory Committee. He also questioned who proposed the idea of disbanding the Environmental Commission.

Solicitor Prime explained that the Environmental Commission had certain statutory powers, duties and obligations. The Environmental Advisory Board is designed to assist the Planning Board.

Mr. Arenge questioned how a person interested could apply to participate as a member of the Environmental Advisory Committee and the number of people expected to be appointed. He also questioned what the terms would be.

Solicitor Prime advised that a resume should be submitted to the Township Clerk and it will be up to the Mayor and/or members of the Committee to decide if they want to expand the board and how many members will be appointed; the statute says one or more members. The members will serve at the pleasure of the Mayor.

Daniel Golenda, 18 Georgetown Road – He questioned if someone on the Committee could explain the cons of the Environmental Commission as compared to the pros of the Environmental Advisory Board.

Committeeman Magee stated that the Township Attorney has answered this question several times. The Environmental Commission is statutory and the Environmental Advisory Board under the Land Use Law. It is at the discretion of the Township Committee to decide which board is enacted.

Virginia Lippincott, 3036 Route 206 – She questioned how the new committee can be proactive

and what kind of empowerment that would pertain too.

Solicitor Prime stated that the new commission could do whatever the Planning Board asks of them.

Ms. Lippincott asked if the residents could ask the Planning Board to go back to having an Environmental Commission instead of the new committee.

Solicitor Prime clarified that in order to go back to an Environmental Commission, Ordinance 2020-16 would need to be rescinded or defeated and another ordinance re-instating the Environmental Commission would need to be created, introduced and adopted.

Steven Knezick – He thinks it would be helpful if the Administrator send an email to everyone or listed on the Township website some different pros and cons of the Environmental commission and the Environmental Citizens Advisory Committee.

There were no further comments from the public.

Clerk Semus asked for any Township Committee comments regarding the Ordinance.

Committeeman Higgins – explained that at this point in time there is nothing in regards to Environmental, so he thinks this is a good start.

Deputy Mayor Cain – He does not think this is a good idea at this time. He believes staying with the Environmental Commission is a much better way to go.

Committeeman Ocello – He agrees with Committeeman Higgins and trusts that this is something that should have been done.

Committeeman Magee – He agrees with Committeeman Higgins and Committeeman Ocello.

Mayor DiGiuseppe – No comment.

With no further comments from the Township Committee, the above Ordinance 2020-16 was adopted by roll call vote recorded as follows:

AYE: Ocello, Magee, Higgins, DiGiuseppe

NAY: Cain ABSTAIN: None ABSENT: None

First Reading/Introduction:

ORINANCE 2020-17
**BOND ORDINANCE OF THE TOWNSHIP OF MANSFIELD, IN
THE COUNTY OF BURLINGTON, NEW JERSEY AMENDING
BOND ORDINANCE 2020-12, FINALLY ADOPTED July 15, 2020
TO CHANGE Section 3(a)(1) PURPOSE AND USEFUL LIFE**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF BURLINGTON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), pursuant to the Local Bond Law, Chapter 169 of the Laws of the State of New Jersey, as amended and supplemented ("Local Bond Law"), AS FOLLOWS:

Section 1. Section 3(a)(1) of Bond Ordinance 2020-12, finally adopted July 15, 2020 (the "Prior Ordinance") is hereby amended to read as follows:

I. **Purpose.** Acquisition of various pieces of Heavy and Light Equipment for Department of Public Works including all work and related materials necessary thereof or incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$30,000.00
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$28,500.00
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$1,500.00

Section 2. Except as set forth in Sections 1 hereof, the remainder of the Prior Ordinance remains unchanged and in full force and effect.

Section 3. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 4. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

CFO Grouser explained that section 3(a)(1) Bond Ordinance 2020-12, which was finally adopted on July 15, 2020 authorized the acquisition of an articulated arm flail for the use of the Public Works Department. Ordinance 2020-17 would amend that section to allow for more flexibility in acquiring various pieces of heavy metal equipment and light equipment for use by the Public Works Department. No additional money is being spent and no additional debt is being authorized under the amended Ordinance.

Administrator Fitzpatrick clarified that upon further review with the new Public Works Director it was thought that although the articulated flail was something that could possibly be needed there are other things of a more pressing issue therefore, it was decided to not move forward with the flail.

Clerk Semus asked for a motion to introduce Ordinance 2020-17.

A motion was offered by **Committeeman Magee** and seconded by **Committeeman Ocello**. Motion carried on a roll call vote recorded as follows:

AYE: Magee, Ocello, Higgins, Cain, DiGiuseppe
NAY: None ABSTAIN: None ABSENT: None

FINANCE:

CFO Grouser explained that there are two items on the consent agenda. First is Resolution 2020-10-9 which ratifies the issuance and sale of special emergency note in the amount of \$64,000.00. Last year there was a special emergency note for the tax maps in the amount of \$80,000.00, which is paid off over the next five years therefore, in the budget was special emergency authorization of \$16,000.00, so now this note will be rolled over for \$64,000.00. This will be paid off in the next four years for the special emergency tax maps. Additionally Resolution 2020-10-10 is authorizing the expenditure of funds that is currently in the Recreation Developer Trust Fund. In April of 2019 VA Florence Company (aka Margolis), contributed a sum of \$43,348.94, which has been sitting in the reserve of the Recreation Developers Trust Fund. The Recreation Committee would like to do an irrigation project at the Civic Club. The amount of the project would be \$38,100.00, which would be no cost to tax payers, no debt would be incurred

Committeeman Magee questioned with the amount involved, would there be any bidding requirements or contract issues that would be necessary.

CFO Grouser stated that the project in total is \$38,100.00, which is under the bid threshold. The quotes have been secured. The installation of the well would have to be awarded as a non-fair and open, which will be done at a later date.

Committeeman Higgins explained that this amount that was paid by Margolis must be used by Recreation and not for anything else and this project is what the Recreation Committee decided to do. Also, he believed the Fire Department received something around \$31,000.00 from Margolis as well.

Administrator Fitzpatrick stated that although he does not have the exact amount in front of him it is between \$31,000 - \$32,000 and as of right now that money has not been transferred over. Currently it is still going through the legal process to make sure it's done correctly.

CONSENT AGENDA:

Clerk Semus stated that Consent Agenda items are considered to be routine and Expenditures are supported by certification of availability of funds. Any items requiring discussion will be removed from the Consent Agenda.

RESOLUTION 2020-10-1

RESOLUTION ESTABLISHING PROCEDURES FOR PUBLIC COMMENT DURING REMOTE MANSFIELD TOWNSHIP COMMITTEE MEETINGS

WHEREAS, during the current national and state emergency, the Mansfield Township Committee has been conducting its regular meetings remotely; and

WHEREAS, in accordance with guidance from the New Jersey Department of Community Affairs the Township Committee finds that it is the best interests of the public for an orderly process to be established for receiving public comment in accordance with the New Jersey Open Public Meetings Act.

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

Section 1. Persons addressing the Township Committee shall be allowed a maximum of three (3) minutes for comment, and shall not be permitted to comment more than one time. Time cannot be shared with or allotted to other speakers.

Section 2. If the item on which the public comment is addressed is a matter on the Township Committee agenda for which there is a scheduled public hearing, all comments must be addressed to the Township Committee during the public hearing on that matter and not during the general Public Comment period of the Township Committee agenda.

Section 3. Unless relaxed for good cause by the Chair, the total time period of a Township Committee meeting shall not exceed two and one-half hours.

Section 4. Public Comment by way of questions is welcomed. However, in order to preserve time for all public comment, members of the Township Committee may not respond immediately to questions and may respond to questions after the close of the public hearing or the public comment period, during the time allotted for Township Committee comments.

RESOLUTION 2020-10-2

RESOLUTION MEMORIALIZING MAYOR'S APPOINTMENT TO ENVIRONMENTAL CITIZENS ADVISORY COMMITTEE

WHEREAS, by adoption of Ordinance 2020-16, and pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-27, the Township Committee created an Environmental Citizens Advisory Committee to assist and collaborate with the Planning Board sitting as a Joint Land Use Board in its duties, codified as Chapter 17A of the Mansfield Township Code, and

WHEREAS, pursuant to the statute, the Mayor shall appoint one or more persons to serve on said Environmental Citizens Advisory Committee, and said person or persons shall serve at the pleasure of the Mayor; and

WHEREAS, pursuant to the statute, the member or members of the Environmental Citizens Advisory Committee shall assist and collaborate with the Planning Board in its duties, but shall have no power to vote or take other action required by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey, hereby memorialize the Mayor's appointment of Donald Knezick as a Member and Chairman of the Environmental Citizens Advisory Committee, pursuant to the Municipal Land Use Law, NJSA 40:55D-27 and in conjunction with Township Ordinance 2020-16.

RESOLUTION 2020-10-3
A RESOLUTION APPROVING THE DESIGNATION FROM PART-TIME, AS NEEDED EMPLOYMENT STATUS TO REGULAR PART-TIME EMPLOYMENT STATUS WITH AN INCREASE IN HOURLY RATE FOR PUBLIC WORKS EMPLOYEES ERNEST G. DURAND AND TERRY L. PETRONI

WHEREAS, Mansfield Township hired Ernest G. Durand AND Terry L. Petroni at a certain hourly rate with the designation of a part-time, as needed employee; and

WHEREAS, Mansfield Township is desirous of changing both Ernest G. Durand and Terry L. Petroni from said part-time, as needed employment status to regular part-time employment status with an increase of their hourly rate to \$22.00 per hour; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey at their regular meeting held on October 21, 2020 at the Municipal Complex at 7:00 PM that Ernest G. Durand and Terry L. Petroni are hereby approved as regular part-time employment status with an increase in their hourly rate to \$22.00 per hour, with all benefits associated within said regular part-time status of employment, together with holiday benefits, effective October 5, 2020.

RESOLUTION 2020-10-4

RESOLUTION FOR MEMBER PARTICIPATION IN A COOPERATIVE PRICING SYSTEM AND AUTHORIZING MANSFIELD TOWNSHIP, BURLINGTON COUNTY, NEW JERSEY TO ENTER INTO THE NEW JERSEY COOPERATIVE PURCHASING ALLIANCE COOPERATIVE PRICING AGREEMENT

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Bergen, hereinafter referred to as the "Lead Agency " has offered voluntary participation in the New Jersey Cooperative Purchasing Alliance # CK04- a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on October 21, 2020 the governing body of the Township of Mansfield, County of Burlington, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This **RESOLUTION** shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Mansfield.

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor as Chief Executive Officer is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law* (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

**MANSFIELD TOWNSHIP
BURLINGTON COUNTY**

RESOLUTION NO. 2020-10-5

**RESOLUTION AUTHORIZING ACCEPTANCE OF OFFER AND THE EXECUTION
OF AGREEMENT OF SALE FOR PROPERTY KNOWN AS 190 ATLANTIC AVENUE,
BLOCK 28, LOT 38**

WHEREAS, by Resolution 2020-8-2, the Township Committee of the Township of Mansfield authorized public auction of certain Property owned by the municipality and no longer needed for public use, which property is known as Block 28, Lot 38 situated at 190 Atlantic Avenue, (the "Property"); and

WHEREAS, in accordance with the authority granted it by N.J.S.A. 40A:12-13, the Township previously listed the Property for sale by way of online auction (the "Auction"); and

WHEREAS, the only bidder, The Parker House, LLC, 1410 South Broad Street, Trenton, New Jersey has offered the required Purchase Price of Two Hundred Fifty Thousand Dollars (\$250,000.00) with administrative fees of Fifteen Thousand Seven Hundred and Fifty Dollars (\$15,750.00) for a total of Two Hundred Sixty Five Thousand Seven Hundred Fifty Dollars (\$265,750.00); and

WHEREAS, the Township and The Parker House, LLC have negotiated terms and conditions upon which to effectuate the purchase and sale of the Property, the same of which are set forth in that certain Agreement of Purchase and Sale attached hereto, incorporated herein, and made a part hereof as "Exhibit A".

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 Parker House, LLC bid on the Property of Two Hundred Fifty Thousand Dollars (\$250,000.00) together with administrative fees of Fifteen Thousand Seven Hundred and Fifty Dollars (\$15,750.00), as an "AS IS, WHERE IS" fashion; and
2. The Township Clerk is hereby authorized and directed to execute the attached Agreement of Purchase and Sale (see Exhibit A) for the Property at having a street address of 190 Atlantic Avenue and designated as Block 28, Lot 38 on the Township Tax Map, 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 Purchase and Sale.
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.

RESOLUTION 2020-10-6

**RESOLUTION TO AMEND RESOLUTION 2020-9-11 ENTITLED
“COUNTY APPEAL 2020 - REFUND OF TAX OVERPAYMENT”**

WHEREAS, a County Appeal for 2020 Property Taxes was granted to property listed below and,

WHEREAS, this Resolution amends Resolution 2020-9-11

WHEREAS, this Appeal resulted in an overpayment which is now due to the homeowner not the filing petitioner

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, State of New Jersey authorizes the refunding of the following by the Tax Collector:

<u>Block</u>	<u>Lot</u>	<u>Original Name</u>	<u>Amended Name</u>	<u>Amount</u>
25	10	Jonas Singer, Esq. c/o V & J Estate of V Gilardi 501 Mansfield Road East	V. Galardi, III Estate of V & J Galardi 501 Mansfield Road East	\$439.36

RESOLUTION 2020-10-7

**RESOLUTION FOR THE REFUND OF TAX OVERPAYMENTS DUE TO
100% DISABLED VETERAN EXEMPTION**

WHEREAS, Property Taxes were overpaid on the property listed below; and

WHEREAS, this 2017 overpayment was due to the approval of 100% Disabled Veteran Exemption; and

WHEREAS, Property Taxes were overpaid by James (deceased) and Dianne Baughman.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey reimbursement the surviving spouse, Dianne Baughman for Tax Overpayment due to 100% Disabled Veteran Exemption.

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
42.02	78	Dianne Baughman	\$ 201.68

RESOLUTION 2020-10-8

RESOLUTION FOR THE REDEMPTION OF TAX LIEN

WHEREAS, at the Mansfield Township Tax Sale held on November 17, 2006, a lien was sold to American Tax Funding, LLC on Block 58, Lot 5, also known as 2285 Old York Road, Bordentown for 2005 delinquent taxes; and,

WHEREAS, George J. Schipske, Jr has affected redemption of Certificate #06-004 on October 2, 2019 as part of a bankruptcy settlement, and this resolution memorializes that redemption.

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, memorializes that redemption.

<u>Lien Holder</u>	<u>Lien #</u>	<u>Amount</u>
American Tax Funding, LLC	06-004	\$15,626.42

RESOLUTION 2020-10-9

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, NEW JERSEY RATIFYING THE ISSUANCE AND SALE OF UP TO \$64,000 OF SPECIAL EMERGENCY NOTES OF THE TOWNSHIP OF MANSFIELD; MAKING CERTAIN COVENANTS TO MAINTAIN THE EXEMPTION OF THE INTEREST ON SAID NOTES 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 NOTES

BACKGROUND

WHEREAS, the Local Budget Law, Chapter 169 of the Laws of the State of New Jersey, as amended and supplemented ("Local Budget Law") authorizes, *inter alia*, municipalities to adopt ordinances authorizing special emergency appropriations for the preparation of an approved tax map; and

WHEREAS, the Township Committee of the Township of Mansfield, County of Burlington, New Jersey ("Township"), has duly and finally adopted Ordinance 2019-13 ("Ordinance"), appropriating the sum of \$80,000 to pay the costs associated with the preparation of an approved tax map for the Township ("Project"); and

WHEREAS, Section 55 of the Local Budget Law, *N.J.S.A.* 40A:4-55, authorizes the Township to issue special emergency notes to finance the costs of the Project and requires the Township to pay, at maturity, one-fifth of the total amount authorized under the Ordinance; and

WHEREAS, it is the desire of the Township to issue its special emergency notes in the principal amount of up to \$64,000, as further described in Exhibit "A", the proceeds of which will be used to finance the Project; and

WHEREAS, pursuant to the Local Budget Law and the Ordinance, it is the intent of the Township Committee to hereby authorize, approve and direct the issuance and sale of such special emergency notes for the Project as further described in Exhibit "A" attached hereto, 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 (not less than two-thirds of the members thereof affirmatively concurring), pursuant to local budget law, as follows:

Section 1. Pursuant to the Local Budget Law, the issuance of special emergency notes of the Township, to be designated, substantially, "Township of Mansfield, County of Burlington, New Jersey, Special Emergency Notes, Series 2020 B ("Notes"), in an aggregate principal amount of up to \$64,000, is hereby authorized, approved, ratified and confirmed.

Section 2. The Chief Financial Officer, with the assistance of the law firm of Malamut & Associates, Bond Counsel, is hereby authorized and directed to award and sell the Notes at a public or private sale at a price of not less than par, and to deliver the same to the purchaser thereof upon receipt of the payment of the purchase price thereof.

Section 3. At the next meeting of the Township Committee after the sale of the Notes, the Chief Financial Officer is hereby authorized and directed to report, in writing, to the Township Committee, the principal amount, rate of interest and the name of the purchaser of the Notes.

Section 4. The Notes shall be dated the date of delivery thereof and mature no later than one year from said date. The Notes will not be subject to redemption prior to maturity. The Notes may be renewed from time to time, but shall be paid and mature in accordance with the provisions of Section 55(b) of the Local Budget Law, *N.J.S.A. 40A:4-55(b)*.

Section 5. The Notes shall be issued in bearer form in denominations of \$10,000 or greater. The Notes shall be executed in the name of the Township by the manual or facsimile signatures of the Mayor and Chief Financial Officer, and shall be under the corporate seal of the Township affixed, imprinted, or reproduced thereon, and attested by the manual or facsimile signature of the Township Clerk or Deputy Township Clerk.

Section 6. The Notes are ultimately payable from ad valorem taxes that shall be levied upon all taxable real property in the Township without limitation as to rate or amount.

Section 7. The Township hereby covenants that it will not make any use of the proceeds of the Notes or do or suffer any other action that would cause: (i) the Notes 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 Regulations promulgated thereunder; (ii) the interest on the Notes to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Notes to be treated as an item of tax preference under Section 57(a)(5) of the Code.

Section 8. The Township hereby covenants as follows: (i) it shall timely file, or cause to be filed, with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and (ii) it shall take no action that would cause the Notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 9. 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 Notes.

Section 10. The Township hereby designates the Notes 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 Notes.

For purposes of this Section 10, 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 11. 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 Notes are hereby ratified, confirmed, approved and adopted.

Section 12. The Mayor, Chief Financial Officer and Township Clerk are hereby authorized and directed to determine all matters and execute all documents and instruments in connection with the Notes not determined or otherwise directed to be executed by the Local Budget Law or by this or any subsequent resolution, and the signatures of the Mayor, Chief Financial Officer or Township Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 13. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 14. This Resolution shall take effect immediately upon adoption this 21st day of October, 2020.

RESOLUTION 2020-10-10

AUTHORIZING EXPENDITURE OF FUNDS FROM VA FLORENCE RECREATION TRUST FUND FOR CIVIC CLUB IRRIGATION PROJECT

WHEREAS, as part of its redevelopment project, V.A. Florence Company contributed the sum of forty three thousand three hundred forty eight dollars and ninety four cents (\$43,348.94) to be used for Mansfield Township projects; and the Township established a recreation developers trust fund for said funds and contribution; and

WHEREAS, the Township has identified a need for a project to construct an irrigation system at the Civic Club; and

WHEREAS, the cost of the project is \$38,100; and

WHEREAS, the Chief Financial Officer has certified that funds are available for said purpose from said trust fund.

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

Section 1. The Township Committee of the Township of Mansfield hereby authorizes the expenditure of thirty eight thousand one hundred dollars (\$38,100.00) received from the VA Florence Company, held in the reserve, within the recreation developers trust fund for the construction of an irrigation system at the Civic Club in accordance with the proposal for same.

Section 2. The maximum amount of the project cost is thirty eight thousand one hundred dollars (\$38,100.00). Said funds are available in the respective recreation developers trust fund account established and maintained by the Township of Mansfield.

Section 3. Notice of said action shall be published in the official newspaper as required by law.

A motion to adopt all of the resolutions on the consent agenda was offered by **Deputy Mayor Cain** and seconded by **Committeeman Magee**. Motion carried on a roll call vote recorded as follows:

AYE: Cain, Magee, Higgins, Ocello, DiGiuseppe
NAY: None ABSTAIN: None ABSENT: None

BILL LIST: Regular & Escrow

A motion to approve the bill list regular and escrow was offered by **Committeeman Ocello** and seconded by **Deputy Mayor Cain**. Motion carried on a roll call vote recorded as follows:

AYE: Ocello, Cain, Higgins, Magee, DiGiuseppe
NAY: None ABSTAIN: None ABSENT: None

MINUTES: September 30, 2020:

A motion to approve the above referenced minutes was offered by **Committeeman Magee** and seconded by **Committeeman Higgins**. All ayes. Motion carried.

PUBLIC COMMENT:

Virginia Lippincott, 3036 Route 206 – She asked that the Township work with the State and the County regarding jake break use on Route 206.

Administrator Fitzpatrick explained that Route 206 is a state road and the Township has no jurisdiction over it however, the Mayor has put together a meeting with DOT to talk about traffic in town. This meeting is being set up by the DOT for November.

Ms. Lippincott had some additional concerns for the ponding, which is a drowning hazard on the south side of the community park. This is caused by water runoff from the park and the old lumber yard. She has registered complaint with the County Freeholders and was told that engineers were sent to the site. She feels the Township should get involved with this as well.

Administrator Fitzpatrick explained that the County is aware of it and is working on it. The Township can talk to the County about the issue, but there is not much the Township can do since it is not our issue. He stated that he could make a call to the County regarding this but other than that it's out of the Township's hands.

Ms. Lippincott then brought up a solar field that she had proposed previously and was hoping the Township would endorse same.

Administrator Fitzpatrick clarified that when this was brought to the attention of the Township before, they had asked for a business plan to be provided. Such plan has not been provided as of yet.

Colleen Herbert, 2 Millennium Drive – She questioned if the new rules of conduct for meetings

are only for remote virtual meetings.

Solicitor Prime stated yes, they are interim rules while the Township is conducting remote meetings. There is an Ordinance pending, which will govern all Township meetings moving forward.

Ms. Herbert mentioned that she hopes once the meetings are back to some sort of normalcy that the way public comments are heard will be as well, such as, being able to comment more than one time.

Steve Knezick – He questioned why the warehouse developers aren't paying top dollar for the supposedly desirable locations in the Township. Additionally, he questioned the possibility of putting solar panels on the tops of the warehouses for green energy.

Committeeman Higgins stated that he strongly supports putting solar panels on roofs. He would prefer to put the panels on a roof than on farmland.

Administrator Fitzpatrick explained that the developers for the warehouses are actually paying top dollar. Furthermore, these developers are also, donating monies to Recreation and the Fire Department as well as, putting monies into the COAH Trust Fund.

Committeeman Higgins added that there will not be warehouses up and down Route 206. He explained that the Township needed ratable and it was the intent to pick areas that were the least detrimental to the community.

Administrator Fitzpatrick clarified that the school is not excluded from received money just because of the PILOT program; they receive their dollars as well.

Bob Tallon, 2454 Axe Factory Road – He explained that he had previously asked for numbers specifically related to the PILOT program. He believes it's important for the residents to know this information. There are miles of force main that will need to be maintained as well as pump stations. It's possible that the Township might require more ambulances such as Florence. There is also the impact on the roads as well as the possibility of traffic affecting the school buses. There are so many cumulative effects that these warehouses are going to have and to his knowledge there was no Community Impact Statement for the warehouses on Route 206. He feels that the numbers, even if they are close estimates, would be a great service to clarify all of these issues.

Committeeman Higgins explained that he has offered to speak with Mr. Tallon regarding his concerns and added that he has respect for Mr. Tallon and all he has done for the Township.

John O'Callaghan, 53 Oak Lane New Egypt – He asked Solicitor Prime if he had an update on the PILOT numbers for the latest warehouse as well as, the COAH obligations.

Solicitor Prime stated that he does not yet have those numbers, which will all be based on estimates. In regards to COAH when they come up with the round four number, the warehouses will be taken into account because the job increase does impact the amount of affordable housing

that the Township may be required to provide.

Mr. O’Callaghan questioned if rollback taxes go back to the school.

Solicitor Prime explained that rollback taxes are the same as regular taxes; a portion goes to the school, the County and the Township. The Assessor will assess the land as if it was not farmland for that year plus the two preceding years.

Mr. O’Callaghan questioned how to close the gap between the Committee and the Residents.

Committeeman Higgins stated that he would like residents to participate in the meetings and call to ask questions. He will do everything he can to respond. The Township also has a great Administrator, Clerk and CFO who are able to assist as well.

Mr. O’Callaghan mentioned the Facebook page and how he had asked everyone to be kind on the page. There have been people contacted to remove their posts and people were contacted to remove their signs. He believes the leaders need to step up and treat the community like they are the community.

Committeeman Magee added that it is a two way street.

Joseph VanMater – He wanted to clarify regarding the Ordinance that was previously mentioned on public conduct during meetings; he read through the Ordinance posted and did not see any reference to it only being in effect during virtual meetings. It is his opinion that being able to go back and forth and have conversations with the Township Committee during public comment has been very helpful.

Solicitor Prime clarified that there is an Ordinance pertaining to public comment during public meetings generally, but that Ordinance has not been adopted yet. The process currently in place is based on the Resolution adopted earlier for remote meetings.

Mr. VanMater questioned how a member of the public would be able to address the resolution if it was not added to the website prior to the meeting.

Solicitor Prime explained that the four points of the resolution were included on the agenda, which was on the website prior to the meeting.

Tom Knezick – He shares the same opinion with others in regards to the code of conduct and he appreciates the ability to go back and forth to obtain more information. He then mentioned the Citizens Advisory Committee which he thinks is a good thing because he does not want to see the environment at risk in this Township. There are many qualified people in this Township that could apply to sit on said Committee.

Dan Golenda, 18 Georgetown Road – He wished Committeeman Higgins a speedy recovery from his heart attack and he is glad he is doing well.

Committeeman Higgins thanked Mr. Golenda.

Andrew Areng – He is appreciative of the format of this meeting. He questioned if there was a plan to release the names of people that applied or submitted a resume to be a part of the Environmental Citizens Advisory Committee.

Mayor DiGiuseppe explained that for right now there is one individual who has been appointed to the Environmental Citizens Advisory Committee, which is Mr. Don Knezick. He in conjunction with Scott Preidel, Joint Land Use Board Chair, will be getting together and conferring how this Committee will move forward along with the Mayor and Administrator.

There were no further comments from the public.

A motion to close public comment was offered by **Committeeman Magee** and seconded by **Committeeman Ocello**. All ayes. Motion carried.

MAYOR AND COMMITTEE UPDATES/COMMENTS:

Committeeman Higgins – He thanked everyone for participating and encourages same in the future.

Committeeman Magee – He thanked everyone and stated that he appreciates the dialog and questions.

Committeeman Ocello – He is happy to see things calming down with the public. In moving forward he is hoping to be able to continue to pass on information but he asked everyone to remain patient.

Deputy Mayor Cain – He feels the procedures that have been put in place are working well and he thinks the flow of communication is getting better. He thinks it is important to think about what the Township will do once the various amounts of PILOT money starts to come in. It will take careful thought to decide where that money goes. Public Works needs to be expanded. The Fire Company needs the Township's support, with the purchasing of new equipment and personnel. He also would like to see some of the Township's debt paid down.

Mayor DiGiuseppe – She agrees with paying down some debt. She then spoke about the competency of the CFO, who has become a stellar employee. She has great knowledge as a CFO and has become a great Purchasing Agent. Additionally, she is going to school to become a QPA (qualified purchasing agent). She also mentioned the competency of the new Tax Collector and Tax Assessor both of whom have been doing a marvelous job. She also wanted to thank the Administrator, Michael Fitzpatrick. He has become a very knowledgeable and well versed individual. He is at the forefront of this community and there is not a thing that she ever asks him for that he is not willing to do. The Clerk's office is wonderful as well. The Township is finally getting the Public Works department to become a real department helping the Township. She hopes the residents will take a look at some of these things and thank the employees for what they do and she wished all to have a pleasant evening.

MOTION FOR ADJOURNMENT:

A motion to adjourn the meeting was offered by **Committeeman Magee** and seconded by **Deputy Mayor Cain**. All ayes. Motion carried.

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

Ashley Jolly, Deputy Clerk

Linda Semus, RMC, CMR

